

Penalty on failure.

After the year 1845 the said road may be declared free.

How the value thereof shall be ascertained.

Proceedings to be laid before the legislature.

Governor to transmit a copy of this act to the governor of Maryland.

Commissioners.

of those cases it shall and may be lawful for the legislatures of the commonwealth of Pennsylvania, and of the state of Maryland, respectively, to resume all and singular the rights, liberties, privileges and franchises by this act granted to the said company.

SECT. XXV. *And be it further enacted by the authority aforesaid,* That if the legislature of Pennsylvania or Maryland, should, at any time after the year one thousand eight hundred and forty-five, think proper to take possession of the said road for the purpose of declaring it a free road, three persons shall be appointed by the governor of Pennsylvania, three by the governor of Maryland, and six by the president and managers of the said company, who or any seven 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 within each state to the governors respectively, who shall cause the same to be laid before the legislature at their next session, and whenever the amount so certified shall be by law paid to the said company and not till then, their right to take toll on the said road, together with all their right, title, claim and interest therein shall cease and determine.

SECT. XXVI. *And be it further enacted by the authority aforesaid,* That the governor of this commonwealth be, and he is hereby required to cause a certified copy of this act to be transmitted to the governor of the state of Maryland, with a request that he will lay the same before the legislature of that state during their present session.

ROBERT SMITH, *Speaker of the House of Representatives.*

P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-second day of December, one thousand eight hundred and thirteen.

SIMON SNYDER.

CHAPTER V.

An ACT to enable the Governor to incorporate a company for making an artificial road, beginning at the intersection of the Egypt road with the Ridge turnpike road, two miles above Norristown, in the county of Montgomery, and thence to Pawling's ford bridge over the river Schuylkill.

SECT. I. *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 Samuel Wetherill, junior, Levi Pawling, Isaac Markley, John Shannon, of Norriton, Joseph Crawford, John Francis and Hen-

ry Highly, 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 day of May next, procure two or more books, and in each of them enter as follows :

To procure books, &c.

“ We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Egypt turnpike road company, the sum of fifty dollars for every share of stock in said company set opposite to our respective names, in such manner and proportion and at such times as shall be determined by the board of managers of the said company, in pursuance of an act of the general assembly, entitled, “ an act to enable the governor to incorporate a company for making an artificial road, beginning at the intersection of the Egypt road with the Ridge turnpike road, two miles above Norristown, in the county of Montgomery, and thence to Pawling’s ford bridge, over the river Schuylkill.” Witness our hands, the _____ day of _____

Amount of shares, &c.

in the year of our Lord one thousand eight hundred and _____,

Notice to be given of the time and place of opening the books.

and shall thereupon give notice in such of the public newspapers as they shall think proper, respectively, for four weeks at least, of the time and place when and where the said books shall be open to receive subscriptions for stock of the said company; at which respective times and places one or more of the said commissioners shall attend and permit and suffer all persons of lawful age who shall offer to subscribe in the said books in their own name or in the name of any other person who shall duly authorize the same, for any number of shares in the 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 six days, and if at the end of six days, as aforesaid the said subscription shall not amount to four hundred and fifty shares, the said commissioners may adjourn from time to time, until the said books so opened shall have four hundred and fifty shares therein subscribed, of which adjournment, the commissioners aforesaid, shall give such public notice as the occasion may require, and when the whole number of shares subscribed in all the said books shall amount to four hundred and fifty, the same shall be closed : *provided*, that every person offering to subscribe in the said books in his own name or in any other name shall previously pay to the attending commissioners the sum of five dollars, for every share by him to be subscribed, out of which shall be defrayed the expenses attending the 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 and the officers chosen as hereinafter mentioned.

One or more commissioners to attend, &c.

Book to be kept open six hours in every juridical day, &c.

Commissioners may adjourn from time to time.

When the books should be closed.

Proviso.

SECT. II. *And be it further enacted by the authority aforesaid,* That when thirty or more persons shall have subscribed one hun-

The commission-

ers to certify to the governor, the names of the subscribers and number of shares subscribed.

Governor to create and erect the subscribers into a body politic.

Style and title.

Privileges.

dred and fifty shares of the said stock, the 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, and thereupon it shall and may be lawful for the governor by letters patent under his hand and the seal of the state, to create and erect the subscribers, and if the said 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 Egypt Turnpike road 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 their said capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions in such manner and form as they 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 and their successors and assigns, and of selling, transferring and conveying in fee simple or for any lesser estate all such lands, tenements, hereditaments and estates real and personal as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every matter and thing which a corporation or body politic may lawfully do.

Commissioners to give notice.

Subscribers to proceed to organize the corporation.

No person to have more than five votes at any election.

Route of the road.

SECT. III. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid, as soon as conveniently may be, after said letters patent shall be sealed and obtained, shall give notice in such of the public newspapers as they shall think proper, of the time and place by them appointed, not less than fifteen days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers, by ballot, to be delivered in person or by proxy duly authorized, one president, eight managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until other such officers shall be chosen, and shall and may make such by-laws, rules, orders, and regulations, not inconsistent with the constitution and laws of the United States, or of this state, as shall be necessary for the well ordering the affairs of said company: *provided always,* that no person shall have more than five votes at any election, or on determining any question arising at such meeting, whatever number of shares he or she may be entitled to, and that each person shall be entitled to one vote for every share by him or her held under the said number.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the route or track of the said road shall be laid out as near as may be consistent with economy and utility, along, over and

upon the bed of the present road, beginning at the intersection of the aforesaid Egypt road and the ridge road turnpike, at the house now occupied by Isaac Markley, sign of Jefferson, in Norriton township, thence to the house now occupied by Andrew Jack, sign of the White Horse, in Lower Providence, and from thence to Pawling's ford bridge in the county of Montgomery, so as not to injure the present buildings on said road; *provided*, Proviso. that nothing herein contained shall be so taken to authorize the said company, their officers or agents to enter on any lands, tenements or enclosures without the bounds of the present road, belonging to any person or persons, without the consent of such person or persons being first had and obtained, except so far as is necessary to make the said road of the width hereinafter specified.

SECT. V. *And be it further enacted by the authority aforesaid,* That the said company shall meet on the second Monday in January next following the organization, and on the second Monday in January in every year thereafter, at such place as shall be fixed by their by-laws, for the purpose of choosing 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 as aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform any other corporate act. Time of meeting. Power to alter or repeal by-laws.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the company shall erect permanent bridges over all the waters crossed by the route or track of said road, wherever it shall be found necessary, and shall cause a road to be laid out and opened not less than forty feet nor more than fifty in width, and shall cause at least twenty-four feet thereof in breadth, to be made an artificial road, which shall be bedded with stone, gravel or other proper and convenient materials well compacted together, a sufficient depth to secure a solid foundation for the same, and the said artificial road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm, and as nearly as the nature of the country and the materials will admit an even surface, rising towards the middle by a gradual arch, and so nearly level in its progress as not to rise or fall more than four degrees from a horizontal line, with a good and sufficient summer road at the side thereof, at such places as will admit of the same, and shall forever hereafter maintain and keep the same in perfect order and repair. Company to erect permanent bridges, &c. Width of the road. How to be faced. Road not to rise or fall more than 4 degrees from a horizontal line, &c.

SECT. VII. *And be it further enacted by the authority aforesaid,* That so soon as the company shall have perfected the one half of the said road they shall give notice thereof to the governor, who shall thereupon forthwith nominate and appoint three disinter- When viewers shall be appointed.

Gates to be erected.

Rates of toll, &c.

Proviso.

Proviso.

Proviso.

ested and judicious persons to view and examine the same, and report to him whether the 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 the lesser seal of the commonwealth permit and suffer the president, managers and company to erect and fix one gate or turnpike upon and across the said road, and receive one half the toll hereinafter granted to said company, from all persons travelling in the same with horses, cattle, carts and other carriages, and when the whole distance or road is completed in the manner beforementioned, they shall have liberty to fix such and so many gates or turnpikes, upon and across the said road, as will be necessary to collect the tolls and duties hereinafter granted, and to stop and detain any person or persons riding, leading or driving any horse, sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled, or other carriage of burthen or pleasure, or driving any cattle, from passing through the said gates or turnpikes until they shall respectively have paid the same: *that is to say*, four cents for every horse with a rider, leader, or carrying or hauling a burden, or drawing a sleigh or sled, for the whole distance of the said road, eight cents for every horse hauling a pleasurable carriage, for the carriage of persons for the whole distance as aforesaid, for every score of horned cattle ten cents, and every score of sheep or swine five cents, for the whole distance aforesaid, and so in proportion for any lesser distance in any of the aforesaid tolls or duties: *provided*, that all carriages whose wheels shall be four and a half inches in width shall be permitted to pass at half the aforesaid toll: *provided*, that for all fractional parts of toll not equal in value to any denomination of coin in circulation, the said company may take the next highest circulating denomination, and shall have all powers, authorities and privileges not herein before enumerated, and shall be subject to all the duties, qualifications, restrictions, penalties, fines, and forfeitures, which are given and granted to the Ridge Turnpike Company: *Provided further*, That if the said company shall not proceed to carry on the said work in 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 these cases all and singular the rights, liberties and franchises hereby granted to the said company shall revert to this commonwealth.

ROBERT SMITH, *Speaker*
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the fifteenth day of January, one thousand eight hundred and fourteen.

SIMON SNYDER.