

shall be liable to such taxes, whether on dividends or otherwise, as the legislature may at any time hereafter impose.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The second day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER,

No. 28.

### An Act

To incorporate "The president and managers of the Kensington and Oxford 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 Samuel Anderson, Samuel Keath of the city of Philadelphia, Charles Norris, Jonathan Pickering, Christopher Rex, Thomas Roach, George M'Callmount, George Pickering, Powel Carpenter, Thomas Weaver, Samuel Baker, John Felton, John Culin, jr. William Carr, Samuel M. Linn, John D. Wentz, James Comly, Robert Whitaker, James Buckman, William Overington, William M. Carter, Philip A. Rickert, Joseph Hollowell, John F. Myers, Jacob Ridgeway, John Fulkrod, William Whitson, John B. Winder, Samuel Morton, John Helleman, Ralph Eddowes, John S. Leibert, William F. Hughes, James Varree, Amos Snyder, William Watson, John Blake, John Cockle, William Livezey, Jacob Livezey, Thomas Yerkes, Samuel Kimber, Edward Parish, Robert V. Massey, James Hart, jr. Franklin A. Comly, Mahlon Dungan, Isaac Boileau of the county of Philadelphia, James Baird, John Ryner, Jacob R. Myers, Reuben Myers, John McMullen, Israel Hollowell, Abel Hollowell, William Morison, John Walton, Jacob Shelmire, Amos Addis, John Grant of Montgomery county, John Davis, Thomas Purdy, John Hart, Richard Leedom, Christopher Search, Lemon Banes of Bucks county, be, and they are*

To procure 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 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 Kensington and Oxford turnpike road company, the sum of fifty 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 Kensington and Oxford turnpike road company." Witness our hands the            day of            in the year of our Lord, one thousand eight hundred and thirty--            and thereupon shall give notice in two or more public papers printed in the city and county of Philadelphia, for twenty days at least, of the time and places, when and where the said books shall be opened to receive subscriptions for the stock of the said company, at which time and places, one of the 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 six days, or until the said books shall have sixteen hundred shares therein subscribed. And if, at the expiration of the said six days, the books aforesaid shall not have the said number of sixteen 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 aforesaid, shall give such public notice as the occasion may require; and when the whole number of shares subscribed shall amount to sixteen hundred, the same shall be closed; *Provided always*, That every person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners, the sum of five dollars for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, 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.

**To procure two books for subscriptions**

**Shares of stock 50 dols each.**

**Notice to be given when and where subscription books are to be opened.**

**Manner of subscription.**

**Whole No. of shares 1600.**

**Proviso.**

**5 dollars to be paid on each share before subscribing.**

**SECTION 2.** When twenty persons or more, shall have subscribed eight hundred 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 of this commonwealth, whereupon, 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 if the subscription be not full at the time, then 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 Kensington and Oxford turnpike road company," and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises 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 of 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 two or more public papers printed in the city of Philadelphia, of a time and place by them to be appointed, not less than twenty 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 subscribers by ballot, to be delivered 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 the said company, until the first Monday in November next, and until such other officers be chosen, and shall and may make such by-laws, orders and regulations, not inconsistent with the constitution and laws of the United States, and of this commonwealth, as shall be necessary for the well ordering the affairs of said company; *Provided always*, That no person shall have more than ten 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 held by him under that number.

SECTION 4. The said company shall meet on the first 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

Letters pat-  
ent by the  
Governor.

Style and  
title.

Powers.

Election.

To organize.

Officers.

Proviso rela-  
tive to voting

Annual  
election.

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.

**By laws.**

**Certificates.** SECTION 5. The president and managers first to be 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 transferrable at his pleasure, in person or by attorney, in the presence of the president or treasurer, subject however, to all payments due and to become 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 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 to vote as aforesaid at the meeting thereof.

**Transferable**

**Assignments**

SECTION 6. If after thirty days notice in two 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 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 after 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 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.

**Penalty of 5 per cent. per month for delay of payment**

**Forfeiture.**

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 full 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 the

**Quorum.**

**Powers.**

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 all moneys necessary to pay the salaries or wages of persons by them employed, and for labour done, and materials provided in the prosecution of the work, which orders 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.

SECTION 8. The said road shall be made in, over and upon the bed of the present road, beginning at the place where the northern boundary line of the Kensington district crosses the Second street road, thence extending by John D. Wentz's tavern in Bristol township, to the Oxford road in the township of Oxford, Philadelphia county; *Provided*, That the said company may extend the said road, when deemed advisable by them, to a point at or near New Hope on the river Delaware; *Provided always*, That no surveyor, superintendent, artist or other person or persons employed by 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, excepting where it may be found necessary for the widening the said road.

SECTION 9. The president and managers, and company, shall cause a road to be laid out of not less than fifty feet, in such a manner as that the present buildings on said road be not injured, and at least twenty feet thereof to be made an artificial road, bedded with wood, stone or 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 a horizontal line, and shall forever after maintain and keep the same in good and perfect order, from the northern line of the Kensington district, to Oxford road aforesaid, and also to the town of New Hope, if the said road should be extended as aforesaid; and the said president and managers, and company, shall have power to erect permanent bridges over all the waters crossing the said road; *Provided*, That the said road be faced with stone, the stones shall be none of them larger in size than will pass through a circular ring of two inches in diameter.

SECTION 10. So soon as the said president, managers and

Location of the road.

Proviso.

2d Proviso.

Dimensions and materials of the road.

Grade, 4 degrees elevation.

Power to erect bridges.

When view-  
ers to be ap-  
pointed by  
the Govern-  
or.

License.

Gates and  
turnpikes.

Funerals,  
&c. exempt  
from toll.

Powers of  
toll gather-  
ers.

Tolls.

company shall have perfected the said road, from the northern limits of Kensington district, the distance of two miles, and also, when they shall have completed the remainder of the distance to the Oxford road, 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 and turpikes 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 11. 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, cochee, sulky, chair, chaise, phaeton, cart, waggon, train, 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, to wit: 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 sulky, chair or chaise, with one horse and two wheels, six cents, and with two horses nine cents; for every chariot, coach, phaeton or dearborn, with one horse and four wheels, eight 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 whatsoever 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; and for every sled two cents; for

each horse drawing the same; for every cart or wagon whose wheels shall not exceed four inches, six and a quarter cents for each horse drawing the same; and for every cart or wagon whose wheels shall exceed four inches and 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, and 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 travelled a less distance than he she or they have actually travelled 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 travelled along 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 ten 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.

\$5 fine for defrauding the company of its toll.

Penalty of \$10 if toll gatherers extort.

Company responsible.

SECTION 12. 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.

Oxen rated.

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 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, 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, inquire whether the said road, or any part thereof, is in such good and perfect order and repair, as aforesaid, and shall cause an acquisition to be made, under the hands of himself and a major

Manner of proceeding against the company when the road is in bad order.

ity 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 so put into 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 superintendence 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 supervisor of the highways of the township wherein the offence was committed, to be applied to repairing the public roads within such township.

SECTION 14. If any person or persons whosoever, 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, mule, mare or gelding, or driving any hogs, sheep, or other cattle, shall therewith pass through any private gates or bars, or along or over any private gates 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 an intent, take off, or cause to be taken off, any horse, mule, 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 or device, with the intent that the payment of any such toll or

Penalty for evading the payment of toll.

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 Kensington and Oxford 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 are by law sued for and recovered: *Provided always*, Proviso relative to vexatious prosecutions. That if any person or persons shall be prosecuted under this section of this act, and the 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.

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, and from the subscribers to the said undertaking, on account of the several subscriptions, and of all penalties for the delay of payment thereof, and of the amount of 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 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, or as shall be provided for by their by-laws. Fair accounts to be submitted annually to the stockholders. The number of shares may be increased.

SECTION 16. The said president and managers and company, shall also keep a just and true account of all and every of the moneys received by their several and respective collectors of tolls, at the several and respective gates or turnpikes on the said road, from the beginning to the end thereof, and shall make and declare a dividend, and when such dividends shall exceed twelve per cent. per annum, then one Relative to dividends.

half of the surplus exceeding twelve per cent. to be paid into the state treasury, for the benefit of the education fund, which abstract shall be verified by the oath or affirmation of the president or treasurer of said company, 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.

Mile stones.

SECTION 17. The said company shall cause mile stones to be placed on the side of the said road, beginning at the distance of one mile from the northern limits of the Kensington district, 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 commencement of the said turnpike road, and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from Philadelphia, 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 travellers and others using the 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 by the evidence of one or more credible and disinterested 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 of like amount are by law now 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.

Penalty for defacing mile stones or depositing rubbish on the road.

Wagons and others to keep on the right hand side.

Penalty.

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 the said road in the passing direction, leaving the other side of the said 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, as will sue for the same, to

be recovered with costs, before any justice, in the same manner as debts of like amount are by law now recoverable, and no wagoner, or driver of carriages 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 the said company, and the other half to the use of the informant.

SECTION 19. If the said company shall not proceed to carry on the said work within four years after the passage of this act, or shall not within eight years afterwards, complete the said road to the Oxford 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.

NER MIDDLESWARTH,  
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,  
Speaker of the Senate.

APPROVED—The fourth day of March, Anno Domini, eighteen hundred and thirty-six.

JOS: RITNER.

No. 29.

## A Supplement

To an act entitled "An act to enable John Christ to exchange certain real estate, and for other purposes," approved on the eighth day of April, one thousand eight hundred and thirty-three.

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 time specified in the first proviso of the third section of an act entitled "An act to enable John Christ to exchange certain real estate, and for other purposes," to exchange which requires that all conveyances made in pursuance of real estate