

LAWS OF PENNSYLVANIA,

of said township, and subject to the same distribution of funds, et cetera, as the sub-district already formed in said township.

JAMES COOPER,

Speaker of the House of Representatives.

CH. GIBBONS,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

No. 232.

AN ACT

Authorizing the governor to incorporate the Conestoga and Schuylkill turnpike road company.

Commissioners
appointed.

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 constructing a turnpike road, commencing at the turnpike at or near where it crosses the Conestoga creek, east of Morgantown, in the township of Caernarvon, and county of Berks; thence by way of the Birdsborough bridge, to connect with the Reading and Perkiomen turnpike at or near Baumstown, in the township of Exeter, and county aforesaid, David Plank, David Mast, junior, of Berks county, Joseph Mast, Daniel J. Brunner, Edward Davis, David Jenkins, John C. Evans, James Everhart, Jacob Kertz, junior, Beynard Wey, Charles Robinson, Evan Evans, John M'Gowen, George Zerr, Cadwalder Morris, James L. Morris, Peter Zimmerman, David Styer, Lott Rogers, Edward Brooke, Henry Kupp, junior, Samuel Beard, junior, Ephram Scarlet, John Harrison, Jacob Kurtz, Thomas K. Bull, John Long and George Coleman, or any fifteen of them, be and they are hereby appointed to do and perform the duties herein mentioned, that is to say, they shall, as soon as convenient, procure a book or books, and therein enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president, managers and company of the Conestoga and Schuylkill turnpike road company, the sum of twenty five dollars, for every share of stock subscribed, in such manner and proportions, and at such times and places as shall be determined by the said president and managers, in pursuance of an act of assembly, entitled 'An Act to authorize the governor to incorporate the Conestoga and Schuylkill turnpike road company.'* Witness our hands, the

Form of sub-
scription.

day of _____, Anno Domini one thousand eight hundred and _____; and shall thereupon proceed to receive subscriptions for the stock of the said company, at such times and places as they shall think proper: *Provided, That every person so subscribing, in his own name or in the name of any other person, shall*

previously pay the attending commissioners one dollar for every share so subscribed, out of which shall be paid the expenses of taking such subscriptions, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized agreeably to the provisions of this act; such first payment on each share to be taken and considered as a part payment on each share subscribed.

SECTION 2. As soon as two hundred shares shall have been subscribed, the said commissioners, or a majority of them as aforesaid named, may certify the same, together with a list of the subscribers, and the shares subscribed by each, in writing, to the governor, who thereupon shall constitute the said subscribers, and also those who may in future subscribe under the provisions of this act, a body corporate and politic, by the name and style of the "Conestoga and Schuylkill turnpike road company," with all the privileges incident to a corporation, who shall have perpetual succession, and shall be capable of taking and holding the said capital stock and the increase and profits thereof, and of enlarging the same by new subscriptions, if such enlargement shall be necessary to fulfil the intent and purposes of this act, in such manner and form as they may think proper; and of purchasing, taking and holding to them and to their successors and assigns, in fee simple, or for any less estate, all such lands, tenements or hereditaments, real and personal, as shall be necessary and convenient for them in the prosecution of their work; and the same to sell or dispose of at their pleasure, of suing and being sued, and of doing all and every matter and thing which a corporation or body politic may lawfully do. Letters patent.

SECTION 3. That the commissioners above named, or any two of them, as soon as conveniently may be after the said letters patent shall be issued, shall give notice in one or more newspapers, printed in each of the counties of Berks, Lancaster and Chester, of a time and place by them to be appointed, not less than fifteen days after the publication of the notice; at which time and place the said subscribers, or as many of them as may attend, not less than fifteen, shall proceed to organize the said company, and shall choose, by a majority of votes of said subscribers, by ballot, either in person, or by proxy duly authorized, one president, eight managers and one treasurer, to conduct the business of the said company, until the next annual election as hereinafter regulated; and in case of death, removal or resignation of any president, manager or treasurer, the board of managers shall choose another to supply the vacancy, until the next annual election of the said company; they may make and have one common seal, and the same may alter and renew at pleasure; and may make such by-laws, rules, orders and regulations, not inconsistent with the laws of the United States or of this state, as shall be necessary for the well ordering of the company: *Provided*, That the number of votes each stockholder shall be entitled to, shall be according to the number of shares he or she shall hold, in proportion following, that is to say: one vote for each share not exceeding five shares, and one vote for every three shares above five, and not exceeding twenty, and one vote for every ten shares over twenty and under one hundred, but no share or shares over one hundred shall confer any additional right of voting; and no stockholder shall be entitled to vote at any election or meeting of said company, unless the instalments due and payable on the shares held by him or her, shall have been fully paid and discharged. Organization.

SECTION 4. That a meeting of the said stockholders shall be held annually, at such time and place as shall be fixed by the rules and by-laws of the said company, for the purpose of choosing officers for the Annual meeting.

ensuing year, and the transaction of such business as may come before them.

Certificates of stock to be issued. SECTION 5. The president and managers shall procure certificates, to be written or printed, and upon the payment of the instalments due thereon, shall deliver one certificate, signed by the president and countersigned by the treasurer, and attested by the seal of the corporation, to each stockholder, for the number of shares held by him or her, which certificates shall be transferable at his, her or their pleasure, in person, or by attorney duly authorized, in presence of the president or treasurer, on the books of the company, subject however to the payment of all instalments due and to become due thereon, and such transferee shall thenceforth become a member of the corporation.

Quorum. SECTION 6. That the said president and managers shall meet at such times and places, and be convened in such manner as shall be prescribed by the by-laws, at which meetings six members shall be 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 at any such meeting a quorum being present, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers, as they shall think necessary to carry on the intended work, and to fix their salaries and wages, or at their discretion, to make contracts for the same or any part thereof; they shall also determine the times, manner and proportions, in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer for the money necessary to pay salaries, wages, and bills for work or materials, or on account of contract, which orders shall be signed by the president, or in his absence by a majority of the quorum, and countersigned by the clerk, and do and transact all such matters and things, as by this act or the by-laws of the company, shall be committed to them.

Instalments, how to be paid. SECTION 7. That if any stockholder, after thirty days' notice in one or more newspapers, printed in Berks and Lancaster counties, of the time and place appointed for the payment of any instalment of the said capital stock, shall neglect to pay such instalment at the time appointed, every such stockholder, or his assignee, shall, in addition to the proportion so called for, pay at the rate of three per cent. per month for every delay of such payment; and if the same and said additional payment shall remain unpaid for such space of time, that the accumulated penalties shall be equal to the sums before paid on account of such shares, the same shall be forfeited to the company, and may be sold by them to any other person or persons, for such price as can be obtained therefor; or the president and managers may sue for and recover the same, before any justice of the peace, or before any court of competent jurisdiction.

Penalty for non-payment. SECTION 8. That it shall and may be lawful for the president and managers of said company to lay out the route or track of said road, beginning on the north side of the turnpike road at or near where it crosses the Conestoga creek, east of Morgantown, in the township of Caernarvon, and county of Berks; thence by such route as shall appear to the said managers to be advisable, proceeding by the way of Birdsborough, to connect with the Perkiomen and Reading turnpike road, at or near Baumstown, in the township of Exeter, and county aforesaid; and be it also lawful for the said company to construct a branch road leading to the iron mines, called "Jones' mines," near which the said road passes, with all the privileges and liabilities of this law.

Location. SECTION 9. That it shall and may be lawful for the president and managers, their superintendents, engineers, and workmen employed by

them, to enter in and upon any lands or enclosures for the purpose of locating said road; and they may occupy so much of such lands, and also the beds of public roads and bridges not belonging to other companies, as may be needed for the bed of their road, erection of toll houses, and construction of water courses; they may also examine quarries, dig and take away any stone, gravel or materials in the vicinity of the route, that may be wanted for the construction of the said road, always paying the owner of such lands and materials a just compensation for the same; and if the parties cannot agree upon the compensation, the same shall be determined by three disinterested freeholders to be chosen by the parties, or if they cannot agree, to be appointed by a justice of the peace in the neighborhood, who, after taking oath to perform their duties with impartiality, shall determine the amount of damages, always considering the advantages as well as the disadvantages of said road.

SECTION 10. The said road shall be laid out not exceeding fifty feet in width, at least twenty feet thereof to be a good and substantial turnpike road, to be composed of stone and gravel, to secure a firm, and as near as the materials will admit of an even surface, and so nearly level in its progress that it shall in no place rise or fall more than will form an angle of degrees with a horizontal line; and the said company shall forever after maintain and keep the same in good order, and have authority to erect suitable bridges over all the streams of water crossing the said road.

SECTION 11. That the president and managers shall keep fair and just accounts of all moneys received by them, and 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 company is not sufficient to complete the said road, according to the true intent and meaning of this act, it shall be lawful for the president and managers, at a stated or special meeting convened according to the provisions of this act or their 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.

SECTION 12. Whenever the said company shall have finished two miles or more of turnpike road, the president thereof may give notice to the governor, who shall thereupon forthwith appoint three skillful, judicious and disinterested persons to view and examine the same, and to report, on oath or affirmation, to him, whether the said road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the governor shall by license under his hand and seal of the state, permit said company to erect and place so many gates or toll turnpikes upon and across the said road, as will be necessary and sufficient to collect, from all persons, such tolls as are hereinafter authorized to be collected: *Provided*, That no toll shall be demanded from any person or persons passing or re-passing from one part of his, her or their farm to any other part of the same; and all persons with their horses and vehicles, going directly to and from funerals or places of worship, shall be exempt from the payment of tolls when traveling on said road.

SECTION 13. When the said company is licensed in the manner aforesaid, it shall be lawful for them to appoint such and so many toll gatherers as they may think proper, to collect and receive of and from

May enter upon
lands and make
examination.

Width of road.
Construction of
road.

Accounts to be
kept.

Increase shares.

Governor to ap-
point viewers.

License to take
toll.

Proviso.

Toll gatherers.

all and every person and persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person leading, driving or riding any horses, cattle, hogs, sheep or vehicle of burden or pleasure of whatsoever kind, from passing through the said gates until they have respectively paid the same, that is to say: for every carriage, sleigh or vehicle, of whatever description, used for personal accommodation or pleasure, one and a-half cents per mile for every horse drawing the same; for every cart, sled, wagon or other vehicle of burden with wheels less than four inches wide, one cent per mile for each horse drawing the same; and for the said vehicles of burden with wheels four inches and more in width, one-half cent per mile for every horse drawing the same; any load over four tons may be charged additional toll, not exceeding double these rates; every three oxen, mules, or asses drawing wagons, carts or other vehicles of burden, shall be rated as two horses; for every horse or mule, with or without a rider, one-half cent per mile; for every head of horned cattle, at the rate of one cent for five miles; and for every head of sheep or swine, at the rate of one-half cent for every five miles: *Provided*, That the said company may, at their discretion, regulate the tolls so as to reduce them below the terms herein specified, and raise them to the amount permitted by this act, during such times and seasons and with such discriminations as the said company may think proper.

Toll.

Proviso.

Penalty for evading the payment of toll.

SECTION 14. If any person or persons riding in or driving any carriage of burden or pleasure, as aforesaid, shall, with the intent to defraud the said company or to evade the payment of any tolls aforesaid, pass through any private way or over any other ground near to or adjoining any turnpike gate, or shall represent wilfully to the toll collector that he or she has traveled a less distance than he or she has actually traveled, or use any other fraudulent means or device to lessen or avoid the payment of such tolls, any such person or persons so offending, shall, upon conviction before any justice of the peace of the proper county, for every such offence forfeit and pay to the president and managers of the said company, a sum not exceeding ten dollars, for the use of the company.

Proceedings against the company for neglecting repairs.

SECTION 15. If the said company shall neglect to keep the said road in good traveling order for the space of fifteen days, and information thereof shall be given to any justice of the peace in the vicinity of where the repair ought to be made, such justice shall issue a precept, directed to any constable, commanding him to summon three disinterested persons to meet at a certain time in such precept mentioned, on the part of the road which shall be complained of, of which meeting notice shall be given to the keeper of the gate nearest thereto; and the said justice shall, 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 order and repair as aforesaid, and shall cause an injunction 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 or repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the inquisition to each of the keepers of the gates between which such defective place may be; and from thenceforth the tolls hereby authorized to be collected at such gates, shall cease to be demanded or collected, until the said defective part or parts of the road shall be put in good order and repair, as aforesaid; and if the same shall be not put in good order before the next court of quarter sessions to be held in the county of Berks, the justice shall certify and send a copy of the inquisition aforesaid, to the judges of the said court; and the court shall thereupon cause pro-

cess 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 road as shall be found defective, and shall proceed thereon as in cases of supervisors of the highways for neglect of duty; and if the person or persons entrusted by the company, as aforesaid, shall be convicted of the offence in and by the said inquisition charged, the said court shall give judgment as in the case of supervisors of highways neglecting their duties; the penalties so to be imposed, shall be recovered in the same manner as fines and misdemeanors are usually recovered in said court, and shall be paid to the supervisors of the township wherein the offence was committed, to be used for repairing the public roads in said township.

SECTION 16. If any toll collector shall demand and receive from any person greater toll than is authorized by this act, such toll gatherer shall forfeit and pay, for every such offence, a sum not exceeding ten dollars, to the directors of the poor and house of employment of Berks county. Penalty for extortion.

SECTION 17. All drivers and conductors of wagons and carriages of all kinds using the said road, shall, except when passing a vehicle of slower draught, keep their horses and carriages on the right hand side of the road in the passing direction, leaving the other side free and clear for other carriages to pass and re-pass; 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, who will sue for the same, to be recovered, with costs, in the usual manner; and no driver of any carriage of any kind, 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. Travelers to observe rules.

SECTION 18. If any person or persons shall wilfully injure or destroy any gates, posts, buildings or other fixtures of the company, or shall, without permission from the acting superintendent of said road, throw out upon the road, or within the limits thereof, any wood, stone, dirt or rubbish of any kind, and shall suffer the same to remain for the space of one day, after notice thereof shall have given to the person so offending, such person or persons so offending shall, for each and every such offence, on conviction thereof by the evidence of one or more creditable witnesses, before any justice of the peace of the county in which the offence shall have been committed, pay a fine not exceeding five dollars, with costs, to be recovered as debts of a like amount are recoverable, for the use of said company. Penalty for injuring any gate, &c.

SECTION 19. That the said president and managers shall keep a just and true account of all moneys received by their several and respective collectors of tolls, at their several 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 on 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. Correct accounts to be kept.

SECTION 20. That the supervisors of the townships of Robeson, Caernarvon and Union, respectively, shall be allowed to subscribe shares, to an amount not exceeding two thousand dollars each, 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, Supervisors of townships may subscribe for stock.

Borrow money.

for the use of the township, 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 ; and the supervisors of such townships subscribing, shall be authorized and empowered to borrow money, to pay the instalments on the stock so subscribed, and to issue certificates of the same, bearing an interest not exceeding six per cent. per annum, and payable at any time not exceeding ten years, which certificates shall be binding on said townships.

County commissioners authorized to subscribe for stock.

SECTION 21. The county commissioners of the county of Berks, are hereby authorized and empowered to subscribe to the capital stock of said company, any such number of shares as they may deem right and proper ; in which event, the commissioners of said county shall have the right to vote, at the elections of said company, under the same provisions as private individuals.

Commencement and completion of road.

SECTION 22. If the company shall not commence the said works within three years after the passing of this act, or shall not within ten years thereafter, complete the same, according to the true intent and meaning of this act, in either case, it shall and may be lawful for the legislature to resume all and singular the rights, liberties, privileges and franchises hereby granted to said company.

JAMES COOPER,

Speaker of the House of Representatives.

CH. GIBBONS,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

No. 233.

AN ACT

To authorize Andrew Johnston to collect certain outstanding taxes in the township of Henderson, in the county of Huntingdon, and to grant certain powers to Alexander Vantyle, of Wyoming county.

Andrew Johnston authorized to collect outstanding taxes in Huntingdon 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 the warrant which issued to Andrew Johnston, to collect the taxes in the township of Henderson, in the county of Huntingdon, in the year eighteen hundred and forty-two, by the commissioners of said county, is hereby revived, so that he is hereby authorized, either by himself or his deputy, to exercise all the powers and authorities conferred on him by said warrant, for the space of one year from the date of this act;*