

SECTION 6. That all elections within said borough, shall be hereafter Elections. held at the public school house within the same; so much of any law of this commonwealth as is hereby altered or supplied, be and the same is hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The first day of March, A. D. one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 74.

AN ACT

Authorizing the governor to incorporate the Skippack turnpike road company of Montgomery 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 for the purpose of making a turnpike road, commencing at the junction of the Skippack road with the Chesnut Hill and Spring House turnpike road, in Whitemarsh township, Montgomery county, and running through Skippackville to where the Skippack road intersects the Swamp road, in Perkiomen township, in said county, John Jones, John Rex, Commissioners. Abraham Wentz, Joseph M. Mather, Morris Longstreth, Jacob G. Sorber, Cornelius Tyson, Henry Bergstresser, Jesse Gable, Charles Hendricks, Abraham Heidrick, be and 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 May next, procure one or more books and enter in each of them as follows: "We Form of subscrip- whose names are hereunto subscribed, do promise to pay to the presi- tion. dent and managers of the Skippack turnpike road company, the sum of fifty dollars for every share of stock set opposite our respective names, in such manner and proportion, and at such time and place as shall be determined by the president and managers of the said company, in pursuance of an act, entitled 'An Act authorizing the governor to incorpo- rate the Skippack turnpike road company of Montgomery county.' Witness our hands the day of in the year of our Lord one thousand eight hundred and ." And there- Notice. upon shall give notice in two or more of the public newspapers printed nearest the route of said road, for one month at least, of the times and places where the said books shall be opened to receive subscriptions for Subscriptions. the stock of the said company, at which times and places some one of the commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said books, in their own name or in the name of any other person or persons who shall duly authorize the

same, for any number of shares of said stock; and the said books shall be kept open for that purpose at least six hours in each juridical day for the space of three days, or until said books shall have one thousand shares therein subscribed, and if at the expiration of the said three days, the books aforesaid or either of them shall not have the respective number of shares aforesaid therein subscribed, the said commissioners respectively may adjourn from time to time and transfer the said books from place to place until the whole of the shares shall be subscribed, of which adjournment the said commissioners shall give such notice as they may deem necessary, and when the whole number of shares subscribed shall amount to one thousand the same shall then be closed: *Provided always*, That every person offering to subscribe in the said books in his own name, or in the name of any other person, shall previously pay the attending commissioner five dollars for every share to be subscribed, out of which shall be paid the expense attending the taking such subscriptions and other incidental charges, and the remainder shall be deposited in the Bank of Montgomery County, for the use of said corporation, as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

Proviso.

SECTION 2. That when ten or more persons shall have subscribed two hundred and fifty or more shares of the said stock, the commissioners or a majority of them shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each of them to the governor. And thereupon 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 also those who may afterwards subscribe, into one body politic and corporate, by the name, style and title of "The Skippack turnpike road company;" and by the same name the subscribers shall have perpetual succession, and all the 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 may think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring, conveying in fee simple, or for any lesser estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing every other matter and thing which a corporation or body politic may lawfully do.

Letters patent.

Name.

Powers, &c.

Organization.

SECTION 3. That the subscribers, as soon as may be convenient after said letters patent shall be issued, shall give notice in one or more newspapers printed in Montgomery county, of the time and place by them appointed, not less than thirty days from the publication 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 said subscribers, by ballot, in person or by proxy, one president, eleven managers, one treasurer, and such other officers as the company shall think necessary to conduct the business of said company for one year, and until such other officers be chosen and organized agreeable to the provisions of this act; and in case of the death, removal, or resignation of any president or manager, the board of managers may and shall choose another person to supply the vacancy until the next annual election. The board of managers may make and have one common seal, and the same may break, alter or renew at pleasure, and may make such by-laws, rules, orders, and regulations, not inconsistent with the constitution and laws of this state, as shall be necessary for the

Vacancies.

Seal.

By-laws.

well ordering the affairs of the corporation: *Provided*, That each stockholder shall be entitled to one vote for every share of stock by him or her held, not exceeding ten shares: *And provided also*, That no stockholder shall be entitled to vote at any election or meeting of said company, unless the instalments due and payable on the share or shares by him or her held at the time of such election or meeting shall have been fully paid and discharged. Proviso.
Votes.

SECTION 4. That if any treasurer elected by virtue of this act, shall die, resign or refuse to act, or neglect to give such security for the faithful discharge of the duties of his office, as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon him and perform all the duties of said office, it shall be the duty of the managers for the time being, to appoint some suitable person treasurer in his place, who shall hold the office until the next annual election, on his giving the requisite security, and until a successor shall be duly elected and give the security required. Treasurer.

SECTION 5. That the stockholders shall meet on the first Monday of January in each and every year, at such place as shall be fixed by the by-laws of the said company, for the purpose of choosing in manner aforesaid such officers as aforesaid, for the year ensuing the terms of service of those previously elected. Annual meeting.

SECTION 6. The president and managers shall make out certificates of stock signed by the president, and countersigned by the treasurer, with the corporate seal, and deliver one such certificate to each subscriber for the shares held by him or her, on him or her paying into the treasury on each share so held, the sum of five dollars, which certificates shall be transferable in person or by attorney on the books of the said company, subject to the sum due, or to become due on the shares so transferred. Certificates of
stock.

SECTION 7. It shall and may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen, laborers, their tools, and beasts of draught or burden, to enter in and upon all and every the lands, tenements, and enclosures in, through and over which the said intended road may pass, and also upon lands contiguous and near to the said road, first giving notice of their intention to the owners or occupiers thereof, and doing as little damage thereto as possible, and making amends for damages upon a reasonable and equitable agreement by the parties, or, if they cannot agree thereupon, a just and equitable assessment, to be made upon oath or affirmation by three disinterested freeholders, or any two of them to be mutually chosen, or if either party upon due notice shall neglect or refuse to join in choice, then to be chosen by a justice of the peace of the county wherein the lands lie, who shall not be interested therein, and upon the tender of the assessed value to dig and carry away any timber, stone, sand, earth, or other materials, necessary or suitable for making said road: *Provided*, That no part of this act shall authorize the taking of any property by said company unless the same be previously paid for, or adequate security given to the owners for the payment thereof. Power to enter
lands.

Damages.

SECTION 8. That the said president, managers and company, shall cause a road to be laid out of not less than fifty or more than sixty feet in width, running as near as may be on the bed of the road now called Skippack road, from where the same intersects the Spring House and Chesnut Hill turnpike to the Swamp road, and in such manner as that the present buildings on said road be not injured; and shall cause at least eighteen feet thereof to be made an artificial road, bedded with wood, stone, gravel, or any other hard substance, well compacted together and of sufficient depth to secure a solid foundation to the same; Width and route
of road.

and the said road shall be faced with gravel or stone, pounded, or other hard substance, in such manner as to secure a firm and, as near as the material will admit of it, 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 four and a half degrees with a horizontal line, and shall forever hereafter maintain and keep the same in good and perfect order, and said president, managers and company, shall have power to erect permanent bridges over all the waters crossing the said road.

License.

SECTION 9. That so soon as the said president, managers and company, shall have perfected said road from the Chesnut Hill and Spring House turnpike road the distance of five miles, and also when they have completed the next succeeding five miles, and in like manner on the completion of each five miles of said road, they shall give notice to the governor of this 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 seal of this commonwealth, permit and suffer the said president, managers and company, to erect and fix so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls 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 carriages and horses, shall be exempt from the payment of tolls in going to and returning therefrom.

Proviso.

Toll gatherers.

SECTION 10. That 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 and persons using 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, chaise, phaeton, cart, wagon, wain, sleigh, sled, or any other carriage of burden or pleasure, from passing through the said turnpike or gates, until they shall have paid the said tolls, that is, 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 lesser distance, or for any greater or any lesser number of sheep, hogs or cattle, to wit: For every score of hogs, six cents; for every score of sheep, six cents; for every score of cattle, twelve cents; for every horse and his rider or led horse, five cents; for every sulkey, chair, or chaise, with one horse and two wheels, eight cents; and with two horses ten cents; for every chariot, phaeton, coach, or dearborn, with one horse and four wheels, ten cents; for every coach, chariot, phaeton, or chaise, with two horses and four wheels, fifteen cents; for either of the carriages last mentioned, with four horses and four wheels, twenty-five cents; for every other carriage of pleasure, 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 such wagon with four horses, twenty cents; for every sleigh four cents for each horse drawing the same; and for every sled three cents for each horse drawing the same; for every cart or wagon, whose wheels shall not exceed four inches, five cents for each horse drawing the same; and for every cart or wagon whose wheels shall be four inches, and not exceeding seven inches, three cents for each horse; and for every cart or wagon, the breadth of whose wheels shall be more than seven inches,

Rates.

two cents for every horse drawing the same. And all such carriages as aforesaid to be drawn by oxen in the whole, or partly by horses and partly by oxen, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse. 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 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 said turnpike road, or shall have demanded and received 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 five dollars for every such offence, to the supervisor of the townships in which the forfeiture has incurred, to be expended in repairing the township roads, and for the payment of which the said company shall be responsible.

Penalty for attempt to defraud company.
Penalty for demanding too great toll.

SECTION 11. If the said company shall neglect to keep the said road in good repair and travelling order for the space of ten days, and information thereof shall be given to any justice of the peace of the neighborhood where the repairs ought to be made, such justice shall issue his 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 have been complained of, of which notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said justice shall at such time, on the oath or affirmation of the said person, enquire whether the said road, or any part thereof, is in such good travelling order and repair as aforesaid, and 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 travelling order and repair as aforesaid; and if the same shall not be so put in good travelling order and repair before the next general court of quarter sessions of the peace, to be held for the county of Montgomery, the aforesaid justice shall certify and send a copy of the inquisition aforesaid, to the judges of the said court, and the said judges 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 found defective, and shall proceed thereon as in cases of supervisors of highways for neglect of their duty; and if the person or persons entrusted by said company as 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

Mode of proceeding for neglect to keep road in repair.

highways of the township wherein the offence was committed, to be applied to repairing the public roads within such township.

Penalty for
evading tolls.

SECTION 12. If any person or persons whosoever owning, riding in or driving any sulkey, chair or chaise, phaeton, cart, wagon, sleigh, sled or any other carriage of burden or pleasure, riding or leading any horse, mule, mare or gelding, or driving any hogs, sheep or cattle, shall therewith pass through any private gate or bars, or along or over any private passage way or other ground near to or adjoining any turnpike or gate erected 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, mare, mule or gelding, or other cattle from any sulkey, chair, chaise, phaeton, cart, wagon, 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 any or every of these ways or manners offending, shall, for every such offence respectively, forfeit and pay to the president and managers of the Skippack turnpike company, any sum not exceeding ten dollars, to be sued for and recovered, with cost of suit, before any justice of the peace, in like manner and subject to the same rules and regulations as debts of a similar amount are by law sued for and recovered: *Provided*, That if any person or persons shall be prosecuted under this section of the act, and the said prosecution shall not be sustained on the part of the prosecution as aforesaid, shall receive from the company the sum of ten dollars in lieu of damages arising from delay, vexation and prosecution, recoverable as other fines under this act.

Proviso.

Accounts.

SECTION 13. The said president and managers shall keep fair and just accounts as well of all moneys received by them as of those paid out and expended in the prosecution of the work, and shall at least once in every year submit their books and accounts to a general meeting of the stockholders; and whenever it shall be ascertained that the capital stock of the said company is not sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, at a stated or special meeting, convened according to the provisions of this act or their own by-laws, to increase the number of shares to such an extent as they shall deem sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares, in like manner and under like penalties as are provided by this act in the case of original subscriptions.

Increase of shares.

Dividend.

SECTION 14. That the said president, managers and company, shall keep a just and true account of all moneys received by their several and respective collectors of tolls, at their several and respective gates or turnpikes on the said road, from the beginning to the end thereof, and shall make and declare a dividend of the clear profits thereof, all contingent costs and charges first deducted, among all the subscribers of said company stock, and shall, on the first of December and the first of June 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.

Quorum.

SECTION 15. That the said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met, seven members shall form a quorum, and who, in the absence of the president, may choose a chairman, and shall keep minutes of all their

Minutes.

transactions fairly entered in a book; and a quorum being formed, they shall have full 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 work, and fix their salaries and wages, to ascertain the times when and in what manner and proportion in which they shall pay the moneys due on their respective shares, to draw on the treasurer for all moneys, as shall have been so as aforesaid deposited, necessary to pay the salaries or wages of persons by them employed, and for the materials: *Provided*, That such draft shall be signed by the president, or, in his absence, by a majority of the quorum so met, and attested by their secretary; and to do and transact all other acts, matters, or things, as by the by-laws, orders, rules and regulations of the said company shall be entrusted to them.

Officers.

Proviso.

SECTION 16. That all drivers of wagons, and of carriages of all kinds, on said road shall, excepting when passing by a carriage of slower draught, keep their horses on the right hand side of the road in the passing direction, leaving the other side of the road free and clear for other carriages to pass or re-pass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding five dollars, to any person aggrieved who shall sue for the same, to be recovered, with costs, before any justice, in the same manner as debts of equal amounts are or may be by law recoverable.

Rule for passing carriages.

SECTION 17. That the supervisors of the townships of Whitemarsh, Whitpain, Worcester, Skippack and Perkiomen, respectively, shall be allowed to subscribe shares to an amount not exceeding three thousand dollars for each township, to be determined by a vote of the citizens of each township, at their next election for supervisors after the passage of this act, the dividends of the shares subscribed to be paid to the supervisors of the townships, respectively, for the use of the townships, in the same proportion and manner as they are paid to individual stockholders; said townships so subscribing shall be authorized to elect an agent at their spring election, to represent said stock in the same manner provided in the bill for individual stockholders.

Certain townships authorized to subscribe for stock.

SECTION 18. The county commissioners of the county of Montgomery, with the approbation of the judges of the court of quarter sessions and grand jury of said county, are hereby authorized to subscribe for any number of shares not exceeding one hundred and twenty shares of the stock of said company, upon the same conditions and terms as individuals, and upon such subscription made, besides having the right to vote at the annual and other elections and meetings of said company as stockholders; the said commissioners, upon subscribing eighty shares or more, shall be authorized to appoint one manager of said corporation, in addition to the eleven managers to be elected by the stockholders, as provided in this act, and the manager appointed by said county commissioners, shall have the same power and authority, and enjoy the same rights and privileges, as a manager elected by the stockholders as aforesaid, and shall meet and act with the managers elected by the stockholders, in the management of the concerns of the corporation.

County commissioners to subscribe for stock.

SECTION 19. If the said company shall not commence the said road within two years after the passage of this act, or shall not, within ten years thereafter complete the said road, according to the true intent and meaning of this act, then and in either of those cases it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, privileges, liberties, and franchises, by this act granted to said company.

Commencement and completion limited.

SECTION 20. If any stockholder, whether original subscriber or assignee, after thirty days notice in two newspapers printed in the county

Penalty for neglect to pay subscriptions.

of Montgomery, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion at the place appointed for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment; and if the same and additional penalty shall become equal to the sums before paid in part on account of such share, the same may be forfeited by and to the said company, and be sold by them for such price as can be obtained therefor, or in default of payment of any stockholder of any such instalment, as aforesaid, for the space of sixty days, as aforesaid, the president and managers may, at their election, cause suit to be brought in the same manner as debts of like amount are now recoverable, for the recovery of the same, together with the penalty aforesaid.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

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

FRS. R. SHUNK.

No. 75.

A SUPPLEMENT

To an act, entitled “An Act to incorporate an academy in West Alexandria, in the county of Washington.”

Trustees.

Election.

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 Alexander Frazier, George M'Donald, John Pollock, Isaac Sutherland, Kenneth M'Coy, John M'Donald and John M'Coy are hereby appointed a board of trustees for said corporation, to continue in office until the first Saturday of October in the year of our Lord one thousand eight hundred and forty-five, on which day an election for nine trustees shall take place, to serve as follows, to wit: The three persons having the highest number of votes to serve for three years, the three next highest in number to serve two years, and the three persons having the least number of votes to serve one year: and every year thereafter an election shall be held on the first Saturday of October for three trustees, who shall serve for three years from the time of their election; the election shall be opened at one o'clock in the afternoon, and kept open until five o'clock of the same day, and shall be conducted by the trustees in office; and every qualified citizen who shall at the time of said election be a resident of said county, and shall have paid to the funds of said academy the sum of ten dollars, shall be entitled to a vote at said election, and shall be eligible to the office of trustee, and when*