

No. 90.

AN ACT

Authorizing the Governor to incorporate the Matson's Ford 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 James Wells, Aaron Lukins, David Harry, William Davis, Cristopher M. Hocker, Daniel H. Dager, Henry Potts, and Harman Yerkes, 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 of May next, procure one or more books, and enter therein as follows: "We, whose names are hereunto subscribed, promise to pay to the Matson's Ford turnpike road company fifty 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 to an act of the General Assembly, entitled 'An act authorizing the Governor to incorporate the Matson's Ford turnpike road company;'" and they shall give notice in at least two newspapers, printed in the borough of Norristown, 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 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 one 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.

Commissioners
appointed.

Books to be
opened.

Proviso.

SECTION 2. When ten or more persons shall have subscribed fifty 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

Commissioners
to certify to
the Governor.

may be lawful for the Governor, by letters patent, under his Letters patent hand and seal of the State, to create and erect the subscribers, &c. 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 "Matson's Ford turnpike road company;" and by the said name Style. such subscribers shall have perpetual succession and all the Capacities & privileges. 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 to 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 Election of organization of the said company, at which time and place the officers, &c. 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 of 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 as the said company shall think proper: *Provided, Proviso.* That 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, labourers or other persons, as they may think necessary to make and construct a good artificial or turnpike road, from the eastern side of the Schuylkill canal at Mat- Construction of the road.

Payment of
stock.

To collect
tolls.

Proviso.

Penalty on
non-payment
of stock.

sen's Ford, along the road dividing the townships of Plymouth and Whitemarsh, to the Ridge turnpike road, and of continuing the said artificial or turnpike road, if at any time hereafter they may see proper, along the said road dividing said townships, to the Germantown and Perkiomen turnpike, and to fix, determine and direct the times, manner 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 one or more toll gates on the said road, and establish rates of toll, and the same to alter from time to time, and to collect from all persons travelling the said road, otherwise than on foot, going to and returning from meeting or church, funerals and military trainings, the tolls so 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 moneys 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 managers 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: *Provided*, That the tolls shall be so regulated as not to divide more than eight per cent. per annum on the cost of the road, and that the said president and managers shall be authorized to collect said toll, either by suit, after demand made before any justice of the peace, in the same manner as debts of a like amount are recoverable, or otherwise as they in their discretion shall think advisable.

SECTION 5. If after fifteen days personal notice, or thirty days notice in two newspapers printed in Norristown, 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 instalment 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.

SECTION 6. As soon as the letters patent shall be obtained, as aforesaid, the supervisors of the said townships of Whitemarsh and Plymouth, or either of them may, upon the request of a majority of the taxable inhabitants of their respective townships aforesaid, subscribe for and in behalf of said townships fifty shares of the stock of said company, or for such other number of shares as a majority of the citizens aforesaid may direct, the instalments on which shares of stock, so subscribed, shall be paid by the supervisors of the said townships respectively, by a tax to be assessed in the same manner as road tax is by law assessed, which stock shall be held by the said supervisors and their successors, for the use of the said townships respectively. *Provided*, That the supervisors of the said townships, may at their discretion, borrow a portion of the money to pay the instalments on the stock, so subscribed, and give certificates for the same, bearing legal interest, and payable at any time, not exceeding four years, which certificates shall be binding upon their successors in office.

Supervisors
of White-
marsh and
Plymouth tps.
to subscribe
to the stock,
&c.

SECTION 7. 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 forty-four feet, and shall cause at least twenty 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 five degrees with a horizontal line, and shall forever, hereafter, keep the same in good and perfect order and repair.

Width of
road, &c.

SECTION 8. 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 of March, one thousand, eight hundred and eleven.

Penalties in
certain cases,
&c.

Time of commencing, finishing, &c. SECTION 9. If the said company do not commence making the said road within two years, and complete it within four years after the passing of this act, then the same shall be void.

WM. PATTERSON,
Speaker of the House of Representatives.

THO'S. RINGLAND,
Speaker of the Senate.

APPROVED—The first day of April, one thousand, eight hundred and thirty-four.

GEO. WOLF,

No. 91.

AN ACT

Vesting the Commissioners of the Township of Moyamensing with additional Powers.

Fees of police officers. 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 police officer or officers, appointed by the commissioners of the said township, shall during the time of his or their appointment, be vested with the like powers, and entitled to all the privileges, emoluments, and fees to which the constables of the said township are at this time, or hereafter may be by law entitled.

Commissioner's may borrow \$10,000. SECTION 2. The said commissioners are hereby authorized, and invested with full power, to borrow upon the faith of the corporation the sum of ten thousand dollars, to enable them to complete the town hall now building.

Streets and alleys. SECTION 3. No street, road, lane, court, or alley shall be hereafter laid out, or opened by the public, or by individuals for public use of a less width than twenty feet, and that all streets, roads, lanes, and alleys, which have been heretofore, or shall hereafter be laid out, opened, and appropriated to public use within the said township by private persons, and communicating and running from and to other public highways, shall to all intents and purposes be held, deemed, and taken to be highways as fully and completely, according to their extent, as if the same had been laid out by order of the court of quarter sessions.

Proviso.

Place of holding elections.

Provided, The same shall not be less than twenty feet in width. SECTION 4. All elections held by law, in the hall now occupied by the said commissioners, shall from and after the pass-