

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 four hundred shares therein subscribed ; and if, at the expiration of the said three days, the books aforesaid, shall not have the said number of four 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 four 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 thirty persons or more shall have subscribed two 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 Danborough and Point Pleasant 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, 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 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 two or more public papers, printed in the county 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, 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 January 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 : *Pro- vided*, That no person shall have more than ten votes at any election,

Adjournment.

Proviso.

Letters patent.

Name.

Privileges.

Organization.

Officers.

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.

Annual meeting. SECTION 4. The said company shall meet on the first Monday in January in every year, at such place as shall be fixed on 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 may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws of the company; at which annual or special meetings they shall have power and authority to make, alter or repeal, by a majority of votes in manner aforesaid, all such by-laws, rules and regulations made as aforesaid, and to do and perform any other corporate act.

Certificates of stock.

Transferrable.

SECTION 5. The president and managers first to be chosen as aforesaid, shall issue certificates of stock to the subscribers severally, respectively signed by the president, and countersigned by the treasurer of the said company, which certificate shall be transferrable at his or her pleasure, in person, or by attorney, subject however to the payment due, and that may become due thereon; and the assignee holding any certificate, having first caused the assignment or transfer to be entered in a book of the company to be kept by the treasurer for that purpose, shall for every share of stock so held by him or her, be entitled to his or her equal proportion of the said capital stock, and of all the estates and emoluments of the company as aforesaid, at the meeting thereof.

Penalty for neglect to pay instalments.

SECTION 6. If after thirty days' notice, in two or more of the public newspapers 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 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 the space of six months, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same.

Quorum.

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 the book of minutes, and shall be signed by the president, or in his absence, by the chairman, 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, and regulations of the company, shall be committed to them.

Minutes.

To appoint officers.

Location of route. SECTION 8. The said road shall commence at the termination of the Doylestown and Danborough turnpike, in the county of Bucks, and

running thence by Charles M. Price's tavern, the most practicable route to the state road, in Point Pleasant, in said county of Bucks.

SECTION 9. The president, managers and company, shall cause a road to be laid out of not less than forty-feet in width, in such a manner as not to injure any of the present buildings on the route, and at least nineteen feet thereof be made good and substantial turnpike road, to secure a firm, and as near as the materials will admit of, an even surface, and in no place rise or fall more than will form an angle of five degrees with a horizontal line, and shall forever after maintain and keep the same in good and perfect order, from the place of beginning to termination thereof; and the president, and managers and company, shall have power to erect permanent bridges over all the waters crossing the said road.

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 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 the commonwealth, permit and suffer the said president, managers and company, to erect and fix so many gates 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 traveling 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, chaise, phaeton, cart, wagon, wain, sleigh, sled, or any other carriage of burden or pleasure, from passing through the said turnpike, until they shall respectively have paid the same; that is to say, for every four 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 less or greater 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 or horse driven, 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, phaeton 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 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 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 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; and for every cart or wagon, the breadth of whose wheels shall be more than seven inches, and not more than ten inches, two cents 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 traveled a less distance than he, she or they have actually traveled 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 traveled along the said turnpike road, or shall demand or 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.

Penalty for evading tolls.

Rate of toll for oxen.

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

Penalty for neglect of road.

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 on the turnpike nearest thereto within the said county; and the said justice at such time and place, on the oaths or affirmations of the said persons, inquire 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 gates on said turnpike, between which such defective place shall be; and from thenceforth the tolls hereby granted to be collected at such turnpike gate, 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 in good and perfect order 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 justice 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 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, 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, chase, 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 gate and bars, or along or over any 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 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 means aforesaid, offending, for every such offence, shall respectively forfeit and pay to the president and managers and company of the Danborough and Point Pleasant 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 a 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 and 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. Penalty for evading toll.

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 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 completed, and until all costs, 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 number 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. Accounts to be kept and submitted annually.

SECTION 16. The said president, and managers, and company, shall also keep a just and true account of all and every of the moneys received Increase capital.

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 Mondays 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.

Erect 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 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 turnpike, in each direction, to be marked in legible characters, designating the number of miles, and fractions of a mile on the said gate, or some other conspicuous place, for the information of travelers, and others, using the said road; and if any person shall wilfully destroy any of the said mile stones, 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 said 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 a like amount are by law recoverable, which fine when recovered and received by the said justice, shall be paid to the treasurer of the said company, for the use of the said company.

Penalty for injuring mile stones and gates.

Rules regulating the travel on the road.

SECTION 18. All wagoners, and drivers of carriages, of all kinds, whether of burden or pleasure, using said road, shall (except when passing by a carriage of slower draught) keep their horses and carriages on the right hand side of 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 vehicle, going in the same direction, in 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 said company, and the other half to the use of the informant.

Time of commencement and completion.

SECTION 19. If the said company shall not proceed to carry on the said work, within five years after the 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.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The thirteenth day of February, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 181.

AN ACT

Authorizing Robert H. Cummings, guardian of the minor children of Richard C. Stockton, deceased, to sell certain real estate, 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* Robert H. Cummings, guardian of the minor children of Richard C. Stockton, deceased, is hereby authorized and empowered to sell at public sale, at such times as he may deem expedient and most conducive to the interest of the heirs and representatives of said deceased; all the right, title, or interest, of which the said Richard C. Stockton died seized in and to a certain lot of ground, in the borough of York, in the county of York, being the equal third part of lot number one hundred and sixteen, situate on the east side of Water street, in said borough, and to make conveyance of the same, to the purchaser or purchasers, if the sale thereof shall be approved by the orphans' court of York county: *Provided, however, That* before such sale, the said guardian shall enter in a bond, with sufficient surety, to be approved by the said orphans' court of York county, conditioned for the faithful distribution of the proceeds of such sale, to and among the heirs and representatives of the said deceased, or to the person or persons legally entitled to receive the same. Power to sell.

Proviso.
Security.

SECTION 2. That John Torrey, administrator, &c. of Thomas Fuller, late of the borough of Honesdale, in the county of Wayne, deceased, be and he is hereby authorized and empowered to sell, at public or private sale, for cash, or on credit, as he may think best, all, or any part or parts of the real estate in said county of Wayne, of which the said Thomas Fuller died seized, or any legal or equitable interest which the said Thomas Fuller had in any such estate, at the time of his death, and to convey the same, whether sold together or in parts, by good and sufficient instruments in writing, to the purchaser or purchasers thereof, in fee simple, as fully and effectually as the said Thomas Fuller could do were he living: *Provided, That* before any such sale shall be made as aforesaid, the said John Torrey shall give security, to be approved John Torrey, administrator of Thomas Fuller, deceased, authorized to sell real estate.

Proviso.
Security.