

No. 126.

AN ACT

To incorporate the president and managers of the Danborough and Plumsteadville turnpike road company.

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* Abraham Michener, Jonathan Carr, William M. James, Thomas Ross, Samuel Fry, Henry Chapman, Jacob S. Kratz, David Fretz, Daniel C. Smith, Eli Leatherman, Israel Childs, John L. Delp, John Kratz, John C. Shepherd, John Myers, (mason,) Henry Fretz, Hugh Michener, George Childs, James R. Boileau, Smith Betts, Isaac Myers, (chair maker,) Jonas Fry, Abiahm Leatherman, Cyrus Cadwallader, Christian Leatherman and Andrew Cornwall, 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 Danborough and Plumsteadville 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 Danborough and Plumsteadville turnpike road company." Witness our hands, the _____ day of

Commissioners.

Form of subscription.

Notice.

Open books.

Number of shares

Proviso.

_____, in the year of our Lord one thousand eight hundred and forty-_____, and thereupon shall give notice in three papers printed in the county of Bucks, for twenty-one days at least, of the time and place when and where the said books shall be opened to receive subscriptions for the stock of the said company; at which times and places one of 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 books aforesaid shall not have the 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 subscriptions 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 Governor. 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 Letters patent. erect the subscribers, and if the subscription is 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 Plumsteadville turnpike road company;" and by the said name the said subscribers shall have perpetual succession and all privileges and fran- Privileges. chises 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 three 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, Organization. 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 Saturday in December 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- Proviso. vided, That no person shall have more than ten votes at any election, Votes. or in determining any question arising at any 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.

SECTION 4. The said company shall meet on the first Saturday in December in every year, at such place as shall be fixed by their by- Annual meeting. 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 chosen, as 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; subjected, however, to all payments due and to become due thereon; and the assignee holding any certificate, having first caused the assignments 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 vote, as aforesaid, at the meetings thereof.
- Transferable.**
- Payments.** 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 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.
- Penalty on neglect.**
- Powers.** 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 employed by them, 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.
- Location.** SECTION 8. That the said road shall commence at the termination of the Doylestown and Danborough turnpike road, in the village of Danborough, and continue up the Easton stage road, as near as may be thought practicable, to the point where the Quakertown road intersects said road in Plumsteadville, in the county of Bucks.
- Construction.** 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 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 raise

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 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.

SECTION 10. So soon as the said president, managers and company, shall have perfected the said road, they shall give notice thereof to the Governor to appoint viewers. 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 executed in a masterly 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 the lesser seal of the commonwealth, permit 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 tolls hereinafter granted to the said company, from all persons traveling on the same with horses, mules, cattle, carts, wagons and carriages: *Provided*, That all persons attending funerals, or places of worship, their horses and carriages shall be exempt from the payment of tolls in going to or returning therefrom. *License to take toll.* *Exemption from toll.* *Proviso.*

SECTION 11. When the company is licensed in manner aforesaid, it shall be lawful for them to appoint such and so many toll-gatherers as they shall think proper, to collect and receive of and from every person or persons using the said road, the tolls and rates hereinafter authorized and provided for, and to stop any person riding, leading, or driving any horses, cattle, mules, hogs, sheep, coach, coachee, sulky, chair, chaise, cart, wagon, sleigh, sled, or any other carriage of burden or pleasure, from passing through the said turnpike, until they shall respectively have paid the same; and the said company shall be authorized to charge the same rates of toll as are now authorized to be charged by the Doylestown and Willow Grove turnpike road company, by act of fourteenth February, one thousand eight hundred and thirty-eight, and the supplement thereto, passed the twelfth of April, one thousand eight hundred and forty-three: 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 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 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, said company shall be responsible. *Toll-gatherers.* *Tolls.* *Penalty for practising fraudulent means.*

SECTION 12. All carriages to be drawn by oxen in the whole, or partly by oxen and partly by horses, two oxen shall be estimated as equal to one horse in charging the tolls herein authorized, and every mule as equal to one horse. *Rates of oxen.*

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 *Repair.*

Proceedings in
case road is out
of repair.

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 the time and place 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 such 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 turnpikes or gates, between which such defective places 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 put in 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 justice shall certify and send a copy of the inquisition aforesaid, to the justices of said court; and the said justices shall thereupon cause process to issue, and bring the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of said road as shall be found so 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 neglects, 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.

Penalty for
avoiding pay-
ment of tolls.

SECTION 14. If any person or persons whosoever, owning, riding in or driving any coach, cart, wagon, 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 gate or bars along, or over any private gate or bars, or along or over any private passage way or other grounds near to, or adjoining any turnpike or gate erected in pursuance of this act, with an intent to defraud the company, and avoid the payment of the tolls or duty for passing through any such gate or turnpike, every person so offending shall, for every such offence, forfeit and pay to the president and managers and company of the Danborough and Plumsteadville 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.

Proviso.

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, or from the subscribers to the said undertaking, on account of the several subscriptions, and for 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 completed, 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 said company shall be nearly expended, it shall be found that said capital stock will be insufficient to complete 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 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: the said president, managers and company shall also keep a just and true account of all and every the moneys received by their several and respective collectors of tolls, at the gate or gates or turnpikes on said road; and shall make and declare a dividend of 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 Saturday in December and 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.

Accounts.

Increase number of shares.

Dividend.

SECTION 17. The said company shall cause mile stones to be placed on the side of said road, whereon shall be marked in legible characters, the respective number of miles which each stone is distant from the commencement of said road; and at every gate or turnpike by them to be fixed on 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 other conspicuous place, for the information of travelers and others using 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 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.

Erect mile stones

Traveling regulated.

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 said road in the passing direction, leaving the other side of said road 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 as will sue for the same, to be recovered with costs before any justice, in like manner as debts of like amount are by law recoverable; and no wagoner or driver of carriage 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 said company, and the other half to the use of the informer.

Commencement
and completion of
road.

SECTION 19. If the said company shall not proceed to carry on the said work within the space of five 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 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.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 127.

AN ACT

Providing for the election of constable, assessor and judges and inspectors of the general election in the borough of Pottstown, in Montgomery county.

Elect election
officers.

Assessor and
constable.

Election, how to
be conducted.

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 from and after the passage of this act, the qualified citizens of each ward in the borough of Pottstown, shall elect at the time and place fixed by existing laws, two inspectors for each ward, and shall also elect one person to serve as judge of the election for each ward, to perform the duties enjoined by the acts of assembly relating to elections; and at the same time the qualified citizens of said wards shall jointly choose one person for assessor, and two persons, one of whom shall be appointed constable thereof, in the manner now provided by law; and the commissioners of the county, and the town council of the borough of Pottstown, shall appoint a collector of taxes for the said borough of Pottstown, in the manner provided by law.

SECTION 2. That at the election for constable, assessor, and officers of elections first held after the passage of this act, the elections shall be