

aforesaid shall be payable to the said company, agreeably to the provisions of this act, the amount of monies in the treasury of the commonwealth shall be so reduced by appropriations or otherwise, as to render it inconvenient or inexpedient to draw the said sum therefrom, in that case, it shall and may be lawful for the governor of this commonwealth, and he is hereby authorized and required to borrow of the Philadelphia bank for the purposes of this act, the sum of ten thousand dollars, part of the sum of one hundred thousand dollars stipulated to be loaned to the commonwealth, by the sixth section of the act, entitled, "An act to incorporate the Philadelphia Bank,"<sup>(1)</sup> reimburseable with interest, at the rate in the said section specified, in ten equal and annual installments; and the said bank is hereby required to lend the said sum to this commonwealth, on the terms herein mentioned; and when, and so often as any installment of the sum hereby directed to be lent to the president, managers and company, for erecting a bridge over the river Delaware, at the borough of Easton, shall be received from them according to the condition of the mortgage hereinbefore mentioned, the same or so much thereof as shall be needful, shall be forthwith paid over by the state treasurer to the Philadelphia Bank, towards the extinguishment and discharge of the debt, which may be contracted in virtue of this section.

Approved March 10, 1806. Recorded in L. B. No. 10, p. 279.  
 Note (1) Chapter 2451; 17 Statutes at Large, p. 675.

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## CHAPTER MMDCLXXI.

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AN ACT TO AUTHORIZE THE GOVERNOR OF THIS COMMONWEALTH, TO INCORPORATE A COMPANY FOR THE PURPOSE OF ERECTING A PERMANENT BRIDGE OVER THE RIVER SCHUYLKILL, AT OR NEAR THE PLACE USUALLY CALLED GRAY'S FERRY.

Whereas it appears from representations made to this legislature, that it will be of great public utility to incorporate a company for the purpose of erecting a permanent bridge over the river Schuylkill, at or near the place usually called Gray's

Ferry, inasmuch as it will add to the safety, facility and convenience of the passage over the said river at that place, as well as be the cause of removing the present obstructions to the navigation thereof: And whereas the owners of the floating bridge at the place aforesaid, and proprietors of the land on each side adjoining the said river at the said place, have by petition to the present legislature, requested that a company might be incorporated for the purpose aforesaid, on the terms and conditions therein mentioned:

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 Thomas Leiper, James Knowles, farmer, Evan W. Thomas, farmer, George Morton, farmer, and Dell Pennell, farmer, 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, and they are hereby authorized and required on or before the first day of May next, to procure one or more books as they shall think necessary, and therein enter as follows: We, whose names are hereunto subscribed, do promise to pay to the president, directors and company, for erecting a permanent bridge over to the river Schuylkill, at or near the place usually called Gray's Ferry, the sum of ten dollars at the time of subscribing, and the residue thereof at the rate of one hundred dollars for every share of stock in the said company, set opposite to our respective names, in such manner and proportions, and at such time or times, as shall be required by the president and directors in pursuance of an act, entitled "An act to authorize the governor of this commonwealth to incorporate a company, for the purpose of erecting a permanent bridge over the river Schuylkill, at or near the place usually called Gray's Ferry," 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 sixty thousand dollars, divided into six hundred shares, at one hundred dollars each, at such times and places as they shall think proper; of which public notice shall be given in two or more

newspapers, (one of which shall be in the German language,) printed in the city of Philadelphia, for at least ten days before the first day of meeting; and if, before the said stock be completed they shall adjourn for more than two days, notice of the time and place, when, and where the said commissioners will next receive subscriptions, shall be given in like manner as aforesaid; and it shall be lawful for any person or persons, body politic or corporate, to subscribe for as many shares as he, she or they shall choose; he, she, or they paying at the time of subscription to the attending commissioners ten dollars for every share so subscribed; out of which shall be defrayed the expenses attending the 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, in consideration of the grant to the said company hereinafter contained, made with the consent of the heirs and representatives of George Gray, deceased, of all their estate, right, title, and interest of, in and to the lands, tenements and hereditaments, with their appurtenances hereinafter mentioned and particularly described, shall reserve two hundred shares which shall be appropriated to the use of, and they are hereby expressly vested in the heirs and representatives of the aforesaid George Gray, deceased, free and clear of all costs and charges whatsoever in the manner and proportions following: to wit, Thomas Leiper, of the city of Philadelphia, twenty-five shares; James Knowles, of the county of Delaware, farmer, twenty-five shares; Evan W. Thomas, of the county of Philadelphia, farmer, twenty-five shares; George Morton, of the county of Philadelphia, farmer, twenty-five shares; Ann Gray, daughter of the said George Gray, deceased, twenty-five shares; Curtis Grubb, George G. Grubb, and Martha G. Grubb, children of Mary Grubb, eight shares each; and one additional share to be vested in the said Curtis Grubb, George G. Grubb and Martha G. Grubb, jointly as tenants in common and not as joint tenants; George W. Gray and Mary B. Gray, children of George Gray, jun., twelve shares each; and one additional share to be vested in the said

George W. Gray and Mary B. Gray, jointly as tenants in common and not as joint tenants; Martha Gray and William Gray, twelve shares each; and one additional share to be vested in the said William Gray and Martha Gray, children of William Gray, jointly as tenants in common and not as joint tenants; all which said shares, in the manner and proportions aforesaid, are hereby for the consideration aforesaid, expressly given and granted unto the aforesaid heirs and representatives of George Gray, deceased, respectively, free and clear of and from all costs and charges whatsoever, and without subscribing or paying any money for the same to the said commissioner or commissioners or company.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That when two hundred shares of the said stock (exclusive of the shares granted by this act, and vested in the heirs and representatives respectively of George Gray, deceased,) shall have been subscribed, the said commissioners shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each person or body politic or corporate, to the governor of this commonwealth, and thereupon it shall and may be lawful for the governor, and is hereby authorized and required by letters patent under his hand and the seal of this commonwealth, to create and erect the said subscribers and those who may thereafter subscribe, together with the aforesaid heirs and representatives of George Gray, deceased, 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 place usually called Gray's Ferry;" and by the said name, they 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 or profits thereof, and of diminishing or 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 fulfil 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 and hereditaments, as shall be necessary and convenient for them in the prosecution of their works, and the same to sell and dispose of at their pleasure; and of suing and being sued, impleading and being impleaded, answering and being answered unto in courts of law or equity, or any other place whatsoever, and to do and execute all and singular other matters and things, which corporations or bodies politic lawfully may do.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the five persons first named in the letters patent, or any three of them, shall as soon as conveniently may be after sealing the same, give notice in two or more of the newspapers (one whereof shall be in the German language,) published in Philadelphia, of a time and place by them to be appointed, not less than thirty days from the time of issuing the said notice; at which time and place, the said subscribers and the heirs and representatives of George Gray, deceased, hereinbefore mentioned, shall proceed to organize the said corporation, and shall choose by a majority of votes by ballot to be delivered in person or by proxy duly authorized, a president and six directors, a treasurer and such officers as they shall think necessary to conduct the business of the said company for one year, and until other officers shall be duly chosen; and may make such bylaws, 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 twenty-five votes at any election, or in determining and deciding such questions as may arise at such meetings, whatever number of shares he, she or they may be entitled to, and that each person shall be entitled to one vote for each and every share by him, her or them 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 April, 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, of which meeting at least ten days notice shall previously be given in two of the newspapers printed in the city of Philadelphia.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the president and directors 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 the full sum due thereon; and the said president and directors shall also deliver to the aforesaid heirs and representatives of the said George Gray, deceased, respectively, such certificates as aforesaid, for the shares granted to them respectively, in the manner and proportions hereinbefore directed, without the payment of any money to the said treasurer or company for the same, and free and clear of all costs and charges whatsoever; and every certificate shall be transferable at pleasure, in person or by attorney, in presence of the president or treasurer, subject however to the payments due or which may become 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 that purpose, shall be a member of the corporation, and for every certificate so held, shall be entitled to one share of the capital 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 as soon as the said company is organized, and the officers chosen as is hereinbefore directed, all the estate, right, title, interest, property, claim and demand in law or equity, of the aforesaid heirs and representatives of George Gray, deceased, of, in and to the lands, tenements and hereditaments, with their appurtenances herein-after particularly described and set forth, be, and the same

are (it appearing that the said heirs and representatives have consented thereto), hereby given and granted unto the president, directors and company, for erecting a permanent bridge over the river Schuylkill, at or near the place usually called Gray's Ferry, and their successors forever, which said lands, tenements and hereditaments, are as follows, to wit: a piece or parcel of land or lot of ground situate, lying and being on the western side of the river Schuylkill, in Kingsessing township, in the county of Philadelphia, beginning at a point in the centre of the main road or public highway, leading from the place usually called Gray's Ferry to Chester, where the said road intersects the said river Schuylkill at low water mark, and running from thence down the said river to a point at low water mark just one foot distant from the spot where the line of Benjamin Say's land intersects the said river at low water mark; thence north eighty-four degrees west running one foot distant from the line of the said Benjamin Say's land twenty-six perches and six tenths of a perch; thence south nine degrees and fifty minutes west fifteen perches and seven tenths of a perch along a fence to the point where the said fence intersects the line or fence of James Bartram; thence along the fence last mentioned north seventy-three degrees west sixty-seven perches and six tenths of a perch to a stake; thence south eighty-nine degrees and ten minutes east ninety-eight perches and two tenths of a perch; thence south seventy-three degrees east to the place of beginning; containing within those lines about four acres and ninety-two perches, be the same more or less; and also a piece or parcel of land or lot of ground situate, lying and being on the eastern side of the river Schuylkill in Passyunk township, in the county of Philadelphia, beginning at a point on the eastern side of the said river Schuylkill, where the line of lands belonging to William Gray's children intersects the said river at low water mark; thence running along the said line south seventy-three degrees east thirty-two perches and five tenths of a perch to a stone; thence south seventeen degrees west twenty perches to a stone crossing in the course and distance last mentioned, the main road or public highway leading from the city of Philadelphia to

the place usually called Gray's Ferry; thence north seventy-three degrees west to low water mark on the said river Schuylkill; thence up the said river to the place of beginning; containing exclusive of the said road two acres and one hundred and twenty-nine perches, be the same more or less; and also the present floating bridge across the said river Schuylkill, at the place usually called Gray's Ferry, with the right of receiving tolls for crossing the same and the right of ferriage: Provided always, and it is hereby expressly declared and enacted, that if the said company shall not proceed to carry on the said work within the space of three years after they have been incorporated, or shall not within the space of ten years from the passing of this act, complete the said permanent bridge, all the estate, right, title and interest, property, claim and demand, of, in and to the said lands, tenements and hereditaments, with their appurtenances, herein before granted to the said company, shall cease and determine, and the said lands, tenements and hereditaments, with their appurtenances, shall again become vested in the aforesaid heirs and representatives of George Gray, deceased, or their legal representatives, who shall hold the said premises with their appurtenances, in as full and ample a manner, and possess and enjoy the same estate, rights, privileges and advantages, as the said heirs and representatives of the said George Gray, deceased, held, possessed or enjoyed before the passing of this act, and it shall and may be lawful for the legislature of this commonwealth, to resume all and singular the rights, privileges, and liberties hereby granted to the said company.

Section VII. (Section VII, 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 six of their number to examine and report the most eligible place for building of the said bridge; and when the said place is reported, the said stockholders or a majority of those met may fix on the place, or they or a majority of them may at any time agree to leave the determination on the place to the president and directors.



Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the president and directors shall meet at such times and places, and shall be convened in such manner as shall be agreed on for transacting the business of the company; and at all such meetings five members shall be a quorum, and in the absence of the president may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book to be kept for that purpose; and a quorum having met, they shall have full power and authority to fix and determine on the amount of the security to be given by the treasurer for the faithful performance of his duties, which securities shall be good and sufficient, and which securities the said treasurer shall forthwith procure and confirm; to agree with and appoint such engineers, superintendents, artists and other officers, and to employ such mechanics and laborers as they shall think necessary to carry on and complete the said bridge, and to fix their salaries or wages, and 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 the work; to draw orders on the treasurer 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 the chairman; and to do and transact all such matters and things, as by the bylaws, orders and regulations of the company shall be committed to them; and the said president, directors and company shall, within the space of ten years, erect or cause to be erected in a permanent and workmanlike manner, a good substantial bridge of wood, iron, stone or other materials, which to them shall seem adequate and proper, over the said river Schuylkill, at the place herein mentioned; the said bridge to consist of one or more arch or arches, one of which, over the channel of the said river, shall not be less in height from common low water to the under side thereof than seventy-five feet, with stone abutments, and one or more piers if necessary, to be at

least thirty-five feet wide with railing on each side thereof, with foot-ways at least four feet wide, either raised or railed off, for the accommodation of foot passengers.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That if any stockholder after thirty days notice in two or more newspapers printed in Philadelphia, (one of which shall be in the German language), of the time and place appointed for the payment of any portion directed to be paid on his, her or their share of the said capital stock, (the shares by this act granted to the heirs and representatives aforesaid of George Gray, deceased, free and clear of all costs and charges always excepted), shall neglect to pay such proportions at the time so appointed, every such stockholder or his assignee, shall, in addition to the proportion so called for, pay at the rate of five per centum for each month for every delay of such payment, and if the same and the said additional penalties, shall remain unpaid for such a 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: Provided, the president and directors think proper to forfeit the same, and may be sold and transferred by them to any person willing to purchase for the best price which can be obtained therefor; or the said president and directors may in the name of the said company, sue for and recover the proportion or proportions aforesaid, directed to be paid in the manner aforesaid, with the said accumulated penalties, in the same manner, and in the same courts, in which debts of the same amount may be sued for and recovered.

Section X. (Section X, 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 money received by them from the said commissioners, and from the subscribers to the said company and undertaking, and of all penalties for delay in the payment thereof, and of the amount of profits on the shares which may be forfeited as aforesaid, and all money received by them for and on account of the said company, and also of all money by them ex-

pended 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.

Section XI. (Section XI, 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 place usually called Gray's Ferry at the place deemed most convenient, the said president, directors and company and their successors, shall, and may demand and receive at all times hereafter from travelers and others, tolls according to the following table of rates and regulations, which said table shall be written or printed and published and placed at or near the said bridge, for the information of passengers, and the rates and regulations therein contained, shall be binding on all parties under the penalties and forfeitures therein or hereinafter expressed, one-half of which shall go to the poor of the city and county of Philadelphia, the other half to the use of the person who shall sue for the same, to be recovered in like manner, and before the same authority that sums of a similar amount are by law recoverable: Provided, that no action shall be instituted or commenced unless within thirty days after the time when the offense shall have been committed.

RATES OF TOLL AND REGULATIONS RATES:

For every traveler or person on foot, (other than paupers known as such who shall go free), one cent; for every person on horse or mule, two cents; for every horse, mule, or head of horned cattle, not more than twenty to pass at one time, one cent; for every sheep, swine, goat or calf led or drove, one half cent; for every carriage of pleasure with two wheels (or sleigh) drawn by one horse, six cents; for every carriage of pleasure with four wheels drawn by one horse, eight cents; additional horse to any of the foregoing carriages of pleasure, each four cents, persons in carriages not chargeable; for every carriage of burden with two wheels (or sled) drawn by one horse loaded, six cents; the same empty, three cents; for every carriage of

burden with four wheels, drawn by two horses loaded, ten cents; the same empty, five cents; for every additional horse to any of the foregoing carriages of burden empty, each additional horse, one cent; for every additional horse to any of the foregoing numbers loaded, so that with such addition the whole number shall not exceed five, each additional horse, three cents, the sixth horse, six cents, the seventh horse, nine cents, the eighth horse, twelve cents, the ninth horse, fifteen cents, the tenth horse, eighteen cents, the eleventh horse, twenty-one cents, the twelfth horse, (being the greatest number of horses, and six tons the greatest weight allowed to pass at one time), twenty-four cents; sleds of heavy burden shall pay as carriages of like burden; oxen in draft shall pay as horses in draft; carriages of light burden, shall pay as loaded, which contain other than persons, live stock or what shall exceed twenty-five pounds weight; carriages of heavy burden shall pay as loaded, which contain other than persons, feed for two days journey and twenty-five pounds weight; loads exceeding four tons, the weight shall be truly declared previous to passing, if demanded.

#### REGULATIONS.

Persons, carriages, or cattle of whatsoever description, shall keep to the right hand side in passing others, except that when overtaking carriages of slow travel, they may pass if there is sufficient room without opposing others, for which purpose those of slow travel shall yield accommodation. Any person who shall offend against this rule shall be liable to a forfeiture and payment of five dollars. Injury done to any part of the bridge or its appurtenances, or obstructing the passage thereof, shall subject the offender to a forfeiture and payment of thirty dollars, and shall be also subject to an action of damages for other torts; firing of guns, or shooting in any manner within two hundred yards of the bridge, shall subject the offender to a forfeiture and payment of five dollars for every offense; evasions of toll in any manner whatsoever, or of offending against and of the regulations hereinbe-

fore expressed, to which no penalties are affixed, shall subject the offender to a forfeiture and payment of five dollars for every offense; excessive charge of tolls or abuse of the privileges herein granted to the president, directors and company aforesaid, shall subject the said president, directors and company to a forfeiture and payment of ten dollars for every offense; neglect in not keeping in good order and repair the said bridge and its appurtenances, shall at all times be an indictable offense, and shall subject the owners thereof to a forfeiture and payment of thirty dollars: Provided always, that no action shall be instituted after due repairs shall have been made.

Section XII. (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the said president and directors shall cause to be kept a just and true account of all money received by their treasurer from their collector of tolls for crossing the said bridge, and shall make out and declare a true dividend of the profits and income thereof, and pay the same to all the stockholders who shall claim the same, after first giving due notice in at least one newspaper printed in the city of Philadelphia, (deducting first therefrom all contingent costs and charges, and such proportions of the said income as may be deemed necessary for a growing fund to provide against the decay, and for the rebuilding and repairing of the said bridge), on the first day of April and on the first day of October, in every year, and publish the dividend to be made of the 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 XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That if it shall hereafter appear that there is any debt, lien or incumbrance of any kind whatsoever on the aforesaid property of the floating bridge, right of ferriage or land attached, or in any wise thereto belonging as hereinbefore conveyed, the same shall be paid off and discharged by the said heirs of George Gray, deceased, or

their legal representatives, or the same shall otherwise remain as a lien on the shares held by the said heirs, to be by them paid off at their proper cost and charge; and if at any time after the completion of the said bridge, so that it shall be fit for the passage of travelers or others, a majority of the heirs of the said George Gray, deceased, or their legal representatives, shall see cause or think it proper to purchase any or all of the shares subscribed, other than their own, they may and shall have right and they are hereby empowered to purchase such shares on yielding and paying therefor, a profit of twenty-five per centum to the said shareholder or holders over and above the price, which the said shareholders paid therefor, exclusive of any dividend, usufruct or profit which may have arisen or have been paid thereon: Provided, that nothing herein contained shall go to prevent the said heirs or their legal representatives from purchasing at a lower rate where the parties on each side can so agree.

Section XIV. (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That if at any time after the expiration of twenty-five years, from the completion of the said bridge, it shall be deemed expedient by the legislature of this commonwealth to make the same a free bridge by law, three commissioners shall be appointed by the said legislature, and three commissioners shall also be appointed by the then owners of the said bridge; who, together or a majority of them, shall form a judgment of the probable increase or decrease in the value of usufruct or net profit of the said bridge, and the property thereto belonging for the next twenty-five years thereafter, from the result of which they shall determine a value of the general usufruct or net profit of the said bridge, with its appurtenances as aforesaid, and the said commissioners or a majority of them, shall thereupon make their award for such sum to be paid to the said then owners, as that the legal interest which would or might arise thereon, shall equal such net profit or usufruct arising or like to arise from the said bridge and property thereunto belonging.