

LAWS OF PENNSYLVANIA,

first Monday of November as now required, and that the said terms be continued, respectively, if necessary, for one week.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 254.

AN ACT

To incorporate a company to erect a bridge over the river Schuylkill, at or near the Sweedes Ford, in the county of Montgomery.

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

Commissioners.

for the purpose of erecting a bridge over the river Schuylkill, at or near Sweedes Ford, David Cook, Nathan Rambo, George B. Reiff, William A Crawford, James Bush, Robert T. Potts, John Freedly, Benjamin Powell, Francis Lyle, Levi Roberts, Andrew Shainline, James Wells, Andrew Keiger, James Hooven, William Rossiter, Daniel H. Major, John H. Hobart, Jacob M. Hurst, William Suplee, James Boyd, Samuel Henderson, Samuel Hout, Owen Razer and William Custer, of the county of Montgomery, be and the same 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, managers and company to erect a bridge over the river Schuylkill, at or near Sweedes Ford, in the county of Montgomery, for the use of said company, the sum of twenty-five 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 the Sweedes Ford, in the county of Montgomery.' Witness our hands, this day of one thousand eight hundred and forty ;"

Form of sub-
scription.

Notice.

Open books.

and shall thereupon give notice in two newspapers in the county of Montgomery, for three weeks 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 successive 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 six 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, to receive subscriptions as aforesaid, and give such further notice as they shall think proper ; and when the subscription shall amount to six hundred shares as aforesaid, Number of 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 two dollars 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.

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 of this commonwealth, 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 Schuylkill bridge and Sweedes Ford ;" 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 and corporate may lawfully do : *Provided*, That in erecting the bridge the ford shall be kept open alongside of the same, till said bridge be completed, when said ford shall be closed.

SECTION 3. When ten or more persons shall have subscribed three hundred shares of stock in said company, and shall have paid two dollars 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 ; the subscription on the part of said county, if so made, shall be paid by orders drawn on the treasurer of said county, within twenty days after the piers and abutments of said bridge shall be completed ; and the subscription and payment so made on the part of said county, 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 said 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 manager so appointed, shall have all the rights, privileges and authority of managers chosen by the stockholders and the board; which said board shall consist of ten managers, any six of whom shall constitute a quorum for the transaction of business.

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 public papers published in the county of Montgomery, of a time and place by them appointed, not less than three weeks 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, nine managers and one treasurer; but in case the said county shall not subscribe as aforesaid, then ten managers shall be elected by the stockholders as aforesaid; which said officers shall serve until others shall be lawfully chosen in their place, 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.

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, in the manner aforesaid, for the ensuing year, and the transaction of such business as shall come before them: *Provided*, That no person shall be entitled to more than ten votes, and that every person shall be entitled to one vote for every share to the number of ten shares and under.

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, five dollars on each share, which certificate shall be transferable, either in person or by attorney, duly authorized, in the presence of the treasurer or of the secretary 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.

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 six 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, duly 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

Organization.

Election of officers.

Annual meeting.

Proviso.
Votes.

Certificates of stock.

Transferable.

Quorum.

Duty of board.

of contracts; which orders shall be signed by the president, or in his absence, by a majority of the quorum, and attested by the secretary; and also do all matters and things, as by this act or by the by-laws of said company, shall be committed to them.

SECTION 8. If any stockholder, after three weeks' notice, given in two newspapers in said county, 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.

Proceedings
against delin-
quent stockhold-
ers.

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.

Increase capital.

SECTION 10. The Philadelphia and Reading railroad company are hereby authorized to construct a railroad track over said bridge, to connect their road with the Philadelphia, Germantown and Norristown railroad, agreeably to the provisions of the act of assembly, passed the fifteenth day of April, Anno Domini one thousand eight hundred and forty-six, authorizing connections between said railroads.

Philadelphia and
Reading railroad
company may
construct a track
over bridge.

SECTION 11. The said president and managers are hereby authorized to grade the road or street from said ford, or the eastern termination of said bridge, to the Ridge turnpike road, by cutting down or filling up the same in a proper manner, and to turnpike or M'Adamise the same, at their own expense: *Provided*, That the grade of said road or street shall be made in accordance with the regulations of the roads and streets in the borough of Norristown, through which the same passes.

Grade road adja-
cent to bridge.

Proviso.

SECTION 12. 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 for passing over said bridge, 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 every pleasure carriage, with four wheels and one horse, twelve and a-half cents; for every chariot, coach, phaeton 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 or cart for burden and agricultural use, for one horse, five cents; for every such wagon or cart drawn by two horses, ten cents; for every such wagon or cart drawn by four horses, twenty cents; for every sleigh or sled, five cents; and for every horse drawing the same, five cents; and two oxen shall be estimated equal to one horse; for every empty

Bridge vested in
company.

Tolls.

Proviso.

burden car of four wheels, two cents; for every empty burden car of eight wheels, four cents; for every ton of burden hauled on said cars, two cents; for every passenger car, fifty cents: *Provided*, That the said bridge shall be so constructed as to admit any load not exceeding ten tons, and not drawn by more than ten 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 five tons, to an amount not exceeding double the above rates and grade of the horses drawing the same; the said president and managers also to have the power to enter into contracts with the said railroad companies, or either of them, in regard to the said railroad track crossing said bridge, and the rates of toll to be charged for cars passing thereon.

Penalty for taking exorbitant tolls.

SECTION 13. 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 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 said county, 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.

SECTION 14. 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 semi-annually, on the first Monday of March and September 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 dividends, to reserve such sum or proportion of the clear half yearly income, not exceeding one 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 purposes aforesaid.

Dividends.

Proviso.

SECTION 15. 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 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 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.

Collectors to be sworn.

Penalty for injuring bridge, &c.

SECTION 16. If any person or persons shall wilfully pull down, break or 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 like amount are recoverable; and if any person shall be guilty of carrying any lighted cigar 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 the said corporation, the sum of five dollars for every such offence, to be recovered as aforesaid; or if any person or persons shall ride or drive his or their horse or horses, on or over said bridge in a faster gait than a walk, he, she or they so offending shall forfeit and pay to the said corporation, the sum of five dollars for every such offence, to be recovered in like manner; 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.

Penalties for violations.

SECTION 17. 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 March, publish in one or more newspapers printed in said county, a full account of the cost of building and repairing said bridge, and the amount of toll received.

Commencement and completion of said bridge.

Proviso.

SECTION 18. If at any time hereafter the state of Pennsylvania, the county of Montgomery, or the borough of Norristown, 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 the majority of twelve disinterested men, appointed by the court of common pleas of the above mentioned county, 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.

Bridge may be made free.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

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

FRS. R. SHUNK.