

“An act to erect certain parts of Allegheny, Westmoreland, Washington and Lycoming counties, into separate counties,” passed the twelfth day of March, one thousand eight hundred,⁽²⁾ as authorizes the commissioners therein named, to be trustees for the said county of Mercer, be, and the same is hereby repealed and made void.

Approved March 24, 1803. Recorded L. B. No. 9, p. 23.

Note (¹). Chapter 2296; *Supra*, this volume, p. 146.

Note (²). Chapter 2130; 16 Statutes at Large, p. 454.

CHAPTER MMCCCLV.

AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY TO MAKE AN ARTIFICIAL ROAD FROM THE RISING SUN TAVERN, THROUGH SHOEMAKERSTOWN, TO THE RED LION ON THE OLD YORK ROAD.

Section I. (Section I, P. L.) 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 Lollar, Joshua Tyson, John Shoemaker, junior, John Barclay, John Inskeep, John Hart, (druggist) George Rex, Daniel deBeneville and Richard T. Leech, be, and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned; that is to say, they shall on or before the first day of May next, procure two books, and in each of them enter as follows: “We whose names are hereto subscribed, do promise to pay to the president, managers and company of the Cheltenham and Willow Grove turnpike road, the sum of one hundred dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions as shall be determined by the said president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled “An act to enable the governor of this commonwealth to incorporate a company for making an artificial road from the Rising Sun tavern, through Shoemakerstown, to the Red Lion on the old York road,” witness our hands, the _____ day of _____, in the year of our Lord, one thousand eight hundred and three;” and shall give

notice in three of the public newspapers in the city of Philadelphia, for one month at least, of the times when, and places where, the said books will be open to receive subscriptions of stock for the said company, at which times and places three of the said commissioners shall attend, and shall permit and suffer all persons who shall offer to subscribe in the said books, which shall be kept open for the purpose, at least four hours in every juridical day, for the space of three days, if three days shall be necessary, and if at the expiration of the said three first days, the said books shall not have five hundred shares therein subscribed, the said commissioners may adjourn from time to time, until the said number of shares shall be subscribed; of which adjournment public notice shall be given in at least two public papers, and when the said subscriptions in the said books shall amount to the number aforesaid, the same shall 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 to the attending commissioners, fifteen dollars for every share to be subscribed, out of which shall be defrayed the expense attending the taking such subscriptions and other incidental charges, and the remainder shall be deposited in the bank of Pennsylvania for the use of such corporation, as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

Section II. (Section II, P. L.) Be it further enacted by the authority aforesaid, That when forty persons or more shall have subscribed one hundred and fifty shares or more of the said stock, the said commissioners 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 number of shares subscribed by each subscriber, to the governor of this commonwealth, whereupon he shall by letters patent under his hand and the seal of the state, create and erect the subscribers, and if the said subscription be not full at the time, then also those who shall thereafter subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title, of "The Chelten-

ham and Willow Grove turnpike company;" and by the said name, the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding the 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 shall think proper, if such enlargement shall be found necessary to fulfill the intent of this act; and of purchasing, taking and holding, to them and their successors and assigns, in fee simple, and 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 all and every other matter and thing, which a corporation or body politic may lawfully do.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the commissioners hereinbefore named, shall as soon as conveniently may be, give thirty days notice in three public newspapers in Philadelphia, one whereof shall be in the German language, of the time and place by them appointed, for the said subscribers to meet in order to organize the said corporation, and to choose by a majority of votes, of the said subscribers by ballot, to be delivered in person or by proxy duly authorized, one president, twelve managers, one treasurer, and such other officers as shall be deemed necessary to conduct the business of the said company, until the second Monday in November next, and until like officers shall be chosen; and may make such by-laws, rules, orders and regulations, as do not contravene the constitution and laws of this commonwealth, and may be necessary for the well governing the affairs of the said company. Provided always, that no person shall have more than five votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under the said number.

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

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the president and managers first chosen as aforesaid, shall procure certificates for all the shares of the 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, he paying fifteen dollars for each share; which certificate shall be transferable at his pleasure, in person or by attorney duly authorized, in the presence of the president or treasurer, subject however to all payments due and to grow due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the purpose, shall be a member of the corporation, and for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock, and of all the estate and emoluments of the company, and to vote as aforesaid at the meetings thereof.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, 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 transactions fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such sur-

veyors, 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; to draw on the bank of Pennsylvania, for all moneys which shall have been so aforesaid deposited, necessary to pay the salaries or wages of persons by them employed and for the materials. Provided such drafts shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their treasurer; and generally to do all such other acts, matters and things, as by this act, or by the by-laws, rules, orders and regulations of the company, they shall be authorized to do.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if after thirty days notice in three of the public newspapers, printed in the city of Philadelphia, 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 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 after the rate of five per centum 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 penalties 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.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said road shall be made in, over and upon, the bed of the present road; beginning at the new Rising Sun tavern on the Germantown road; thence extending by John Shoemaker's mill to the Red Lion tavern near the fourteen mile stone. Provided always, that no surveyor, superintendent, artist or other person or persons employed by the said company, to lay out the said road,

shall enter upon, or go through any land or lands belonging to any person or persons, without first obtaining permission of the owner or owners thereof.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company, shall cause a road to be laid out of not less than fifty, nor more than sixty feet in width, in such manner as that the present buildings on said road be not injured; and at least twenty-four 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; and the said road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm and as near as the materials will admit of, an even surface, and so nearly level in its progress, as that it shall in no place rise or fall more than will form an angle of four degrees with an horizontal line; and shall forever hereafter maintain and keep the same in good and perfect order, from the Rising Sun tavern, to the Red Lion tavern on the old York road; and the said president, managers and company, shall have power to erect permanent bridges over all the waters crossing the said road.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That so soon as the said president, managers and company, shall have perfected the said road, from the Rising Sun tavern the distance of two and a half miles, and also when they shall have completed the next succeeding five miles, likewise when the remainder shall be finished, they shall give notice thereof to the governor of the commonwealth, who shall thereupon forthwith nominate and appoint three disinterested persons, to view and examine the same, and report to him in writing whether the said road is so far executed in a masterly and workmanlike manner, according to the true intent and meaning of this act; and if their report shall in either case be in the affirmative, then the governor shall by license under his hand and the lesser seal of this commonwealth, permit and suffer the said president, managers and company, to erect and fix so many gates or turn-

piques 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 the payment of tolls in going to and returning therefrom.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, 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 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, sleigh, sled or any other carriage of burden or pleasure from passing through the said turnpikes, until they shall respectively have paid the same; that is to say, for every five miles in length of the said road completed and licensed as aforesaid, the following sums of money, and so in proportion for any lesser distance or for any greater or lesser number of sheep, hogs or cattle: 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, 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 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; for every cart or wagon whose wheels shall not exceed seven inches, three cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than

seven inches, and not more than ten inches, or being of the breadth of seven inches, shall roll more than ten inches, two cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than ten inches, and not exceeding twelve inches, or being ten inches shall roll more than fifteen inches, one cent for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than twelve inches, one cent for every horse drawing the same; and if any person or persons shall represent to the said company, or any of their officers, that he, she or they have traveled a less distance than he, she or they have actually traveled along the said road, with intent to defraud the 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 sixteen 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 gatherers shall forfeit and pay the sum of twenty dollars for every such offence, to the use of the poor of the township in which the forfeiture is incurred, and for the payment of which the said company shall be responsible.

Section XII. (Section XII, P. L.) And be it further enacted by the authority aforesaid, That no wagon or other carriage with four wheels, the breadth of which wheels shall not be four inches, shall be drawn along the said road, between the first day of November, and the first day of May following in any year, with a greater weight thereon than two and a half tons, or with more than three tons the residue of the year; that no such carriage, the breadth of whose wheels shall not be seven inches, or being six inches or more, shall not roll at least ten inches, shall be drawn along the said road between the first days of November and May, with more than three and a half tons, or with more than four tons during the residue of the year; that no such carriage, the breadth of whose wheels

shall not be ten inches or more, or being less, shall not roll at least twelve inches, shall be drawn along the said road between the first days of November and May, with more than five tons, or with more than five and a half tons during the residue of the year; that no cart or other carriage with two wheels, the breadth of which shall not be four inches, shall be drawn along the said road with a greater weight thereon than one and a quarter tons, between the said first days of November and May, or with more than one and a half tons during the residue of the year; that no such carriage whose wheels shall not be the breadth of seven inches, shall be drawn along the said road with more than two and a half tons, between the first days of November and May, or with more than three tons during the residue of the year; that no such carriage, whose wheels shall not be of the breadth of ten inches, shall be drawn along the said road between the first days of November and May, with more than three and a half tons, or with more than four tons during the residue of the year; that no greater weight than seven tons shall be drawn along the said road in any carriage whatever, between the said first days of November and May, nor more than eight tons during the residue of the year; that if any cart, wagon or carriage of burden whatsoever, shall be drawn along the said road with a greater weight than is hereby allowed, the owner or owners of such carriage, shall forfeit and pay four times the customary toll to the use of the company. Provided always, that it shall and may be lawful for the said company by their by-laws, to alter any or all of the regulations herein contained, respecting the burdens on carriages to be drawn over the said road, and to substitute other regulations, if upon experience such alterations shall be found conducive to the public good. Provided always, that such regulations shall not lessen the burdens of carriages above described.

Section XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That 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.

Section XIV. (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That if the said company shall neglect to keep the said road in good and perfect order for the space of five 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 the said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto within the said county; and the said justice shall at such time and place on the oaths or affirmations of the said persons, enquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid, 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 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 justices shall certify and send a copy of the inquisition aforesaid to the justices of the said court, and the said justices shall thereupon cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company with the care and superintendance 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 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 highways of the township wherein the offense was committed, to be applied to repairing the public roads within such township.

Section XV. (Section XV, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons whomsoever, owning, riding in, or driving any sulkey, chair or chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriage of burden or pleasure, riding or leading any horse, mare or gelding, or driving any hogs, sheep or other 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 or gelding or other cattle, from any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriage of burden or pleasure; or practise any other fraudulent means of device, with the intent that the payment of any such toll or duty may be evaded or lessened, all, and every person or persons in all or every or any of the ways or manners aforesaid offending, shall for every such offence respectively forfeit and pay to the president, managers and company of the Cheltenham and Willow Grove 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 may be sued for and recovered. Provided

always, 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 prosecutors, then and in such case, the person or persons prosecuted as aforesaid, shall receive from the company, the sum of ten dollars in lieu of damages arising from delay and a vexatious prosecution, recoverable as other fines under this act.

Section XVI. (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That 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 delay in the payment thereof, and of the amount of the profits on the shares which may be forfeited as aforesaid, and also all moneys by them expended in the prosecution of their said work, and shall once at least in every year, submit such accounts to a general meeting of the stockholders until the said road shall be complete, and until all the 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 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, or as shall be provided by their by-laws.

Section XVII. (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers, and company, shall also keep a just and true ac-

count of all and every of the moneys received by 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 and income thereof, all contingent costs and charges being first deducted, among all the subscribers to the said company's stock; and shall on the first Monday in November and May in every year, publish the half yearly dividend made of the said clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Section XVIII. (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall at the end of every year from the date of the incorporation, until the whole road shall be completed, lay before the general assembly of this commonwealth, an abstract of their accounts, showing the whole amount of capital expended in prosecution of the said work, and of the income and profits arising from the said tolls for and during the said respective periods, together with an exact account of the costs and charges of keeping the said road in repair, and all other contingent costs and charges to the end that the clear annual income and profits thereof may be ascertained and known; and if at the end of two years after the said road shall be completed from the beginning to the end thereof, it shall appear from the average profits at the end of the said two years, that the said clear income and profits thereof will not bear a dividend of six per centum per annum, on the whole capital stock of the said company so expended, then it shall and may be lawful for the said president, managers and company, to increase the tolls hereinbefore allowed, so much upon each and every allowance thereof, as will raise the dividend up to six per centum per annum; and at the end of every year after the said road shall be completed, they shall render unto the general assembly a like abstract of their accounts; and if at any time the said clear income and profits thereof shall exceed a dividend of nine per centum per annum, the surplus above that amount when sufficient shall arise, shall be appro-

priated by the said president and managers to the purchase of such share or shares of the said stock, as the money arising from the said surplus as aforesaid will be found adequate to purchase, until all the said shares shall be so purchased; and the said subscribers shall determine by lot from time to time, whose share or shares shall be paid off by the money arising as aforesaid, for which shares the said company shall pay the sums which were originally paid for each respective share; and when the whole number of shares shall be purchased as aforesaid, then the said road shall be free and no toll whatever shall be exacted.

Section XIX. (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That the said company shall cause posts to be erected and continued, at the intersection of every public road falling into and leading out of the said turnpike road, with a board and index hand pointing to the direction of such road, on both sides whereof shall be inscribed in legible characters the name of the town, village or place to which such road leads, and the distance thereof in computed miles.

Section XX. (Section XX, P. L.) And be it further enacted by the authority aforesaid, That the said company shall cause milestones to be placed on the side of the said road, beginning at the distance of one mile from the said new Rising Sun tavern, and extending thence to the termination of the turnpike aforesaid; whereon shall be marked in plain legible characters, the respective number of miles which each stone is distant from the said tavern; and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from the said tavern and the distance from the nearest gates or turnpikes in each direction, to be marked in legible characters, designating the number of miles and fractions of a mile on the said gates or some other conspicuous place, for the information of travelers and others using the said road; and if any person shall wilfully destroy the said posts, boards, index hands or milestones, or deface the same, or deface the directions made on the said gates or other conspicuous places as aforesaid, or shall without permission of the acting superin-

tendent 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 creditable and disinterested witness or witnesses, before any 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 under five pounds 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 said company.

Section XXI. (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That all wagoners and drivers of carriages of all kinds, whether of burden or pleasure using the said road, shall except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road, in the passing direction, leaving the other side of the 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 and will sue for the same, to be recovered with costs before any justice, in the same manner as debts under forty shillings are by law recovered.

Section XXII. (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That if the company shall not proceed to carry on the said work within two years after the passing of this act, or shall not within seven 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, privileges and franchises hereby granted to the company shall revert to this commonwealth.

Section XXIII. (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That if the legislature should at any time after the year one thousand eight hundred and twenty-five, think proper to take possession of the said road, three persons shall be appointed by the governor, and three by the judges of the supreme court, who are hereby

required to appoint the same, who or any six or more of them not having any interest in the said road, shall proceed to examine and estimate the value of the property which the said company have therein, and certify the amount thereof to the governor of this commonwealth, who shall cause the same to be laid before the legislature at their next session; and whenever the amount so certified shall be paid by the state to said company their right to take toll on the said road, together with all their right, title, claim and interest therein, shall cease and determine.

Approved March 24, 1803. Recorded L. B. No. 9, p. 26.

CHAPTER MMCCCLVI.

AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR MAKING AN ARTIFICIAL ROAD FROM THE INTERSECTION OF FRONT STREET AND THE GERMANTOWN ROAD, IN THE NORTHERN LIBERTIES OF THE CITY OF PHILADELPHIA, THROUGH FRANKFORD AND BRISTOL, TO THE FERRY AT MORRISVILLE, ON THE RIVER DELAWARE.

Section I. (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, an it is hereby enacted by the authority of the same, That Joseph Clunn, John M'Elroy, Derick Peterson, Isaac Worrell, Nathan Harper, James C. Fisher, and Richard Gernon, be, and they are hereby appointed commissioners to do and perform the several duties herein-after mentioned; that is to say, they shall on or before the first day of May next, procure two books, and in each of them enter as follows: "We whose names are hereto subscribed, do promise to pay to the president, managers and company of the Frankford and Bristol turnpike road company, the sum of one hundred dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions as shall be determined by the said president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled "An act to enable the gov-