

No. 222.

AN ACT

To incorporate the Falls of Schuylkill bridge company over the river Schuylkill,
at said falls.

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 the Falls of Schuylkill, William Simpson, Thomas C. Rockhill, Philip M. Hagner, William H. Sorber, Frederick Stoeber, Augustus Newman, George Mintzer, Henry Chorley, Hugh Scott, Robert Evans, George Shronk, James S. Spencer, junior, John J. Vandercamp, of the city and county of Philadelphia, Jacob Stadleman of Montgomery county, are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say: They shall on or before the first Monday of May next, procure a book or books, and enter therein as follows: We, whose names are hereunto subscribed, do promise to pay to the president and managers and company, to erect a bridge over the river Schuylkill, at Falls of Schuylkill, for the use of said company, the sum of fifty 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 authorizing the governor to incorporate a company to build a bridge over the river Schuylkill, at Falls of Schuylkill." Witness our hands, this of , one thousand eight hundred and forty-four; and shall thereupon give notice in two newspapers in the city of Philadelphia, 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, or more, 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 in said stock, until two hundred and forty shares shall be subscribed, when the books shall be closed; but if the whole number of shares should 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 two hundred and forty shares, as aforesaid, the book 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 same time of subscribing pay to the attending commissioner or commissioners, five dollars on every share so subscribed, out of which money 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.

Commissioners.

Form of subscription.

Subscriptions.

Letters patent.	SECTION 2. When one 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 subscription be not full at the time, then also those who shall subscribe, to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "the president and managers and company of the Falls of Schuylkill 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 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 or corporate may lawfully do: <i>Provided</i>, The capital stock of said company shall at no time exceed one hundred thousand dollars, and that they shall not exercise any banking privileges.
Name.	
Powers, &c.	
Capital.	
Organization.	SECTION 3. The first five persons named in the letters patent, as soon as conveniently can be, after the secretary of the same shall give notice in two or more of the public papers of the city of Philadelphia, of a time and place by them appointed, not less than thirty days from the time of issuing the first notice, at which time and place the subscribers shall proceed to organize the said corporation; and shall, by a majority of votes of said subscribers present, by a ballot, to be delivered in person, one president, six managers, one treasurer, who shall serve until other officers shall be lawfully chosen, as hereinafter directed; and 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 to have all the powers, authorities and privileges necessary for erecting, maintaining and keeping in repair the said bridge.
Election. Officers.	
Annual meeting.	SECTION 4. A public meeting of the stockholders shall be held, annually, at such time and places as shall be fixed by the rules and by-laws of said company, for the purpose of choosing officers for the ensuing year, and the transaction of such business as shall come before them: <i>Provided</i>, That no person shall have more than ten votes at any election or in determining any question arising at any meeting, whatsoever number of shares he may be entitled to; and that every person shall be entitled to one vote for every share under four shares, and one vote for every two shares under ten shares and over four, and one vote for every five shares over ten, to ten votes, and no more.
Votes.	
Certificates.	SECTION 5. 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, five dollars on each share; which certificate shall be transferable, either by the owner in person, or by his attorney duly authorized, in the presence of the president or of the treasurer, for the
Transferable.	

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.

SECTION 6. The said president and managers shall meet at such time **Quorum.** and place, and be convened in such manner, as shall be prescribed by the by-laws; at which meeting a majority shall be a quorum, who in the absence of the presidents may choose a chairman, and shall keep minutes of all their proceedings and transactions, truly inserted in a book; and at any 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 or 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, or 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 the by-laws of the said company shall be committed by them. **Engineers, &c.** **Salaries.**

SECTION 7. If any stockholder, after thirty days notice given in two newspapers, in the city of Philadelphia, of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay such 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 centum 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 on account 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. **Penalty for neglect to pay instalments.**

SECTION 8. 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 managers and shall entitle the holder to the same rights and privileges as those originally subscribed. **Increase of shares**

SECTION 9. When a safe passage may be had across said bridge, the property shall be vested in the said company, their successors and 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; 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 chariot, coach, phaeton or chaise, with two horses and four wheels, fifteen cents; for the aforesaid carriages with four wheels, 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 **Tolls.**

horse, five cents ; for every wagon drawn by two horses, ten cents ; for every such wagon drawn by four horses, twenty cents ; for every sleigh, five cents for every horse drawing the same ; for every wagon or cart, five cents for each horse drawing the same ; 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 : *And provided also*, No toll shall be demanded from any person attending funerals, divine worship, schools, or going to or returning from any militia trainings, and persons going to and from elections.

Proviso.

Penalty for exact-
ing too great toll.

SECTION 10. 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 what 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 county, 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.

Dividends.

SECTION 11. The said president and managers shall keep a just and true account of all the moneys received as toll for crossing 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 dividend to be made of the clear profits thereof, amongst 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 rebuilding 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 to sell or transfer at any time, when the funds may be required for the purpose aforesaid.

Proviso.

Collectors' oath.

SECTION 12. 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 county, that he or they will faithfully conduct him or 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 interest of the company and safety of the 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 in-
juring work.

SECTION 13. 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 offending, 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 a 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 the said bridge, so that the bridge might, by possibility, be set on fire, or injured by said cause, he or she so offending shall forfeit and pay to the 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 damages.

SECTION 14. 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 four 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 the city of Philadelphia, a full account of the cost of building and repairing said bridge, and the amount of toll received: *Provided further*, That if the bridge company heretofore incorporated, and whose bridge over the river Schuylkill, at the falls, was destroyed by fire, shall, within four months from the passage of this act, commence the re-building of their bridge, and shall finish the same within one year and six months from the time of commencing the same, then this act shall be null and void: *Provided further*, That if the bridge company heretofore incorporated, and whose bridge over the river Schuylkill at the falls, was destroyed by fire, shall, within four months from the passage of this act, commence the re-building of their bridge, and shall finish the same within one year and six months from the time of commencing the same, then this act shall be null and void; and that it shall be lawful for the Falls bridge company over the river Schuylkill, to sell and dispose of their privileges, abutments and grounds, upon such terms as they may think proper; and make a good and sufficient title therefor to any purchaser or purchasers thereof, whether in pursuance of any past or future contract for that purpose: *Provided*, Such sale shall not be inconsistent with or impair any contract heretofore made by said company.

SECTION 15. If at any time hereafter the county of Philadelphia, 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 sum as a majority of twelve disinterested men, appointed by the court

of common pleas in the county of Philadelphia, may adjudge the same to be worth.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

APPROVED—The nineteenth day of April, one thousand eight hundred and forty-four.

DAVID R. PORTER.

No. 223.

A N A C T

Relative to certain volunteer companies therein named.

“Washington
Greys.”

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 from and after the passage of this act the Washington Greys, a volunteer rifle company in the borough of Johnstown, Cambria county, be hereby changed into an artillery company, under the title of Lafayette Artillerists, and in that character shall be entitled to draw, through the proper brigade inspector, a cannon, the proper number of muskets and accoutrements, to which an artillery company may be entitled under existing laws, and in all respects have the privilege, and be under the same restrictions, as if they had been originally organized as an artillery company: *Provided,* That any public arms or accoutrements now in possession of said company, be delivered to the proper brigade inspector, to be disposed of as the law directs.

“Irish Greens.”

SECTION 2. That the Irish Greens, a volunteer infantry company, attached to the Pittsburg Legion, shall be hereafter named the Hibernia Greens, and by that name and title have all the rights and privileges to which they are entitled under the name of the Irish Greens.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

We do certify that the bill, entitled “An Act relative to certain volunteer companies therein named,” was presented to the governor on the eighth day of April, one thousand eight hundred and forty-four, and was not returned within ten days, (Sundays excepted,) after it had been presented to him; wherefore, it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

WILLIAM JACK,
Clerk of the House of Representatives.

JOHN J. M'CAHEN,
Clerk of the Senate.

HARRISBURG, April 20, 1844.