

[No. 62.]

AN ACT

To incorporate the President and Managers of the Doylestown and Danborough Turnpike Road Company, and for other purposes.

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 Josiah Y. Shaw, Thomas Ross, Stephen Brock, Dr. Charles H. Mathews, Eleazer T. McDowell, John Fox, Esq., Samuel Yardley, John H. Anderson, Tobias Weisel, Joseph Moore, William Rich, Aaron Burges, Dr. John Dyre, Jesse S. Beihn, Joseph Carr, Daniel T. Moore, James Burely, Isaac G. Thomas, John Poulton, Joseph Fravel, William Strudling, Charles M. Price, Samuel Poulton, Alexander Cathers, John Rich, Jesse Bissey, be, and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say, they shall on or before the first Monday of November next, procure two books and in each of them enter as follows: "We whose names are hereunto subscribed do promise to pay the president and managers of the Doylestown and Danborough turnpike road company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this Commonwealth, entitled "An act to incorporate the president and managers of the Doylestown and Danborough turnpike road company, witness our hands the tenth day of April, in the year of our Lord, one thousand eight hundred and forty-two;" and thereupon shall give notice in three papers printed in the county of Bucks, for twenty-one days at least, of the time and places when and where the said books shall be open to receive subscriptions, for the stock of the said company, at which time and places one of the said commissioners shall attend, and permit and suffer all persons of lawful age, who shall offer to subscribe in said books, in their own names or in the name or names of any other persons who shall duly authorize the same, for any number of shares of said stock, and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day, for the space of three days, or until the said books shall have two hundred shares therein subscribed; and if at the expiration of the said three days, the

Com'issioners

To open
books and
receive sub-
scriptions

books aforesaid shall not have the said number of two hundred shares therein subscribed, the commissioners respectively may adjourn from time to time, and transfer the said books from place to place, until the whole number of shares shall be subscribed; of which adjournment and transfer the commissioners shall give such public notice as the occasion may require, and when the whole number of shares subscribed shall amount to two hundred, the same shall be closed: *Provided always*, That every person offering to subscribe in said books, in his own or in any other name, shall previously pay to the attending commissioner or commissioners, the sum of one dollar for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, 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 hereinafter mentioned.

SECTION 2. When twenty persons or more shall have subscribed one hundred shares of the said stock, said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall certify, under their hands and seals the names of the subscribers, and the number of shares subscribed by each, to the governor of this Commonwealth, whereupon it shall and may be lawful for the governor, by letters patent under his hand and the seal of the state to create and erect the subscribers; and if the subscription be not full at the time, then also those 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 and managers of the Doylestown and Danborough turnpike road company, and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding the 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 fulfil the intent of this act, and of purchasing, taking and holding to them, their successors and assigns, and selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements, hereditament and estates, real and personal as shall be necessary to them in the prosecution of their works, 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 3. The commissioners aforesaid, as soon as conveniently may be, after the said letters patent shall be sealed and obtained, shall give public notice in three or more public papers printed in the counties of Bucks, of a time and place by

them to be appointed, not less than twenty-one days from the time of 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, ten managers, one treasurer and such other officers as may be necessary to conduct the business of said company until the first Monday in November next, and until such other officers shall be chosen, and shall and may make such by-laws, orders, and regulations not inconsistent with the constitution and laws of this Commonwealth or of the United States as shall be necessary for the well ordering of the affairs of said company: *Provided always*, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting whatever number of shares he may be entitled to; and that each person shall be entitled to one vote for every share held by him under that number.

By-laws

Proviso

Ratio of votes

Annual meeting

SECTION 4. The said company shall meet on the first Monday of November in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such other officers as aforesaid, for the ensuing year in manner aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes in manner aforesaid, all such by-laws, rules, orders and regulations made as aforesaid, and to do and perform any other corporate act.

Certificates of stock

SECTION 5. The president and managers first to be chosen all aforesaid, shall procure certificates to be written or printed for all the shares of the said stock of the said company, and shall deliver one such certificate signed by the president, and countersigned by the treasurer, and sealed with the common seal of the said corporation to each person for every share by him subscribed and held, which certificate shall be transferable at his pleasure, in person or by attorney in the presence of the president or treasurer, subject, however, to all payments due and to 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 said corporation, and for every certificate by him 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.

Penalty for neglect to pay instalment

SECTION 6. If after thirty days notice in three or more of the public newspapers printed in the county of Bucks, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, in order to carry on the work,

any stockholder shall neglect to pay any such proportion or dividend at the place appointed for the space of thirty days after the time so appointed, every such stockholder or his assignee, shall, in addition to the dividends so called for, pay at the rate of five per cent. per month for delay of such payment, and if the same, and the said additional penalty shall remain unpaid for such space of time, as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may and shall be sold to any person or persons willing to purchase for such price as can be obtained for the same. Forfeiture

SECTION 7. The said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met six members shall form 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 formed, they shall have power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers, as they shall deem necessary to carry on their intended works, and fix their salaries and wages; to ascertain the times when, and manner, and proportion, in which the stockholders shall pay the moneys due on their respective shares in order to carry on the work, to draw orders on the treasurer for moneys necessary to pay the salaries or wages of persons by them employed, and for labor done and materials provided in the prosecution of the work, which order shall be entered on their book of minutes, and shall be signed by the president, or in his absence, by a majority of a quorum, and countersigned by their secretary; and generally to do all such other acts, matters and things, as by this act, and the by-laws, rules, orders and regulations of the company shall be committed to them. Quorum
To appoint officers

SECTION 8. That the said road shall commence at the northern boundary line of the borough of Doylestown, in the county of Bucks, in the middle of the present bed of the Philadelphia and Easton stage road, and continue by the most practicable route to a point in the middle of said road, in the village of Danborough, at or near the intersection of the road leading to Plumstead meeting house, in said county of Bucks. Commence-
ment and ter-
mination of
road

SECTION 9. The president and managers and company shall cause a road to be laid out, of not less than forty feet, in such manner as that the present buildings on said road be not injured, and at least nineteen feet thereof be made a good and substantial turnpike road to secure a firm, and as near as the materials will admit of, an even surface, and so nearly level in its progress as that it shall in no place rise or fall more than will form an angle of five degrees with a horizontal line, and Width

shall forever after maintain and keep the same in good and perfect order, from the place of beginning to the termination thereof; and the president and managers and company shall have power to erect permanent bridges over all the waters crossing the said road.

Governor to
appoint view-
ers

License

Proviso

Toll gatherers

Tolls

SECTION 10. So soon as the said president, managers and company shall have perfected the said road the distance of two miles, and also when they shall have completed the remainder of the distance, they shall give notice thereof to the Governor, of the Commonwealth, who shall thereupon, forthwith, nominate and appoint three disinterested persons, to view and examine the same, and report to him in writing, whether the said road is so far executed in a masterly and workmanlike manner, according to the true intent and meaning of this act, and if their report shall in either case be in the affirmative, then the governor shall, by license under his hand and the lesser seal of this commonwealth, permit and suffer the said president, managers and company, to erect and fix so many gates and turnpikes upon and across the said road, as will be necessary and sufficient to collect the toll and duties hereinafter granted to the said company, from all persons travelling on the same with horses, cattle, carts and carriages: *Provided*, That all persons attending funerals, or places of worship, their horses and carriages shall be exempt from payment of tolls, in going to, or returning therefrom.

SECTION 11. When the said company is licensed in manner aforesaid, it shall and may be lawful for them to appoint such, and so many toll gatherers as they shall think proper, to collect and receive of and from all and every person or persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horses, cattle, hogs, sheep, coach, coachee, sulkey, chair, chase, phaeton, cart, wagon, wain, sleigh, sled, or any other carriage of burthen or pleasure, from passing through the said turnpike, until they shall respectively have paid the same, that is to say: for every five miles in length of the said road completed and licensed as aforesaid, the following sums of money, and so in proportion for any less distance, or for any greater or less number of sheep, hogs or cattle, to-wit: For every score of hogs, six cents; for every score of sheep, six cent; for every score of cattle, twelve cents; for every horse and his rider, or led horse, three cents; for every sulkey, chair or chaise, with one horse and two wheels, six cents; and with two horses, nine cents; for every chariot, coach, phaeton, or dearborn, with one horse and four wheels, eight cents; for every chariot, coach, pheaton, or chaise, with two horses and four wheels, twelve cents; for either of the carriages last mentioned with four horses, twenty cents; for every other carriage of plea-

sure under whatever name it may go, the like sums, according to the number of wheels and horses drawing the same; for every stage wagon with two horses, twelve cents; and for every such wagon with four horses, twenty cents; for every sleigh, three cents, for each horse drawing the same; and for every sled two cents for each horse drawing the same; and for every cart or wagon whose wheels shall not exceed four inches, six and a quarter cents for each horse drawing the same; and for every cart or wagon whose wheels shall exceed four inches and not exceed seven inches, three cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches, and not more than ten inches, and being of the breadth of seven inches, shall roll more than ten inches, two cents for every horse drawing the same; for every cart or wagon the breadth of whose wheels shall be more than ten inches and not exceeding twelve inches, or being ten inches and shall roll more than fifteen inches, one cent for every horse drawing the same; for every cart or wagon the breadth of whose wheels shall be more than twelve inches, one cent for every horse drawing the same; and if any person or persons shall represent to the said company, or any of their officers that he, she or they have travelled a less distance than he, she or they have actually travelled along said road, with intent to defraud said company of its toll, or any part thereof, such person or persons, shall for every such offence, forfeit and pay to the use of the said company, the sum of five dollars; and if any toll gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded shall have travelled along the said turnpike road, or shall demand and receive greater toll from any person or persons, than such toll gatherer is authorized to demand and receive by virtue of this act, such toll gatherer shall forfeit and pay the sum of ten dollars for every such offence, to the use of the poor, of the township in which the said forfeiture, is incurred and for the payment of which the said company shall be responsible.

SECTION 12. All such carriages as aforesaid, to be drawn by oxen in the whole, or partly by horses and partly by oxen, Oxen and two oxen shall be estimated as equal to one horse, in charging all the aforesaid tolls, and every mule as equal to one ted horse.

SECTION 13. If the said company shall neglect to keep the said road in good and perfect order, for the space of ten days, and information thereof shall be given to any justice of the peace of the neighborhood within the county where the repair ought to be made, such justice shall issue a precept to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time, in

said precept to be mentioned, at the place in the said road which shall be complained of, which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, within the said county, and the said justice shall at such time and place, on the oaths or affirmations of the said persons, enquire whether the said road, or any part thereof, is in such good and perfect order and repair as aforesaid, shall cause an inquisition to be made under the hands of himself, and a majority of the said persons, and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates, between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid, and if the same shall not be so put into good and perfect order and repair before the next general court of quarter sessions of the peace, to be held for the county in which the defect is proved to be, the aforesaid justices shall certify and send a copy of the inquisition aforesaid, to the justices of the said court, and the said justices shall thereupon cause process to issue, and bring in the body or bodies of the person or persons, entrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed thereon as in cases of supervisors of the highways for neglect of their duty; and if the person or persons entrusted by the said company aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give judgment, according to the nature and aggravation of the neglect, as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties; and the fines and penalties so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the highways, of the township wherein the offence was committed, to be applied to repairing the public roads within such township.

SECTION 14. If any person or persons whosoever, owning, riding in, or driving, any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, riding or leading any horse, mule mare, or gelding, or driving any hogs, sheep, or other cattle, shall therewith pass through any private gate or bars, along or over any private gates or bars, or along or over any private passage way, or other ground near to, or adjoining any turnpike or gate erect-

Penalty for
evading pay-
ment of tolls

ted, or which shall be erected in pursuance of this act, with an intent to defraud the company, and avoid the payment of the toll or duty, for passing through any such gate or turnpike, or if any person or persons shall, with such intent, take off, or cause to be taken off, any horse, mule, mare, or gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden, or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll, or duty, may be evaded or lessened, all and every person or persons, in all or every, or any of the ways or manners aforesaid offending, shall for every such offence respectively, forfeit and pay to the president and managers, and company, of the Doylestown and Danborough turnpike road, any sum not exceeding ten dollars, to be sued for and recovered, with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts of similar amount are by law sued for and recovered: *Provided always*, That if any person or persons shall be prosecuted under this section of this act, and said prosecution shall not be sustained on the part of the prosecutors, then in that case the person or persons prosecuted as aforesaid, shall receive from the company the sum of ten dollars, in lieu of damages arising from delay, and a vexatious prosecution, recoverable as other fines under this act.

SECTION 15. The president and managers 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, on account of the several subscriptions, and of all penalties for the delay of payment thereof, and of the amount of profits on the shares, which may be forfeited as aforesaid; also all moneys by them expended in the prosecution of their work, and shall once at least in every year, submit such accounts to a general meeting of the stockholders, until the said road shall be complete, and until all costs and charges and expenses of effecting the same, shall be fully paid and discharged, and the aggregate amount of such expenses shall be liquidated and ascertained; and if upon such liquidation, or when the capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said road 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 numbers of shares to such an extent, as shall be deemed sufficient to accomplish the work, and to receive and demand the moneys subscribed for such shares, in

like manner, and like penalties, as are hereinbefore provided, for the original subscription, as shall be provided for by their by-laws.

SECTION 16. The said president, managers, and company, shall also keep a just and true account of all and every of the moneys received by their several and respective collectors of tolls, at the several and respective gates or turnpikes on the said road, from the beginning to the end thereof, and shall make and declare a dividend, and when such dividends shall exceed twelve per cent per annum, then one half of the surplus exceeding twelve per cent. to be paid into the state treasury for the benefit of the education fund, which abstract shall be verified by the oath or affirmation of the president, or treasurer of said company, the clear profits and income thereof, all contingent costs and charges being first deducted, among all the subscribers to the said company's stock, and shall, on the first Monday in November and May, in every year, publish the half yearly dividend made of the said clear profits, among the stockholders, and of the time and place, when and where, the same will be paid, and shall cause the same to be paid accordingly.

Mile-stones

SECTION 17. The said company shall cause mile-stones to be placed on the side of the said road, whereon shall be marked in plain legible characters, the respective number of miles which each stone is distant from the commencement of the said turnpike road, and at every gate or turnpike, by them to be fixed on the said road shall cause the distance from Ridgway, and the distance from the nearest gates or turnpikes in each direction, to be marked in legible characters, designating the number of miles and fractions of a mile on the said gates, or some other conspicuous place for the information of travellers and others using the said road; and if any person shall wilfully destroy the said mile-stones, or deface the same, or deface the directions made on the said gates, or other conspicuous places aforesaid, or shall without permission of the acting superintendent of the said road, throw out upon the road, or within the limits of the same, and suffer to remain for the space of one day, any mould, dirt, shavings, weeds or rubbish of any kind, such person being convicted thereof, by the evidence of one or more credible and disinterested witnesses before a disinterested justice of the peace of the county, he or she shall be adjudged by the said justice to pay a fine not exceeding three dollars, to be recovered with costs as debts of like amount are by law recoverable, which fine when recovered, shall be paid by the said justice to the treasurer of the said company for the use of the said company.

SECTION 18. All wagoners and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall (except when passing by a carriage of slower draught,) keep their horses and carriages on the right hand side of the said road, in the passing direction, leaving the other side of the said road free and clear for other carriages to pass and repass, and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be obstructed in his passage, as will sue for the same, to be recovered with costs, before any justice, in the same manner as debts of like amount are by law recoverable, and no wagoner, or driver of carriages of any kind, whether of burden or pleasure, using said road, shall pass any other vehicle going in the same direction at a faster gait than a trot, at a rate not exceeding eight miles per hour, under a penalty of twenty dollars for each offence, recoverable before any justice of the peace, one half to the use of the said company, and the other half to the use of the informant.

SECTION 19: If the said company shall not proceed to carry on the said work, within five years after passage of this act, or shall not within ten years afterwards complete the said road, according to the true intent and meaning of this act, then in either of those cases all and singular the rights, liberties, and privileges, and franchises hereby granted to the company, shall revert to this commonwealth.

SECTION 20. That the borough of Reading be divided under the school system of the commonwealth, for school purposes as follows, to wit: That the south ward of said borough be divided into two smaller wards constituting Sixth street from Penn street, the dividing line to the southern extremity of said borough, and including all that portion of the borough south of Penn street, to the river Schuylkill, and to the southern borough line, to be called Southwest ward; and that portion of said south ward, lying north of Sixth street from Penn street, including the east side of Sixth street to the borough line southwardly, and to the eastern line of said borough, to be called Southeast ward; and that the elections for school directors be held at the usual places in said wards thus divided, and constituted, where they are now held for other borough purposes.

School districts borough
Reading

SECTION 21. That Marrion Harrison Williams, of Allegheny county, is hereby authorized to change her said name, to Marrion Harrison Woodburn, and she shall henceforth be called and known by said last mentioned name, and by that name to sue and be sued, grant, receive and inherit, and do all

Marrion Harrison to
change her
name

other legal acts as effectually to all intents and purposes as she could have done if no change had been made therein.

JAMES ROSS SNOWDEN,

Speaker of the House of Representatives.

JOHN STROHM,

Speaker of the Senate.

APPROVED—The twenty-first day of March, one thousand eight hundred and forty-two.

DAVID R. PORTER.

[No. 63.]

A N A C T

Authorizing John Prall, to sell and convey certain real estate in Bucks county.

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 John Prall, the sole surviving trustee named in a certain deed of conveyance dated

John Prall to
sell and con-
vey real estate

Where situa-
ted

Quantity

day of November, seventeen hundred and ninety-seven, is hereby authorized and empowered to sell at public sale, and to convey and assure to the purchaser or purchasers in fee simple, all that piece or lot of ground with the appurtenances, situate in the township of Middletown, and county of Bucks, on the west side of the road leading from Attleborough to Bristol, beginning at a corner of Lewis Rue and John Prall's land, thence by said Prall's land three perches to a corner, thence by land of Gabriel Vanhorn three perches to a corner, thence by the same three perches to a corner in the line of Lewis Rue's land, thence by the same three perches to the place of beginning, containing nine perches more or less, together with one perch in breadth, for a passage from the said lot or piece of ground, along the line of the said Lewis Rue's land to the aforesaid road.

SECTION 2. That the said John Prall, surviving trustee as aforesaid, shall as soon as practicable after the passage of this act, proceed to sell the aforesaid lot or piece of ground, with