

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the rates or prices for passing over the said bridge, together with the penalty on taking any greater toll, the proceedings to recover the same, and the appeal allowed to those who may find themselves aggrieved thereby, shall be the same as are allowed and provided for in and by the act, to which this is a supplement.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That whensoever, at any time after the completion of the said bridge, the legislature shall deem it expedient to constitute and make the same a free bridge, by a law to be enacted for that purpose, three commissioners shall be appointed by the legislature, on the part of the commonwealth, and three by the said Abraham Witmer, his heirs and assigns, on his or their part, who, or any four or more of them, shall estimate what sum or sums of money the said Abraham Witmer, his heirs and assigns, shall be entitled to have and receive for his right and title in and to the said bridge; which sum or sums, so estimated as aforesaid, shall be paid to him or them, out of the treasury of this commonwealth.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That so much of the act, to which this is a supplement, as is hereby altered or supplied, and no more, be, and the same hereby is repealed.

Passed April 4, 1798. Recorded L. B. No. 6, p. 297.

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## CHAPTER MMXI.

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AN ACT TO AUTHORIZE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY, FOR ERECTING A BRIDGE OVER THE RIVER DELAWARE, AT OR NEAR TRENTON.

Whereas it has been represented to the general assembly, by a number of the inhabitants of this state, that the erecting a good and permanent bridge across the river Delaware, at or

near Trenton, would greatly contribute to facilitate the intercourse between this state and the eastern states. Therefore:

[Section I.] (Section I, P. L.) 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 Philip Wager, James C. Fisher and Charles Biddle, of the city of Philadelphia, and John Beatty, Peter Gordon and Asron Howell, of the state of New Jersey, be, and they are hereby, appointed commissioners, to do and perform the several duties hereinafter mentioned, that is to say, they shall and may, on or before the first day of June next, procure at least two books, and therein enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president, managers and company for erecting a bridge over the river Delaware, at or near Trenton, the sum of one hundred dollars, for every share of stock in the said company set opposite our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers, in pursuance of an act of the general assembly, entitled, "An act to authorize the governor of this commonwealth to incorporate a company, for erecting a bridge over the river Delaware, at or near Trenton." Witness our hands the  
 day of                    in the year of our Lord one thousand seven hundred and ninety                    ;" and shall thereupon give notice, in one of the public newspapers printed at Philadelphia, and in one of the public newspapers printed in the state of New Jersey, for one calendar month at least, of the times and places, in the city of Philadelphia and state of New Jersey, when and where the said books shall be opened to receive subscriptions for the stock of said company; at which respective times and places someone of the commissioners shall attend, and shall permit all persons who shall offer to subscribe in the said books, which shall for that purpose be kept open at least six hours in every judicial day, for at least three juridicial days, if three days shall be necessary, and on the first juridicial day, within the hours aforesaid, any person of the age of twenty-one years shall have liberty to subscribe, in his own name, or

in the name of any person or persons by whom he shall be authorized, for one share, on the second day, for two shares; on the third day, for one, two or three shares; and on any succeeding day, while the books shall remain open, for any number of shares in the said stock and if, at the expiration of the said three first days, the said book opened at Philadelphia shall not have one thousand shares therein subscribed, or the book opened in the state of New Jersey shall not have one thousand shares therein subscribed, the said commissioners, respectively, may adjourn from time to time, until the said number of shares shall be subscribed, of which adjournment public notice shall be given at each place; and when the said subscriptions in the said book shall amount to the respective numbers aforesaid, the same shall be respectively closed; and if, before the said subscription shall be declared to be full, applications shall be made to subscribe more shares than will fill the said books, or either of them, then the said commissioners, respectively, shall apportion the whole number of shares, at such respective place, among all those who shall have subscribed, or offered to subscribe, as aforesaid, on that day, at such place, by deducting from the subscribers of more shares than one, such proportion of the shares by them respectively subscribed, as will leave every person one or more shares; but if, after any of the said books shall have been opened at any of the respective places aforesaid, for the space of two calendar months, the whole number of shares to the said places hereinbefore respectively allotted shall not have been subscribed, the said book or books may be respectively transferred to any other of said places, and there kept open as aforesaid, public notice being given thereof at the place whence and whereto the said book or books shall be respectively transferred. Provided always, That every person offering to subscribe in the said book or books, in his own name, or any other name, shall previously pay to the attending commissioner or commissioners ten dollars for every share to be subscribed, out of which shall be defrayed the expenses attending taking of such subscriptions, and other incidental charges, and the re-

mainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen, as is hereinafter mentioned.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That when twenty-five persons or more shall have subscribed eight hundred shares in the said stock, the said commissioners, respectively, may, and when the whole number of shares shall be subscribed, shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by or apportioned to each subscriber, to the governor of this commonwealth, who thereupon shall, by letters patent, under his hand and the seal of the state, create and erect the subscribers (and if the said subscription be not full at the time, then also those who shall afterwards subscribe to the numbers aforesaid) into one body politic and corporate, in deed and in law, by the name, style and title of "The President, Managers and Company, for erecting a bridge over the river Delaware, at or near Trenton," and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to corporation; and shall be capable of taking and holding their said 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 shall be found necessary to fulfill the intent of this act; and of purchasing, taking and holding to them, and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereitaments, estate real and personal, as shall be necessary and convenient to them in the prosecution of their works, and the same to sell and dispose of at their pleasure; and of suing and being sued, and of doing all and every other matter and thing, which a corporation or body politic may lawfully do.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the six persons first named in the said letters patent shall, as soon as conveniently may be after sealing the same, give notice in one of the public newspapers in Philadelphia, and one of the public newspapers in New Jersey, of a time and place by them to be appointed, not

less than thirty days from the time of issuing the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the subscribers, by ballot, to be delivered in person, or by proxy duly authorized, one president, six managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until other officers shall be chosen; and may make such by-laws, rules, orders and regulations, not inconsistent with the laws of this commonwealth, as shall be necessary for the well ordering the affairs of said company. Provided always, That no person shall have more than twenty votes at any election, or in determining any question arising at such meetings, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under the said number.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said stockholders shall meet on the first Monday in May, in every succeeding year, as shall be fixed by the rules and orders of the said company, to be made as aforesaid, for the purpose of choosing such officers as aforesaid for the ensuing year.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the president and managers first to be chosen as aforesaid shall procure certificates, to be written or printed, for all the shares of the stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation, to each person, for every share by him subscribed and held, he paying to the treasurer, in part of the sum due thereon, the sum of twenty dollars for each share, which certificate shall be transferable at his pleasure, in person or by his attorney, in presence of the president or treasurer, subject, however, to the payments due and that may grow due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the purpose, shall be a member of the corporation, and for

every certificate by him held, shall be entitled to one share of the capital stock of the company, and to vote as aforesaid at the meetings thereof.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers, at such times and places, and being convened in such manner as shall be agreed on for transacting their business at such meetings, five members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book; and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists, and other officers as they shall think necessary to carry on the said bridge, and to fix their salaries and other wages, to ascertain the times, manner and proportions in which the stockholders shall pay the money due on their respective shares, in order to carry on their work; to draw orders on the treasurer for all moneys, to pay the salaries of persons by them employed, and for the materials and labor done and provided which orders shall be signed by the president, or, in his absence, by a majority of a quorum, and countersigned by their clerk; and to do and transact all other such acts, matters and thing, as by the by-laws, orders and regulations of the company, shall be committed to them.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any stockholder, after thirty days' notice in some one of the public newspapers printed at Philadelphia and New Jersey, respectively, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, shall neglect to pay such proportion at the time appointed, for the space of forty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the dividend so called for, pay after the rate of five per centum per month for every delay of such payment; and if the same, and the additional penalties, shall remain unpaid for such space of time, that the accumulated penalties shall become equal to the sums before paid on account of such shares, the same shall be forfeited to the said company,

and may and shall be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the president and managers aforesaid, their superintendents, engineers and artists, of every kind, to enter into and upon all the lands, tenements and enclosures, near to the place where the said bridge is to be built, and to examine the ground, for the purpose of obtaining gravel or sand necessary for building the said bridge; and that it shall and may be lawful for the said managers, overseers, superintendents, or any other persons employed in building the said bridge, to enter, with wagons, carts, sleds or sleighs, or beasts of burden or draught, of any kind whatsoever, first giving notice to the owners, doing as little damage as possible, and repairing any breaches of fences they may have occasion to make, and first making amends for any damages that may be done, which damages shall be ascertained by the parties, if they can agree, or if they cannot agree, then by appraisement to be made as hereinafter directed, upon oath or affirmation, by three indifferent freeholders of the neighborhood, or any two of them, to be mutually chosen, or if the owners or managers, superintendents, engineers or artists, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders to be appointed by and justice of the county not interested on either side; and the said managers, or other persons by them employed as aforesaid, after tender of the appraised value to the owner, may enter and dig, take and carry away, any stone, gravel, sand or earth, most conveniently situated for making and repairing the said bridge.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the president and managers of the said company shall keep fair and just accounts of all money received by them from the said commissioners, and from the subscribers to the said undertaking, and of all penalties for delay in the payment thereof, and of the amount of the

profits or shares that may be forfeited as aforesaid, and of all voluntary contributions, and also of all money by them expended in the prosecution of the said work, and shall, at least once in every year, submit such accounts to a general meeting of the stockholders, until the said bridge be completed, and until all the costs, charges and expenses shall be liquidated and ascertained, and if, upon such liquidation, or whenever the whole capital stock of the company shall be nearly expended, it shall be found that the said capital stock is not sufficient to complete the said bridge, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting, to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent, as shall be deemed sufficient to accomplish the work, and to demand and receive the money subscribed for such shares, in like manner and under the like penalties as are hereinbefore provided for the original subscriptions.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That when a good and complete bridge is erected over the said river Delaware, at the place aforesaid, the property of the said bridge shall be vested in the said company aforesaid, their successors and assigns forever, and the said company, their successors and assigns, may demand and receive toll from travelers and others, agreeably to the following rates, viz.: for every coach, landau, chariot, phaeton, or other pleasurable carriage with four wheels, drawn by four horses, the sum of seventy-five cents; for every loaded wagon with four horses, the sum of sixty-seven cents; and for every loaded wagon with two horses, the sum of fifty cents; for every empty wagon with four horses, the sum of fifty cents; and for the same with two horses, the sum of thirty-eight cents; for every chaise, riding chair, sulkey, cart, or other two wheel carriage, or a sleigh or sled, with two horses, the sum of thirty-eight cents; and for the same with one horse, twenty-five cents; for a single horse and rider, the sum of twelve and an half cents; for every led horse or mule, the sum of twelve cents; for every foot passenger, the sum of six cents; for every head of horned



cattle the sum of six cents; for every sheep and swine, the sum of six cents; for every sheep and swine, the sum of one cent. Provided always, That the said bridge shall in no wise injure, stop or interrupt the navigation of the said river, or prevent boats from crossing, or persons from fording, the said river.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That in fixing the toll of all carriages to be drawn wholly by oxen, or partly by horses and partly by oxen, two oxen shall be estimated equal to one horse.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall cut or destroy any piece or pieces of timber, or any plank or planks, belonging to or a part of the said bridge or breakers, or shall remove any piece or pieces of timber, or plank or planks, from off, or any stone or stones, or other materials belonging to the said bridge or breakers, or otherwise voluntarily damage the same, he, she or they, so offending, shall forfeit and pay, for every such offence, over and above the damages done to the said bridge or breakers, the sum of thirty-two dollars, to be recovered in the same manner as debts under twenty pounds are recovered, with costs of suit.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That if the said company, their successors and assigns, and whoever shall own or possess the said bridge, shall collect or demand any greater rates or prices for the passing over the said bridge, than what is hereinbefore prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she or they, so offending, shall, for every such offence, forfeit and pay the sum of thirty dollars, one moiety thereof for the use of the poor at Trenton, in the state of New Jersey, and of the township of Falls, in the county of Bucks, and state of Pennsylvania, equally to be divided, and the other moiety for the use of the person who may sue for the same. Provided always, That no suit or action shall be brought, unless within thirty days after such offence shall be committed.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company shall also keep a just and true account of all moneys received by their respective collectors of tolls, for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof among all the subscribers to the said company's stock, deducting first thereupon all contingent costs and charges, and such proportion of the said income, as may be deemed necessary for a growing fund to provide against the decay, and for the rebuilding and repairing the said bridge, and shall, on every first Monday in April and October, of every year, publish the dividend to be made of the said clear profits thereof amongst the stockholders and of the time and place where and when the same shall be paid, and shall cause the same to be paid accordingly.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall, at the end of every third year from the date of the incorporation, until two years next after the said bridge shall be completed, lay before the general assembly of this commonwealth, an abstract of their accounts, showing the whole of the capital stock expended in the prosecution of the said work, and of the income and profits arising from the said toll, for and during the said respective periods, together with an exact account of costs and charges of keeping the said bridge in repair, and all other contingent costs and charges, to the end that the clear annual income and profits thereof may be ascertained and known, and if, at the end of two years after the said bridge shall be completed, it shall appear, from the average profits of the said two years, that the said clear income and profits thereof will not bear a dividend of six per centum per annum on the whole capital stock of the company so expended, then it shall and may be lawful for the said president, managers and company to increase the tolls herein allowed so much, as upon each and every allowance thereof will raise the dividends to six per centum per annum; and at the end of every ten years after the said bridge shall be completed, they shall render the general

assembly a like abstract of their accounts for three preceding years; and if, at the end of any such decennial period, it shall appear from such abstracts, that the clear profits and income of the said company will bear a dividend of more than fifteen per centum per annum, then the said tolls shall be so reduced, as will reduce the said dividend to fifteen per centum per annum.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That nothing in this act shall be deemed, taken or construed to authorize or empower the governor to incorporate, or empower any person subscribing as aforesaid, or shall give any power or authority to such subscribers, to do any act, matter or thing herein mentioned, until such time as the legislature of the state of New Jersey shall, by law, vest the like power and authority in such subscribers to erect the said bridge and extend the same from the shore on the west side of the said river, at or near Trenton, across the same to its opposite shore, with as full and ample powers, privileges, franchises and emoluments, as to the subscribers are herein given; and the said subscribers, having such authority, shall be incorporated as aforesaid, and shall proceed in the said work with all convenient speed; and if the said company shall not proceed to carry on the said work within the space of three years after they shall have incorporated, or shall not, within the space of seven years from the passing of this act, 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.

Passed April 4, 1798.

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## CHAPTER MMXII.

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AN ACT TO DIVIDE THE SECOND ELECTION IN THE COUNTY OF HUNTINGDON.

[Section I.] (Section I, P. L.) 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