No. 147.

AN ACT

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

Commissioners.

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 Laurenceville, Frederick Setzler, Job Fudge, Isaac Shantz, doctor E. L. Bringhurst, Michael March, John Wilson, Samuel N. Rowland, William H. Price, David Y. Custer, Christian Swartz, of Chester county. Joseph Kendall, senior, Matthew Evans, John Stauffer and Benjamin Frick, 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 day 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, managers and company, to erect a bridge over the river Schuylkill, at or near Laurenceville. for the use of the said company, the sum of fifty dollars for each share of stock set opposite our names respectively, in such manner and proportions, and 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 Laurenceville, in the county of Chester.' Witness our hands this day of ;" and shall thereupon give not less than twenty days' notice in at least one newspaper published in Chester, and one in Montgomery counties, 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 said commissioners shall attend for that purpose, and keep open the said books six hours in each of three successive days, if so many shall be necessary, or until six hundred shares shall be subscribed, when the books shall be closed; but if the whole number of shares shall not be subscribed within that period, then said commissioners may adjourn from time to time, until said number of shares shall be subscribed: *Provided always*, That every person on entering his name in the book as a subscriber, shall, at the time of subscribing, pay to the attending 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.

Form of subscription.

Notice.

Open books.

Proviso.

Governor to issue letters patent.

SECTION 2. When eighty 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 may in future subscribe under the provisions of this act, a body corporate and politic in deed and law, by the name, style and title of "the president, managers and company of the Laurenceville 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, 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.

Style.

Privileges.

SECTION 3. When ten or more persons shall have subscribed eighty shares of stock in said company, and shall have paid five dollars on each share so subscribed, the county commissioners of the county of Montgomery may, if they deem it expedient, subscribe for sixty 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 sixty 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 the completion of the abutments and piers of said bridge; 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 deem it necessary; and the managers so appointed shall have all the rights, privileges, and authority of managers chosen by the stockholders.

Commissioners of Montgomery county may subscribe to stock.

Commissioners of Chester county may subscribe to stock.

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 the newspapers published in Chester, and one or more published in Montgomery county, of a time and place by them appointed, not less than twenty 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, eight 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 bridge.

Organization.

Elect officers.

SECTION 5. A public meeting of the stockholders shall be held annually, at such time and place 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; and at such meeting or election, every person shall be entitled to one vote for every share under five shares, and one vote for every two shares over five and under ten shares, and one vote for every three shares over ten shares: *Provided*, That no person shall have more than twenty-five votes at any election.

Certificates of stock.

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, ten dollars 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.

Quorum.

SECTION 7. The said president and managers shall meet at such time and places, and be convened in such manner as shall be prescribed by the by-laws; at which meetings five managers shall be a quorum, who, in the absence of the president, may appoint a chairman, and shall keep minutes of all their proceedings and transactions, truly asserted, in a book; and at such meeting, a quorum being present, they shall have full power and authority to agree with and appoint such engineer, 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 the 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.

Power and duties.

Delinquent stockholders.

SECTION 8. If any stockholder, after thirty days' notice, given in at least one newspaper published in each of the counties of Chester and Montgomery, 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 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 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 number of shares.

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.

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

Tolls.

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 every pleasure carriage, with four wheels and one horse, twelve and a-half cents; for chariot, coach, phaeton or chaise, with two horses and four wheels, fifteen cents; for the aforesaid carriage, 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 the above rates, and grade the rate of horses drawing the same. **Proviso.**

Penalty for collecting or demanding unlawful tolls.

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 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 either of 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 amount 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.

Accounts. Dividend.

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 hereof 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 four 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 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. **Proviso.**

Penalty for injuring or destroying the property of the company.

SECTION 13. If any person or persons shall wilfully pull down, break, injure or destroy any part 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 for the information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over the 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 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, by possibility, be set on fire or injured by said causes, he or she so offending, shall forfeit and pay said corporation the sum of five dollars for every such offence, to be recovered as aforesaid.

Commencement and completion.

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 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 said company.

Proceedings to make it a free bridge.

SECTION 15. If at any time hereafter the counties of Montgomery and Chester, or either of them, the state of Pennsylvania, or any incorporated town in this 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 a 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.

Reservation.

SECTION 16. That the legislature hereby reserve the right to alter, amend or annul this act, whenever in their opinion it may become necessary for the public good: *Provided*, That no injustice be done thereby to the corporators.

WILLIAM F. PACKER,
Speaker of the House of Representatives.
WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The fourteenth day of February one thousand eight hundred and forty-eight.

FRS. R. SHUNK.