

CHAPTER MCMLXXIV.

AN ACT TO AUTHORIZE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY, FOR ERECTING A PERMANENT BRIDGE OVER THE RIVER SCHUYLKILL, AT OR NEAR THE CITY OF PHILADELPHIA.

Whereas a number of the inhabitants of this commonwealth have requested this legislature to permit them to bring in a bill, for incorporating a company for the purpose of erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia, and it appearing to this assembly that the completion of such a work will be of great public utility, as well for the immediate benefit of the said city as for the general interest of the state, which derives most essential and solid advantages from the commerce and prosperity of its capital.

[Section 1.] (Section I, P. L.) Be it therefore 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 Richard Peters, John Perot, Godfrey Haga, Matthew M'Connel and William Sheaff, or any three of them, 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 in June next, procure one or more books, as they shall think necessary, and therein enter as follows, viz: "We, whose names are hereunto subscribed, do promise to pay to the president, directors and company, for erecting a bridge over the river Schuylkill, at or near the city of Philadelphia, the sum of one dollar at the time of subscribing, and one dollar in three months thereafter, for every share of stock in the said company set opposite to our respective names, and the residue thereof, at the rate of ten dollars for each share, in such manner and proportions, and at such times, as shall be determined by the president and directors chosen in pursuance of an act of general assembly,

entitled, 'An Act to authorize the governor of this commonwealth to incorporate a company, for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia,'" and shall thereupon proceed to receive subscriptions for the stock of the said company, which is hereby declared and intended to be the sum of one hundred and fifty thousand dollars, divided into fifteen thousand shares at ten dollars each, at such times and places as they think proper, of which notice shall be given, in three or more newspapers (one of which shall be in the German language) printed in the city of Philadelphia, for at least twenty days before the first day of meeting; and if before the said stock be completed, they shall adjourn for more than three days, notice of the time and place when and where the said commissioners will next receive subscriptions shall be given, in at least one newspaper printed in the said city, and it shall be lawful for any person, body politic or corporate, to subscribe for as many shares, not exceeding one hundred in one day, as he, she or they shall choose. Provided always, That every person offering to subscribe as aforesaid, in his own name, or any other name, shall previously pay to the attending commissioner one dollar for every share to be subscribed, out of which shall be defrayed the expenses attending taking such subscriptions, 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 chosen as is hereinafter mentioned, but the said commissioners shall reserve three thousand shares, which shall be appropriated by the president and directors, and used, if the same be found requisite, for the purpose hereinafter mentioned, of vesting therein the moneys to be applied for a sinking fund to free the bridge, and to enable the president, directors and company to purchase therewith, if the same can be done, a site or place for erecting the bridge; such of the said reserved shares as are not used for these purposes to be open for further subscription or sale, as the president and directors shall, according to circumstances, deem proper.

[Section II.] (Section II, P. L.) ' And be it further enacted by the authority aforesaid, That when one hundred persons or more shall have subscribed five thousand shares in the said stock, the said commissioners respectively 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, 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 subscribers be not full at the time, those also who shall afterwards 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, Directors and Company for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia," and by the said name the said subscriber shall have perpetual succession, and all privileges and franchises incident to a 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 enlargements shall be found necessary to fulfill the intent of this act, and of taking, purchasing and holding to them and their successors, in fee simple or for any less estate, all such lands, tenements, hereditaments and 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 letters patent shall, as soon as conveniently may be after sealing the same, give notice in two or more of the public newspapers in Philadelphia, one whereof shall be in the German language, 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 or-

ganize the said corporation, and shall choose, by a majority of votes of the said subscribers, by ballot, to be delivered in person or by proxy duly authorized, one president, twelve directors, 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 the said company. Provided always, That no person shall have more than fifty votes at any election, or in determining any question arising at such meetings, whatever number of shares he or she may be entitled to, and that each person shall be entitled to one vote for every share by him or her 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 January in every succeeding year, at such place 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 directors first to be chosen, as aforesaid, shall procure certificates to be written or printed for all the shares of 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 or her subscribed or held, upon payment to the treasurer, in part of the sum due thereon, the sum of one dollar for each share, which certificate shall be transferable at such person's pleasure, in person or by attorney in presence of the president or treasurer, subject, however, to the payments due and they may grow due thereupon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of the corporation, and for every certificate so held shall be entitled to one

share of the captial stock, and of all the estates and emoluments 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 directors, on their being chosen in the first instance, shall call a meeting of the stockholders, and that meeting may appoint five of their number to examine and report the most eligible place or places for building the bridge, and to treat with any body or bodies politic or corporate, or individuals, for the purchase of their respective rights, or any of them, to the place or places deemed eligible, and when the said place or places, and the terms on which it or they can be purchased, are so reported, the said stockholders, or a majority of those met, may fix on the place and terms, or the said stockholders, or a majority of them, may at any time agree to leave the determination, both on place and terms, to the president and directors.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said president and directors shall meet at such times and places, and be 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 stock holders shall pay the money due on their respective shares in order to carry on their work, to draw orders on the treasury for all money to pay the salaries or wages of persons by them employed. and for the materials and labor done and provided, which shall be signed by the president, or, in his absence, by a majority of a quorum, and to do and transact all other such acts, matters and things, as by the by-laws, orders and regulations of the company shall be committed to them, and the said

president, directors and company shall, within the space of five years, erect, or cause to be erected, in permanent and workmanlike manner, a good substantial bridge of wood, iron, or such other materials as to them shall seem adequate and proper, over the said river Schuylkill, at the place fixed on as herein mentioned. The said bridge to consist of one or more arch or arches, with stone abutments, and one or more pier or piers, if necessary, to be at least thirty-six feet wide, with railing on each side thereof, with footways at least five feet wide, either raised or railed off, for the commodious passage of foot passengers.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That if any stockholder after thirty days' notice in two of the public newspapers printed at Philadelphia, one whereof shall be in the English and one in the German language, of the time and place appointed for the payment of any portion or dividend of the said capital stock, shall neglect to pay such proportion at the time so appointed, and for the space of forty days thereafter, every such stockholder, or his assignee, shall, in addition to the dividend so called for, pay at the rate of five per centum per month for every delay of such payment, and if the same and the said 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 company aforesaid, and may and shall be sold by them to any other person or persons willing to purchase, for the best price that can be obtained therefor.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the president and directors of the said company shall keep fair and just accounts of all moneys 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 account of the profits on shares that may be forfeited as aforesaid, and of all voluntary contributions and other moneys received for account of the erecting or freeing the said bridge, and also of all moneys 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 for affecting the same shall be fully paid and discharged, and the aggregate amount of all such 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, directors 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 moneys subscribed for such shares, in like manner and under the like penalties as are hereinbefore provided for the original subscription; and if, after the said bridge is completed, it shall be found that more moneys shall remain in the hands of the treasurer than are necessary for the payment of all charges and expenses incurred in and about the erecting the said bridge, the surplus shall be returned, as part of the dividend due and payable to the stockholders respectively.

[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 Schuylkill, at or near the city of Philadelphia, at the place deemed most convenient, as hereinafter mentioned, the property of the said bridge shall be vested in the said president, directors and company, and their successors, during and unto the end of twenty-five years, to commence from the time when the bridge is completed; and the said president, directors and company, and their successors, may demand and receive toll from travelers and others, agreeably to the following rates, which shall be written or printed, and published or placed in or near the said bridge, for the information of passengers, viz; for every coach, landau, phaeton, or other pleasureable carriages with four wheels, drawn by four horses, the sum of twenty cents, and so in proportion if more

horses are added, and for the same carriages with two horses, the sum of twelve cents; for every loaded wagon with four horses, the sum of seventeen cents, and for every carriage of the same description drawn by two horses, the sum of twelve cents; for every chaise, riding chair, sulkey, cart, or other two wheel carriage, or a sleigh or sled with two horses, the sum of ten cents, and so in proportion if more horses are added to the number herein mentioned, and for the same with one horse, the sum of six cents; for a single horse and rider the sum of two cents; for every horse or mule without a rider, the sum of one cent; for every foot passenger, the sum of one cent; for every head of horned cattle, the sum of one cent; for every living sheep or swine, the sum of half a cent; but the said tolls shall be from time to time so regulated, that no more than three-fourths of the tolls demandable in other cases shall be taken for the transportation of the produce of the country, and for those laden with manure half toll; empty carriages of burden to pass for half toll, and a proportion of the foregoing tolls to be added to the sums chargeable for carriages of burden laden with more than two tons, wood and stone not to be considered as lading entitling carriages to diminution of toll. Provided always, That nothing in this act contained shall extend to authorize the said company to erect a bridge, without the consent of the owners of the ground on each side of and contiguous to the said river, where the said bridge may be erected, or to erect the same in such manner as to injure, stop or interrupt the navigation of the said river by boat, craft, or vessels without masts; and when the said tolls shall exceed fifteen per cent. net annual profit, the excess shall compose a fund for the redemption of the bridge, so as to render it free, save that there shall always be a small toll or other revenue for keeping it in repair; this excess shall be laid out in bridge stock, or other productive funds, and the dividends or annual product shall be also added to this fund, and all private donations for freeing the bridge shall also be received and invested in like manner; but if, by the operation of the fund herein proposed, there shall be a sufficient sum to free the bridge at a period less than the said twenty-five years, then it shall be redeemed and become

free, on the stockholders being paid the appraised value thereof, and of the profits thereof for the residue of the said term of twenty-five years, which may then be unexpired; and if the said fund shall not be adequate to the purpose last mentioned, the legislature may, at the expiration of the said twenty-five years, declare it a free bridge (providing at the same time the means of keeping it in repair) and the company shall be obliged to take such sum of money therefor, as shall be allowed on a fair appraisement by different persons; the like appraisement shall take place when the sinking fund is adequate to the redemption of the bridge, and the establishment of a revenue, if toll be not thought more eligible, for keeping the bridge in repair; but if the said bridge shall not be redeemed and paid for as a free bridge, before or at the expiration of the said term of twenty-five years, the said corporation may and shall continue to hold the same on the terms of this act beyond the said term, and until the same shall be redeemed and paid for in manner herein directed.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That in fixing the toll of all carriages drawn wholly or in part 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 the said president, directors and company, or their successors, or any person by their authority, shall collect or demand any greater rates or prices for passing over the said bridge, than what was hereinbefore prescribed and specified, or shall neglect to keep the said bridge in good repair, on ten days' notice given by or from any magistrate of the city or county of Philadelphia, they so offending shall, for every such offence, forfeit and pay the sum of fifty dollars, one moiety thereof for the use of the poor of the city and county of Philadelphia, 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 XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the said president.

directors and company shall also keep a just and true account of all money received by their several 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 stockholders, deducting first therefrom all contingent costs and charges, and such propositions of the said income as may be deemed necessary for the growing fund, to provide against the decay, and for the rebuilding and repairing of the said bridge; and shall, on every first Monday in January and July of every year, publish the dividend to be made of the said clear profits thereof among 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 XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the said president, and directors shall, at the end of or within every third year from the date of the incorporation, lay before the general assembly of this commonwealth an abstract of their accounts, showing the whole of the capital expended in the prosecution of the said work, and of the income and profits arising from the said bridge, for and during the said respective periods, together with an exact account of the 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.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That if the said company shall not proceed to carry on the said work within the space of two years after they have been incorporated, or shall not within the space of five 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.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully, or without the orders of the said president and directors, pull down, break, or destroy, with intent to injure any part or parts of the said bridge, or of any abutment,

pier or piers, or of any of the tollhouses, gates, bars, or other property of the said corporation, appurtenant to or erected or made for the use and convenience of the said bridge, or the persons employed in conducting the business thereof, or shall wilfully, without the orders and consent of the said corporation, or any person or persons authorized by them, obliterate, deface or destroy the letters, figures or other characters, in any written or printed list of the rates or tolls affixed, or to be affixed, in any place or places, for the information of passengers and others, or who shall wilfully and 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, and each of them shall forfeit and pay to the said president, directors and company, the sum of thirty dollars, to be sued for and recovered before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts under twenty pounds may be sued for and recovered; and he, she, or they, so offending, may and shall remain liable to actions at the suit of the said president, directors and company, for further damages for such torts, if the said sum or sums herein mentioned be not sufficient to repair and satisfy such damages.

Passed March 16, 1798. Recorded L. B. 6 p.—, etc. A grant of land was made to this company by the Act of April 4, 1799, Chapter 2052; and the time for building the bridge was extended by the Act of February 1, 1800, Chapter 2099.

CHAPTER MCMLXXV.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT TO PREVENT THE EXPORTATION OF BREAD AND FLOUR NOT MERCHANTABLE, AND FOR REPEALING, AT A CERTAIN TIME, ALL THE LAWS HERETOFORE MADE FOR THAT PURPOSE."¹

Whereas it has been represented that the manner of collecting the fees for the inspection of flour is inconvenient, and frequently occasions loss to the inspector.