

**WHARVES AND DOCKS - CONSTRUCTION OR EXTENSION - LICENSE -  
PHILADELPHIA**

**Act of May. 15, 1850, P.L. 858, No. 515**

**Cl. 11**

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 Jacob Stout, Samuel Moser, Jacob Leinback, Abraham Koenig, Daniel Aulenbach, John Koenig, Abraham Rieser, Abraham B. Tobias, George Maurer, George Metler, Reuben Harbine, Abraham Harbine, John Zacharias, John Zacharias, jr., Jonathan Koenig, Jonas Shalter, Samuel Mengle, George Schalter, George Fox, William Dunkle, Jacob Kalbach A.W. Kauffman, Dr. D. L. Beaver, Prese Hehn, Jacob S. Ebling, Jacob Ahrens, Dr. J. H. Spatz, and Jonathan Bittner, be, and they are hereby created commissioners authorized to receive subscriptions to the capital stock hereby created at such times and places as a majority of them may direct, previously giving at least two weeks notice thereof in one English and one German newspaper printed at Reading, Berks county, of the time and place when and where the subscriptions will be received; and at the time of subscribing for said stock two dollars shall be paid to the commissioners or some one of them, which money shall be paid over to the treasurer of said company as soon as one is appointed, and the residue of said subscriptions shall be paid in such instalments and at such times and places and to such persons as the president and managers of the company may direct.

Section 2. When one hundred shares are subscribed the persons holding the same are hereby created and incorporated into a company by the name, style, and title, of "The Stouts Ferry Bridge Company," in the county of Berks, and by that name those who have subscribed and those that may thereafter subscribe, shall have perpetual succession with all privileges and franchises incident to a corporation, and shall be capable of taking and 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 shall be found necessary to build the bridge or fulfil the intent of this act, and of purchasing and holding to them and their successors, land, tenements, hereditaments, and estates in fee simple, or any real or personal estate they may think proper, and the same to sell and dispose of at their pleasure, and of suing and being sued, pleading and being impleaded, in all courts and justice.

Section 3. That the capital stock of said company shall not exceed ten thousand dollars, which shall be divided into shares of ten dollars for each share; and the subscribers to said capital stock shall pay the sum or sums of money for the shares by them held respectively, or by them subscribed, at such period and in such instalments and the directors of said company may order or determine.

Section 4. As soon as one hundred shares of the said capital stock shall be subscribed, it shall be the duty of the commissioners to give notice in one English and one German newspaper printed in Berks county of the time and place of meeting of the stockholders, who shall on meeting proceed to organize the said company, and shall choose by ballot in person or by proxy one president, six directors, one treasurer, and such other officers as they shall deem necessary to conduct the business of said company until other officers shall be appointed; and the said president directors shall make such by-laws and regulations for the government of said company as

they shall think necessary and proper, consistent with the laws of this Commonwealth, for the well-ordering of the affairs of said company, and fixing upon the site of location of said bridge, and each stockholder shall be entitled to one vote for each share of stock by him or her held at the time of such election, and the stockholders shall meet on the second Monday in January in every year, at such place as shall be fixed on by the president and directors, for the purpose of electing officers for the ensuing year.

Section 5. The president and directors first chosen shall issue certificates of stock to the several stockholders, signed by the president and countersigned by the treasurer of said company, which certificates shall be transferable at the pleasure of the holder, in person or by attorney, subject to the payment of any balance that may be due thereon; and the assignee holding such certificate having caused the assignment to be entered in a book of the company to be kept by the treasurer for that purpose, shall be entitled to his or her just proportion of the capital stock, and of all the estate and emoluments of the company, in proportion to the number of shares by them held, and to vote at the meetings thereof as aforesaid. And the president and directors shall meet at such times and places as shall be agreed on, for the transaction of business; at such meetings four members shall form a quorum for transacting business; they shall keep minutes of their transactions entered in a book, and shall have authority to agree with and appoint engineers, artists, superintendents, and agents as they shall think necessary, to construct a bridge across the Schuylkill river at or near Stouts ferry, in Berks county, and to complete the same and fix the salaries and determine the time the stockholders shall pay their instalments due on their respective shares, draw orders on the treasurer for money, the same to be signed by the president or chairman and attested by the clerk, and do and transact all things by this act and the by-laws or regulations of the company that may be lawful.

Section 6. It shall be lawful for the president and directors, their superintendents, engineers, and workmen, to enter on lands and enclosures near the place where the bridge is to be built, and to cut and carry off any timber or dig gravel, quarry stone, or gather sand necessary for building said bridge, also to enter thereon with wagons, carts, sleds, sleighs, or beasts of burden or draught, and take and carry off any material necessary in the construction of said bridge, doing as little damage as possible, and afterwards making amends for any damage that may be done, which damage, if the parties cannot agree, shall be submitted to the decision of three disinterested freeholders chosen by the parties; and if the parties cannot agree on the men, or if either party on due notice shall neglect or refuse to join in the choice, then said freeholders shall on application be appointed by any justice of the peace within the county not interested, who after being sworn or affirmed, shall assess or appraise the damage and make report thereof to the justice of the peace who appointed them. And the said directors or other person by them employed, after the tender of the appraised value to the owner, may enter, chop, dig, quarry, and carry off any material necessary in the building or repairing said bridge: Provided, That said company shall not enter upon any land or lands, or take possession of any property or materials without making compensation to the owner or owners thereof, or giving adequate security therefor.

**Compiler's Note:** Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 7. The president and directors of said company shall keep just and fair accounts of all moneys received by them in any way under the provisions of this act, and also of all moneys by them expended, and all voluntary contributions to said company, and shall at least once a-year, or whenever called on, submit their accounts to the inspection of any or all the stockholders.

Section 8. When a good and complete bridge is erected over said Schuylkill at the place aforesaid, the company, their successors or assigns, may demand and receive toll from travelers and others crossing the same, not exceeding the following rates: For every score of sheep, four cents; for every score of hogs, six and a-fourth cents; for every score of horn cattle twelve and a-half cents, and so in this proportion for greater numbers; for every horse or mule laden or unladen, with rider, three cents; for every chair, chaise, or sulkey with two wheels and one horse, six and a-fourth cents the same with two horses, nine cents; for every dearborn wagon with one horse six and a-fourth cents; for every chaise, coach, phaeton, chair, stage, wagon, coachee, or light wagon with four wheels and two horses, twelve and a-half cents; for either of the last-named carriages or vehicles with four horses eighteen and three-fourth cents; for every other carriage of pleasure under whatever name it may go, the like sums of toll according to the number of wheels or horses drawing the same; for every sled or sleigh three cents for each horse drawing the same; for every cart, wagon, or other carriage of burden four cents for each horse drawing the same, and two oxen shall be rated as one horse or mule; for every foot passenger crossing the bridge one cent. And they shall cause to be put up and kept in some conspicuous place at the gates of said bridge, a list of the rates of toll: And provided, That the bridge shall be so constructed so as not to injure or obstruct in any manner the navigation of the Schuylkill river.

Section 9. That if any person shall wilfully cut, destroy, or break or remove from off said bridge or any part thereof any piece of timber, stone, plank, chain, bolt, or any materials whatsoever belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she, or they so offending shall forfeit and pay for every such offence, over and above the damage done to said bridge, the sum of twenty dollars, to be recovered with costs in any court having jurisdiction thereof.

Section 10. The said president and directors shall keep just and true accounts of all tolls received by their respective collectors of tolls for crossing said bridge, and shall make and declare a dividend of the profits and income thereof among all the stockholders of said company, in proportion to the shares respectively held by each, and deducting therefrom all contingent costs and charges and such proportions of said income as may by them be deemed necessary for a growing fund for repairing or re-building said bridge, and shall on the first Monday of January in each 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 shall be paid, and shall cause the same to be paid accordingly: Provided, That no dividends of profits shall be declared until all the expense of building and constructing said bridge shall be fully paid.

Section 11. If said company shall not commence the erection of said bridge within two years, and complete the same within five years, this act shall become null and void, excepting so far as may be necessary to settle up the affairs of the company.

Section 12. That the annual salary of the Marshal of Police of the "Philadelphia Police district" shall be two thousand dollars per annum, to be paid quarterly out of the funds of the treasury of the county of Philadelphia, and the compensation of the lieutenants of police of the said police district shall be two dollars per day, to be paid out of the treasuries of the districts for and by which they may have been severally appointed; and the said lieutenants may be removed from office by the said marshal of police for incompetency, misconduct, or other misfeasance; and the policemen who may be appointed by the said marshal to fill vacancies shall receive the same compensation and be paid in the same manner as if they had been regularly nominated by the districts comprising the said police district.

Section 13. That the said marshal of police and the presidents of the councils of the city of Philadelphia, and the presidents of the respective boards of commissioners of the incorporated districts comprising the said police district for the time being, shall form a board of police of which the said marshal shall be the president, and of whom a majority shall form a quorum for the transaction of business; and the said board shall from time to time make such rules and regulations for the proper government of the police establishment of the said "police district" as they may deem expedient; and the said board may from time to time determine upon the number of policemen that shall be nominated and appointed in and for the city of Philadelphia and the several districts embraced in the said "police district" respectively, agreeably to the provisions of the sixteenth section of the act entitled "An Act to regulate the municipal elections in the city of Philadelphia and to establish an uniform system of police for the city of Philadelphia and the districts of Southwark, Moyamensing, Spring Garden, Penn township, the incorporated Northern Liberties and Kensington," approved the third day of May, Anno Domini, one thousand eight hundred and fifty, and that the seventeenth section of said act be, and the same is hereby repealed: Provided, That the sheriff of the county of Philadelphia shall be required to call a meeting of the said board of police within twenty days after the said marshal shall have been duly qualified, by an advertisement published in at least three of the daily papers published in the city of Philadelphia: And provided further, That nothing contained in this or any other act shall be so construed as to prevent the said marshal and policemen from suppressing riots and reserving that said marshal and policemen from suppressing riots and preserving the peace in other parts of the county of Philadelphia than those comprised in said "police district:" And provided further, That nothing contained in this or in any other enactment of the Legislature shall be construed to prevent the city of Philadelphia, or either of the incorporated districts of the county from appointing and having under its exclusive control such additional policemen as may be deemed necessary for ordinary police purposes.

Section 14. Construction of acts not to exclude necessity of license from port wardens

No enactment of the Legislature heretofore made shall be construed to authorize the building or extension of wharves into the river Delaware in front of the City and County of

Philadelphia, or the establishment of wharf-lines, unless said wharves and lines shall first be approved by the board of wardens for the port of Philadelphia. 1850, May 15, P.L. (1851) 585, Sec. 14.

Section 15. The commissioners of the Kensington district of the Northern Liberties, in the county of Philadelphia, at the next annual election in one thousand eight hundred and fifty-one for school directors of the tenth section of the first school district, shall elect twelve school directors in addition to the number now authorized by law, so that the board of school directors for said tenth section shall consist of twenty-four members, and of the additional directors to be chosen as aforesaid four shall serve three years, four shall serve two years, and four shall serve one year, and annually thereafter said commissioners shall elect eight school school directors who shall serve for the term of three years.

Section 16. That the sixth section of "An Act authorizing the Governor to incorporate the Darby Turnpike or Plank Road Company, and relative to turnpike roads in the county of Philadelphia," approved April nineteenth, one thousand eight hundred and fifty, shall not be so construed as to apply to any toll house located wholly within and upon the territory of any township or borough in said county.