

[No. 207.]

A SUPPLEMENT

To the act entitled "An act to enable the Governor to incorporate a company for making an artificial road, beginning at the intersection of Vine and Tenth streets, Philadelphia, and thence to Perkiomen Bridge, in the county of Montgomery," passed March thirtieth, eighteen hundred and eleven."

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 "The Ridge Turnpike Company," Bridge turnpike road
 be and they are hereby authorized to erect within the limits of their road, at any of their gates or turnpikes, any company may
 toll-house or dwelling-house, for the use and accommodation erect toll houses &c.
 of the toll gatherer at such gate, and may continue and maintain any such toll-house or dwelling-house heretofore erected;
Provided, That such building shall not extend into the said road from the edge thereof more than seventeen feet, and that said company shall make the stone part of their road opposite said building of the same width as required by law at other places, and keep the side road on the opposite side of their road in good order and repair for travelling; *And provided* Proviso.
also, That such toll-house and dwelling-house shall not be erected in front of any dwelling-house, or other building erected on the adjoining land on the same side of the road, nor within one hundred feet of any such house or building, nor shall any such toll-house or dwelling-house or other building be erected, or continue by said company upon their road within the limits of any borough; *And provided further,* 2d proviso.
 That from and after the first day of October next, it shall not be lawful for the said company to put up or continue, or maintain any gate or turnpike within the limits of any borough, or within fifty perches thereof, and if any gate or turnpike shall after said day be put up or be continued, or kept up contrary to this section, the said company shall be liable to a penalty of ten dollars for every day the same shall be continued contrary to this section, to be recovered as debts of the same amount are recoverable, one half to the use of the person
 who shall sue for the same, and the other half to the use of the borough in which the gate is put up or continued, and no
 person shall be bound to pay any tolls at any gate kept up contrary to this proviso. Gates in boroughs.

SECTION 2. "The Ridge Turnpike Company," their officers, agents and workmen, be and they are hereby authorized break stone
 Deposit and break stone

to deposite and to break stone for repairing their road on one side of the same, between the stoned part thereof and the edge of the road, not to extend more than fifteen feet from the edge thereof, at such places as may be necessary, and in such manner as will least interfere with or endanger the travelling on said road, but no stone shall be deposited or broken on said road within the limits of any borough, except by the permission of the constituted authorities thereof, granted by ordinance or resolution passed at a full meeting of the said authorities, nor in front of or near any building so as to render the access thereto inconvenient, nor so as to obstruct the road or passage to any lot, lands or building, without the consent of the owner thereof.

Removing
stone &c from
road.

SECTION 3. It shall be unlawful for any person to dig or remove any stone, sand or earth from the stoned part, or from the side or summer road within the limits of the road of 'The Ridge Turnpike Company, without the consent of said company; and if any person shall dig or remove any stone, sand or earth, contrary to this section, he shall forfeit and pay the sum of ten dollars for each offence, to be recovered as debts of the same amount are recoverable for the use of the person who may sue for the same.

Tolls how le-
vied upon.

SECTION 4. Only so much of the tolls or revenue of "The Ridge Turnpike Company," and moneys belonging to the same, which may be on deposit in any bank, or which may be in the hands of any officer, agent, or toll-gatherer of said company, or other person, shall be levied upon under any execution against said corporation, or be attached or sequestered under any process or proceeding to satisfy any judgment rendered against the same, excepting the balance of such tolls, revenue and other moneys, as may on the first day of January in any year be unexpended, and may not be required to pay the expenses incurred, and debts contracted for keeping the road of the company in repair during the preceding year, and the salaries or wages of the officers, agents and toll-gatherers of the company, as well as the contingent expenses of the corporation for said year. And the affidavits of the treasurer and secretary of the amount of said tolls, revenue and other moneys on hand, on said first day of January, and the amount required for the purposes above mentioned, as near as they can ascertain the same, shall be taken as prima facie evidence of the said amounts.

Turnpike road
grading of
within bor-
ough

SECTION 5. Wherever the sidewalks or sideways along the road of "The Ridge Turnpike Company," within the limits of any borough, on either side of said road, have been regulated and curbed agreeable to the ordinances or regulation of such borough, the said company shall, within three months after being required by such borough, grade their road in such manner as the constituted authorities of

such borough may, by ordinance or otherwise, direct, by filling and raising or reducing the stoned parts of said road and side roads, as the case may require: *Provided*, That the middle or stoned part of said road shall not be less than three inches, nor more than nine inches higher than the top of the curbstone set opposite thereto, and the road shall be gradually rounded, so as to cast off the water into the ditches along such curbstone; and whenever any of the said sidewalks or footways shall hereafter be regulated and curbed, as aforesaid, the said company shall, within three months after being required, as aforesaid, grade their road wherever such sidewalks may be regulated and graded, as aforesaid, by filling or reducing the stoned path or side road, and forming the same as above. *Provided*, The said company shall neither have nor exercise any power or authority within the limits of any borough through which their road may pass, or have any jurisdiction over their road within the limits of such borough, except to make and repair their road as required by law, and to enforce the penalties provided by law for obstructing the travelling on the same. And in case the said company shall refuse or neglect to grade their said road, as mentioned in this section, within the time above mentioned, it shall be lawful for the borough in which such part of said road is situate, to grade the same, and the amount of the expenses thereof shall be paid by said company; and if the said expenses shall not be paid within thirty days after demand made on the treasurer of said company, the borough incurring such expense may recover the amount thereof, with twenty-five per cent. addition thereto, as a penalty for non-payment, by suit or action against said company, and on judgment being rendered, the amount thereof shall be made and satisfied as if the preceding section had not been enacted.

SECTION 6. The said company shall signify their acceptance of this act by writing, signed by a majority of the managers thereof, attested by the president and secretary, to be filed in the office of the Secretary of the Commonwealth within thirty days after its passage; and in case of so neglecting to accept, the privileges hereby granted shall be null and void.

SECTION 7. That nothing herein shall prevent a sequestration of said road, under the act of sixteenth of June, eighteen hundred and thirty-six.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-seventh day of May, one thousand eight hundred and forty.

DAVID R. PORTER.