

get, except what relates to the appointments made by the town council, he, she or they may appeal to the next court of common pleas, to be held for the said county, upon giving security, according to law, to prosecute his, her or their appeal with effect, and the said court, having taken such order thereon as shall seem just and reasonable, the same shall be conclusive.

WM. PATTERSON,

Speaker of the House of Representatives.

JACOB KERN,

Speaker of the Senate.

APPROVED—The fourteenth day of April, Anno Domini, eighteen hundred and thirty-four.

GEO WOLF.

No. 161.

AN ACT

Authorizing the Governor to incorporate the Bridgeport and Flat Rock Turnpike Road Company, in Montgomery 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 William Crawford, Thomas Kittera, Robert T. Potts, William Yocum, Davis Henderson, Morris McClenachan, Bethel Moore, Samuel Young, John Supplee, Philip S. Markley, James Anderson, Evin Jones, L. Merion, William Holstain, Andrew Shainfine, George Holstain and Mordecia R. Moore, *Commissioners.* 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 June next, procure one or more books, and enter therein as follows: "We whose names are hereunto subscribed, promise to pay to the Bridgeport and Flat Rock turnpike road company, forty dollars for each and every share of stock set opposite to our respective names, in such manner and in such proportions as shall be determined by the president and managers of said company, in pursuance of an act of the General Assembly, entitled "An act authorizing the Governor to incorporate the Bridgeport and Flat Rock turnpike road company," and they shall give notice, in at least two newspapers printed in the borough of Norristown, and one newspaper printed in the city of Philadelphia, three successive weeks, of the time and place or places when and where the said books will be opened to receive subscriptions for the stock of the said company, at which time and place or places some one of the

Commissioners.

Form of subscription.

Notice of the opening of the books.

Proviso.

**\$1 to be paid
on each share
at time of
subscribing.**

**When 800
shares are
subscribed,
com'rs shall
certify to
Gov.**

**Style of
corporation.**

**Capacities &
privileges.**

**Election of
officers, &c.**

said commissioners shall attend, and shall permit all persons of lawful age to subscribe, either in their own names or in the name of any other person by whom they may be authorized, for any number of shares in the stock of the said company; and the said book or books may be kept open until the said books shall have sixteen hundred shares of stock subscribed therein: *Provided*, That every person offering to subscribe in the said books, in his own name or in the name of any other person, shall, before he shall be permitted to subscribe, pay to the attending commissioners the sum of one dollar for each and every share of stock to be by him 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, by such instalments and at such times as the president and managers of said company shall direct.

SECTION 2. When fifty or more persons shall have subscribed eight hundred or more shares of said stock, the commissioners aforesaid, or a majority of them, 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 seal of the State, to create and erect the subscribers, and such as may thereafter subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of the "Bridgeport and Flat Rock turnpike road company," and by the said name such 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, 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 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 said commissioners or any three of them as soon as conveniently may be, after said letters patent shall be obtained, shall give notice in two newspapers printed in Norristown of the time and place by them to be appointed, not less than ten days from the publication of the first notice for the organization of the said company, at which time and place the subscribers shall elect by a majority of the votes of said subscribers, one president, four managers, and one treasurer, and such other officers as they shall think necessary to conduct the affairs of said company until the first Monday in March then

next ensuing, on which day annually thereafter the said company shall hold their election for officers, and the said company, when organized, shall have power to make by-laws, rules 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 the said company; and also, to procure and have a common seal, and the same to alter and renew as often the said company shall think proper: *Provided, That* ^{Proviso.} in all elections of the said company the votes shall be by ballot, to be delivered in person or by proxy duly authorized; but no person shall have more than ten votes at any election for officers, or in determining any question that may arise at any meeting of the said company, 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 that number.

SECTION 4. The president and managers, three of whom for all purposes shall be a quorum, shall have full power and authority to appoint, agree or contract with such engineers, superintendents, artists, laborers or other persons as they may think necessary to make and construct a good, artificial or turnpike road from Bridgeport in the county of Montgomery on the western side of the river Schuylkill, passing Matson's ford and Spring mill to Flat Rock, so as to intersect the Manayunk and Flat Rock turnpike road, following the road now laid out and open along the western bank of the river Schuylkill, as near as the nature of the ground and the interest of the public will permit, and to fix, determine, and direct the times, manner ^{Construction of the road.} and proportions in which the stockholders shall pay the amount of their respective shares, in order to carry on their work, and to draw orders on the treasurer for all debts due from the company, which orders shall be signed by the president, or in his absence by a quorum of the managers and attested by the secretary; and after the completion of the said road, the president and managers are hereby authorized and empowered to erect, not exceeding three toll gates on the said road, and to collect ^{Payment of stock.} from all persons travelling the said road otherwise than on foot, and all persons going to and returning from funerals, going to and returning from religious meetings on Sundays and military trainings the tolls hereafter established or fixed; and also, may agree with individuals for the use of said road by the year in lieu of toll; and the said president and managers shall keep minutes of their proceedings, fairly entered in a book, to be kept for that purpose, and shall keep fair and just accounts of the monies by them received either as toll or otherwise, and of the moneys by them expended, and shall at least once in every year make and declare a dividend of the clear profits, after all contingent costs and charges first paid; and shall also, on the first Monday in March in each year exhibit to the stockholders a particular statement of the receipts and expenditures upon the road during the preceding year; and the said president and ma-

To collect tolls.

nagers shall also have power and authority to make and establish regulations as to the breadth of wheels of carriages conveying heavy burthens on said road, and to increase the tolls on heavy burthens in the same manner as the "Ridge turnpike company" are empowered to regulate and increase their tolls, and in all cases to collect and receive such tolls and rates as are allowed and declared lawful for the "Ridge turnpike company," to receive and collect by the act incorporating the same, passed the thirtieth of March, one thousand eight hundred and eleven: *Provided*, That such tolls shall in no case exceed eight per cent. per annum upon the amount invested.

Proviso.

Penalty on non-payment of stock.

SECTION 5. If after fifteen days personal notice, or thirty days notice in two newspapers printed in Norristown, and one newspaper in the city of Philadelphia, of the time and place appointed for the payment of any proportion or instalment of the capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment 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 instalments so called for, pay after the rate of one 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 penalties shall become equal to the sums before in part paid on account of such shares, the same may be declared to be forfeited to the company, and may be sold to any person who will purchase the same for such price as can be obtained therefor, or the said company may at their election bring a suit for the recovery of the said instalments with the accumulated penalties, and recover the same in the manner in which debts of a like amount are recoverable by law.

Power to widen road

SECTION 6. The said president, managers and company, shall have the privilege of opening and widening said road to any width they may think necessary not exceeding fifty feet nor less than thirty-three feet, and shall cause at least twenty-one feet of said width to be made an artificial road of stone, gravel, or other proper materials, such as the nature of the ground may require and will admit of, which stone or gravel shall be of sufficient depth to secure a solid foundation to the same, and shall be so broken and compacted together as to make a good and firm road, and the said road shall be so graded as that in its progress it shall in no place rise or fall more than will form an angle of three degrees with a horizontal line, and shall forever thereafter keep the same in good and perfect order and repair.

Penalties in certain cases.

SECTION 7. For every attempt to evade the payment of the toll, and for every neglect to keep the said road in good repair, and for injuring the gates or other property of the said company; for the regulation of the travelling on the said road, and for the limitations of actions, and for the recovery and application of fines and penalties for offences, the said company shall

have all the powers, rights or privileges, and be subject to the like penalties, which are given and granted by the act incorporating the "Ridge turnpike company," passed the thirtieth day of March, one thousand eight hundred and eleven.

SECTION 8. If the said company do not commence making the said road within three years, and complete it within six years after the passing of this act, then the same shall be void; *Provided*, That the said turnpike road shall not be constructed on the land or property of the Schuylkill Navigation company, nor so as to do any damage or injury, or in any manner to obstruct the works of the said navigation company. Time of commencing, finishing, &c. Proviso.

WM. PATTERSON,
Speaker of the House of Representatives.

JACOB KERN,
Speaker of the Senate.

APPROVED—The fourteenth day of April, Anno Domini, eighteen hundred and thirty-four.

GEO: WOLF.

No. 162.

AN ACT

To authorize the Governor to incorporate a company for making a turnpike road from Brown's mills, in Mifflin county, through Sankey's Gap, to Alexandria, 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 John Porter, of Alexandria, John Scott, James Milliken, Henry Stoner, Robert Milliken, John Norris, John Love, James Watson, Robert Cummins, Capt. John Stewart and George Jackson, 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 June next, procure two books and in each of them enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Brown's mills and Alexandria turnpike road company, the sum of twenty-five dollars for every share of stock in said company 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 authorize the Gov. Commiss'rs appointed. Form of subscription.