SECTION 4. That a public meeting of the said stockholders shall be held on the first Monday of October next, and on the first Monday of October in each year thereafter, at such place as the rules and by-laws of said company shall fix, for the purpose of choosing officers for the ensuing year, and the determination of any question affecting the interest of the company; public notice of the time and place of holding elections to be given in the newspapers aforesaid, at least one month before the time thereof. Annual meeting.

SECTION 5. That the president and managers shall procure printed certificates of all the shares of stock in the said company, which shall be signed by the president, countersigned by the treasurer, and sealed with the seal of the company; and each subscriber shall be entitled to one such certificate for each share by him subscribed for, on paying to the treasurer the full amount of twenty dollars, which certificate shall be transferable either by the owner in person, or by his attorney duly authorized, in the presence of the president or treasurer, for the time being; and the person to whom said certificate shall be transferred, shall stand in the place of the former holder of the certificate, and shall be entitled to the same privileges in the company. Certificates.

SECTION 6. That the president, managers and company shall have the same powers, authorities and privileges for completing, maintaining and keeping in repair the said bridge, and for fixing the rates of tolls, and collecting the same, and be subject to the same duties, qualifications, restrictions, penalties, fines and forfeitures, which are or may be given and granted, or imposed upon the president, managers and company, authorized to erect a bridge over the river Susquehanna, at or near the borough of Harrisburg, in the county of Dauphin. Powers, authorities and privileges.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-four.

DAVID R. PORTER.

No. 82.

AN ACT

To incorporate a company to erect a bridge over the river Schuylkill, at or near Phœnixville, in the county of Chester.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of erecting a bridge over the river Schuylkill, at or near Phœnixville, John Rasor, William Davis, Joseph Pennypacker, John Place, Henry Garber, Joseph Hunsicker, John Jacobs, Joshua Place, of the county of Montgomery, and John Morgan, Jacob Baugh, Robert Jones, Commissioners.

John Clevestine, S. A. Whitaker, M. D., John Mowry, Jonas Pennypacker, Benjamin Hartman, John Vanderslice, Isaac Chrisman, Daniel Buckwalter, J. A. Pennypacker, Henry Kimber, and Samuel Moses, of the county of Chester, be and the same are hereby appointed commissioners to do and perform the several duties hereinafter mention—that is to say. They shall, on or before the first Monday of July next, procure a book or books, and enter therein as follows: "We, whose names are hereunto subscribed, do promise to pay to the president, managers and company, to erect a bridge over the river Schuylkill, at or near Phœnixville, in the county of Chester, for the use of said company, the sum of ten dollars for each share of stock set opposite our names respectively, in such manner and proportions, and at such times and places as shall be determined by the president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled 'An Act to incorporate a company to erect a bridge over the river Schuylkill, at or near Phœnixville, in the county of Chester.' Witness our hands, this day of one thousand eight hundred and forty;" and shall thereupon give notice in two newspapers in the counties of Chester and Montgomery, for one calendar month at least of the time and places, when and where such book or books shall be opened to receive subscriptions for the stock of said company; at which time and places some one or more of the said commissioners shall attend and shall keep open said book or books, at least six hours in every day for three juridical days, if so many shall be necessary, and allow any one of the age of twenty-one years to subscribe therein in his own name, or names of any other person or persons, by whom he shall be authorized to do so, for any number of shares of said stock, until seven hundred shares shall be subscribed, when the books shall be closed. But if the whole number of shares shall not be subscribed, the said commissioners may adjourn to such time and places as they shall think necessary, and give such further notice as they shall think proper; and when the subscription shall amount to seven hundred shares as aforesaid, the books shall be closed: *Provided, always*, That every person offering to subscribe in said book or books, in his own name, or in the name of any other person, shall, at the time of subscribing, pay to the attending commissioner or commissioners, one dollar on every share so subscribed, out of which shall be defrayed the expenses attending the taking of such subscription and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers thereof chosen as hereinafter directed.

Form of subscription.

Subscriptions.

Proviso.

SECTION 2. When four hundred shares of the said stock shall have been subscribed, the said commissioners or a majority of them, shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each, to the governor; and thereupon it shall and may be lawful for the governor, by letters patent under his hand and seal of the state, to create and erect the subscribers. and if the said subscription be not full at the time, then also those who shall subscribe to the number aforesaid, into one body corporate and politic, in deed and in law, by the name, style and title of "The president, managers and company of the Phœnixville bridge;" and by the said name the subscribers shall have perpetual succession, and shall be capable of holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement be thought necessary to fulfil the intent and meaning of this act; and of purchasing and holding, to them and their successors and assigns, and

Letters patent.

Name.

of selling, transferring and conveying in fee simple, or any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and doing all and every thing which a body politic and corporate may lawfully do: *Provided*, That in erecting the bridge, the ford now in use shall be kept open for crossing, or some other place be provided till said bridge be completed, when said ford shall be closed.

Powers and privileges.

Proviso.

SECTION 3. When ten or more persons shall have subscribed two hundred and fifty shares of stock in said company, and shall have paid one dollar on each share so subscribed, the county commissioners of the county of Montgomery, may, if they deem it expedient, subscribe for one hundred shares of the stock on behalf of said county; and the county commissioners of the county of Chester, may, if they deem it expedient, subscribe, on the part of said county, for one hundred shares of the stock of said company; the subscription, on the part of said counties, if so made, shall be paid by orders drawn on the treasurers of said counties respectively, within twenty days after subscribing, if the piers and abutments of said bridge shall then be completed, and if not, then within twenty days after completing the same. And the subscriptions and payment so made on the part of said counties, shall, for every share subscribed by them, vest in such county commissioners and their successors, for the use of the county, all the rights and emoluments appertaining to a share or shares, as those held by individual stockholders; and after subscription and payment as aforesaid, the commissioners of each county shall and they are hereby authorized to appoint a manager in said county, at such time as they think proper, and remove the same and appoint another in his place whenever they may deem it necessary; and the managers so appointed, shall have all the rights, privileges and authority of managers chosen by the stockholders and the board; and until such subscription and payment by said counties, the said board shall consist of eight managers, five of whom, including one of said county managers, shall constitute a quorum for transaction of business: *Provided*, The counties shall have so subcribed by their commissioners.

Commissioners of Montgomery and Chester counties, authorized to subscribe to stock.

Managers.

SECTION 4. Any five persons named in the letters patent of the governor, as soon as conveniently can be, after giving notice in one or more of public papers in the counties of Montgomery and Chester, of a time and place by them appointed, not less than thirty days from the time of issuing the first notice, shall proceed with the subscribers to organize the said corporation; and shall, by a majority of votes of said subscribers present, by a ballot to be delivered in person or by proxy duly authorized, elect one president, six managers, one treasurer, who shall serve until other officers shall be lawfully chosen as herein directed; and may make such rules, orders, regulations and by-laws, not inconsistent with the laws of this commonwealth, as shall be found necessary for the well ordering of the said company; and generally have all the powers, authorities and privileges necessary for erecting, maintaining and keeping in repair said bridges.

Organization.

Election.

SECTION 5. A public meeting of the stockholders shall be held annually, at such time and places as shall be fixed by the rules and regulations of said company, for the purpose of choosing officers for the ensuing year, and the transaction of such business as shall come before them: *Provided*, That no person shall have more than twenty-five votes at any election, and that every person shall be entitled to one vote for every share under five shares, and one vote for every two shares under ten shares and over five shares, and one vote for every five shares over ten.

Annual meeting.

Proviso.

Ratio of votes.

Certificates.

SECTION 6. The president and managers shall procure certificates of stock in said company, which shall be signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation; and each stockholder shall be entitled to a certificate for each share by him subscribed or held, by paying to the treasurer in part for the sum due thereon, two dollars and fifty cents, on each share, which certificate shall be transferable, either in person or by attorney, duly authorized, in the presence of the president or of the treasurer, for the time being, subject however to the payment due or growing due thereon; and the person to whom the transfer shall be made, shall stand in the place of the former holder, and be entitled to the same privileges and liable to the same responsibilities to the company.

Transferable.

SECTION 7. The said president and managers shall meet at such time and place, and be convened in such manner, as shall be prescribed by the by-laws; at which meeting five shall constitute a quorum, who, in the absence of the president may choose a chairman, and shall keep minutes of all their proceedings and transactions, truly inserted in a book; and at such meeting, a quorum being present, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers, as they shall think necessary for the erection of said bridge, and to fix their salaries and wages, or at their discretion, make contracts for the erection and construction of the same or any part thereof; they shall also determine the times, manner and proportion in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work or materials, on account of contracts; which orders shall be signed by the president, or in his absence, by a majority of the quorum, and countersigned by the clerk, and also to do all matters and things as by this act, or by the by-laws of said company, shall be committed to them.

Quorum.

Minutes.

Engineers, &c.

Pay.

Penalty for non-payment of instalments.

SECTION 8. If any stockholder, after thirty days notice, given in two newspapers in each of said counties, of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay said instalment at the time appointed, every such stockholder or his assignee shall, in addition to the proportion so called for, pay at the rate of one per cent. per month, for every delay of such payment; and if the same and the said additional payment shall remain unpaid, for such a space of time, that the accumulated penalties shall be equal to the sum before paid, or amount of such share, the same shall be forfeited to the company, and may be sold by them to any other person or persons, willing to purchase, for such price as can be obtained therefor; or the president and managers may sue for and recover the same, before any justice of the peace, or before any court of competent jurisdiction.

Increase of stock.

SECTION 9. Whenever it shall appear to the said president, managers and company, at any general or special meeting, that the said bridge cannot be completed without extending the number of shares, they shall be extended, under the direction of such meeting, so far as may be necessary to complete said bridge, which additional shares shall be sold by the president, and shall entitle the holder to the same rights and privileges as those originally subscribed.

Property invested.

SECTION 10. When a safe passage may be had across said bridge, the property shall be invested in the said company, their successors and their assigns forever; and the said company and assigns are hereby empowered to erect gates and to demand and receive toll, not exceeding the following rates, to wit: For every score of sheep, six cents; for every score of hogs, ten cents; for every score of cattle, twenty-five cents, and so for a greater or less number; for every horse or mule, three cents;

Tolls.

for every horse and rider, four cents; for every foot passenger, one cent; for every sulkey, chair or chaise, with one horse and two wheels, ten cents; for every pleasure carriage, with four wheels and one horse, twelve and an half cents; for chariot, coach, phæton or chaise, with two horses and four wheels, fifteen cents; for the aforesaid carriages, with four horses, twenty cents; and every other carriage of pleasure, under whatever name, the like sum, according to the number of horses drawing the same; for every wagon for burden and agricultural use, for one horse, five cents; for every such wagon, drawn by two horses, ten cents; for every such wagon, drawn by four horses, twenty cents; for every sleigh, five cents; and for every horse drawing the same, five cents; and two oxen shall be estimated equal to one horse: *Provided*, That the said bridge shall be so constructed as to admit any load not exceeding four tons, and not drawn by more than six horses or oxen, at all times to cross it: the said president and managers, however, to have the power to increase the rate of toll to be demanded for any carriage of burden crossing said bridge, laden with more than four tons, to an amount not exceeding treble the above rates, and grade the rate of horses drawing the same. Proviso.

SECTION 11. If the said company, or their successors, or any person or persons by their authority, shall collect or demand any greater toll for passing over said bridge, than which is herein prescribed and specified, or shall neglect to keep the same in good repair, or to keep a list of the rates of toll placed near the bridge, on ten days notice given by a justice of the peace of the said counties, they, so offending, shall for every offence forfeit and pay the sum of five dollars, to be recoverable as debts of the same amounts are by law recoverable; one moiety thereof to the use of the poor of the county where recovered, and the other moiety to the use of the person who shall sue for the same; but no suit shall be brought unless commenced within thirty days after the offence shall have been committed. Penalty for exacting too great toll.

SECTION 12. The said president and managers shall keep a just and true account of all the moneys received as toll for crossing the said bridge, or otherwise, and shall make and declare a dividend of the profits and income, after deducting costs, expenses and charges; and shall on the first Monday of January, in every year, publish the dividends to be made of the clear profits thereof among the stockholders, and of the time and place, when and where the same is to be paid, and shall cause it to be paid accordingly: *Provided*, That it shall be lawful for the said president and managers, in making and declaring any dividend, to reserve such sum or proportion of the clear yearly income, not exceeding two per cent. of the capital stock, as they may think proper to form a contingent fund, for the purpose of repairing and re-building the said bridge in case of a decay or injury, and the same to invest on such security, or in such stock as they shall deem safe and productive, and the interest arising from the same, again to invest, and the same stock again to sell or transfer at any time when the funds may be required for the purpose aforesaid. Accounts. Dividends. Proviso.

SECTION 13. It shall be lawful for the president and managers aforesaid, to cause the toll collector or collectors and watchman, or men of said bridge to take and subscribe an oath or affirmation before a justice of the peace of said counties, that he or they will faithfully hire themselves in his, or their respective stations, and honestly account to the treasurer of the company for all the money collected by him or them, and diligently attend to the discharge of his or their duty, by watching with vigilance over the interests of said company and the safety of the Oath.

bridge, and generally to execute with care and fidelity whatever lawful engagements he or they may enter into with the president and managers of said company.

Penalty for injuring property.

SECTION 14. If any person or persons shall wilfully pull down, break, injure or destroy any part or parts of said bridge, or any toll house, gates, bars, or any other property of the said corporation appertaining to, or erected for the use and convenience of said bridge, or of the person employed for the purpose of attending to the same, or shall wilfully, without the consent or order of the said corporation, deface or destroy any list of the rates of toll affixed in any place or places for the information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over said bridge, or any part or parts thereof, he, she or they so shall each of them forfeit and pay for each and every such offence to the said corporation, the sum of ten dollars to be recovered before a justice of the peace, as debts of like amount are recoverable; and if any person shall be guilty of carrying any lighted segar or pipe, or of carrying fire in any manner whatsoever over said bridge, except in a lantern or in some vessel secured, so that the probability of setting fire to said bridge shall be fully prevented, or who shall discharge any pistol or gun or any fire arms, on or near said bridge, so that the said bridge might by possibility be set on fire, or injured by said cause, he or she so offending, shall forfeit and pay to said corporation the sum of five dollars for every such offence, to be recovered as aforesaid; but no suit shall be brought for any of the aforesaid offences, unless commenced within thirty days after it shall be known who committed said offence; and he or they so offending, shall remain liable to actions at the suit of said corporation for such wrongs, if the sums herein mentioned be not sufficient to repair and satisfy said damage.

Commencement and completion limited.

SECTION 15. If the said company shall not proceed to carry on the said work within three years after they shall have been incorporated, or shall not within the space of five years thereafter, complete the said bridge, it shall and may be lawful for the legislature of this commonwealth to resume all and singular, the rights, liberties and privileges hereby granted to the said company: *Provided also*, That the president and managers shall annually, in the month of January, publish in one or more newspapers, printed in each of the aforesaid counties, a full account of the cost of building and repairing said bridge, and the amount of toll received.

Proviso.

Free bridge authorized.

SECTION 16. If at any time hereafter the counties of Montgomery and Chester, or either of them, the state of Pennsylvania, or any incorporated town in the state, shall think proper to purchase the said bridge, for the purpose of making it a free bridge, the said company shall be obliged to sell the said bridge, for such a sum as the majority of twelve disinterested men, appointed by the court of common pleas, in either of the above mentioned counties, may judge the same to be worth; and that so much of any act or acts of assembly as are hereby altered or supplied, be and the same are hereby repealed.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-four.

DAVID R. PORTER.