

elected in their stead, pursuant to the law, regulating said corporation, or the order of court, where there is no sufficient law providing for the same.

Alterations in 11th and 13th Judicial disc't. SECTION 15. The alterations in the eleventh and thirteenth judicial district, as provided in the fifth and sixth sections of this act, shall take place from and after the first day of April next, instead of the first day of January next, mentioned in said section.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The thirteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 141.]

A N A C T

To incorporate the President, Managers and Company of the Bustleton and Summertown 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 Franklin Comly, Israel Walton, John Fox, Josiah Walton, Jacob Snyder, Benjamin Snyder, James L. Dunn, John Vanzant, Jacob Shallcross, John Rupert, Jacob Shearer, James Carter, Jonathan Wilson, and Robert C. Green, of Philadelphia county; Franklin Vanzant, Marden Wilson, Thomas H. Buckman, Phineas Jenks, Joseph Morrison, John Eastburn, Joseph Comly, Aaron Feaster, Thomas Buckman, Lewis S. Corryell, Amos Wilkinson, John A. Mitchell, Simon V. Fenton, and Michael H. Jenks, of Bucks county; John Walton, Israel Hallowell, Christian Snyder, Amos Harris, Derrick Hogeland, William Eyre, George Woodward, William Rankin, John Smith, Richard Robb, Jorman Murray, and Thomas Warner, of Montgomery county, be and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say, they shall, on

Commis'rs.

or before the first day of July next procure two books, and in To procure
 each of them enter as follows: " We, whose names are here. books.
 unto subscribed, do promise to pay the President and Mana-
 gers of the Bustleton and Summerton Turnpike Road com-
 pany, the sum of twenty-five dollars for every share of stock
 set opposite to our respective names, in such manner and pro- Form of sub-
 portions, and at such times as shall be determined by the pre- scriptions.
 sident 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 Bustleton
 and Summerton Turnpike Road company. Witness our
 hands, the day of , in the year of our Lord,
 one thousand eight hundred and forty;" and thereupon shall
 give notice, in two public papers printed in the city of Phila-
 delphia, and one in the county of Bucks, 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 com-
 missioners shall attend, and permit and suffer all persons of Who may sub-
 lawful age, who shall offer to subscribe in said books, in their scribe.
 own names or in the names of any other persons, who shall
 duly authorize the same, for any number of shares of stock;
 and the said books shall be kept open respectively for the
 purposes aforesaid, at least six hours in every juridical day,
 for the space of five days, or until the said books shall have
 two hundred shares therein subscribed; and if at the expira-
 tion of the said five days, the books aforesaid shall not have
 the said number of two 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 num-
 ber of shares shall be subscribed, of which adjournment and
 transfer the commissioners aforesaid shall give such public no-
 tice as the occasion may require; and when the whole number of
 shares subscribed shall amount to two hundred, the same shall
 be closed: *Provided, always,* That every person offering Proviso.
 to subscribe in said book, in his own or any other name, shall
 previously pay to the attending commissioner or commission-
 ers the sum of one dollar for every share to be subscribed, out
 of which shall be defrayed such incidental charges and expen-
 ses as may be necessary for taking such subscription, and the
 remainder shall be paid to the treasurer of the corporation as
 soon as the same shall be organized, and the officers chosen as
 hereinafter mentioned.

SECTION 2. When ten persons or more shall have subscribed Letters patent
 fifty shares of the said stock, the said commissioners respec-
 tively 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 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 Bustleton and Summerton 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 by new subscription, 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 less estate, all such lands, tenements, and 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. That the commissioners aforesaid, as soon as conveniently may be after the said letters shall be sealed and obtained, shall give public notice in two public papers printed in the city of Philadelphia, and one in the county of Bucks, of a time and place by them to be 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 subscribers by ballot, to be delivered in person, one president, seven managers, and one treasurer, and such other officers as may be necessary to conduct the business of said company until the last Monday of December next, and until such other officers shall 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 twelve 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: *And provided also,* That no stockholder, whether the original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the share or shares by him or her held, at the time of such election, shall have been fully paid and discharged.

SECTION 4. The stockholders of the said company shall

meet on the last Monday of December in every year, at such Annual meet-
place as shall be fixed by their by-laws, for the purpose of ^{ing of compa-}
choosing such other officers as aforesaid, for the ensuing year ^{ny.}
in manner and form as shall be determined 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 as aforesaid, all such by-laws, rules, orders, and re-
gulations, made as aforesaid, and to do and perform any other
corporate act.

SECTION 5. The said president and managers shall make Certificates of
out certificates of stock, signed by the president and counter-stock how is-
signed by the treasurer, and sealed with their corporate seal, sued,
and deliver one certificate to each subscriber, for any share or
number of shares by him or her held, on him or her paying to
the treasurer, on each share so held, the sum of one dollar,
which certificate shall be transferrable in person or by attorney ^{Transferrable.}
on the books of said company only, subject to the sum due or
to become due on his share or shares so transferred.

SECTION 6. It shall be lawful for the said president and man- ^{Authority to}
agers, their superintendents, surveyors, engineers, artists, and ^{enter on lands}
chain bearers to enter in and upon all and every the lands, tene- ^{& locate road.}
ments and inclosures in, through, and over which the said inten-
ded turnpike road may be thought proper to pass, and for that
purpose to examine the ground, and quarries of stone and gra-
vel and other materials that may be necessary in making and
constructing the said road. It shall be made in, over, and
upon the old bed of the Bustleton and Smithfield turnpike road, ^{To be made}
commencing at the intersection of said road with the Frank- ^{on old bed of}
ford and Bristol turnpike road at the rocks, to the village of ^{Bustleton and}
Summerton. ^{Smithfield r'd.}

SECTION 7. The said president and managers, five of whom ^{Meeting of}
shall for that purpose be a quorum, shall keep minutes of all ^{President and}
their proceedings, fairly entered in a book to be kept for that ^{Managers and}
purpose, and shall have full power and authority to appoint, ^{their duties.}
agree or contract with such engineers, superintendents, artists,
laborers, and other persons, as they may think necessary, to
make and construct said road, and collect the tolls hereinafter
authorized, and fix their compensation; to ascertain the times, ^{Of tolls, wa-}
manner, and proportions in which the stockholders shall pay ^{ges and orders}
the amount of their respective shares, in order to carry on their ^{on treasurer.}
work; to draw orders on the treasurer for all debts contracted
by them, which orders shall be signed by the president, or in
in his absence by a majority of the managers and attested by
their secretary, and to do and transact all other acts, matters,
or things as by the by-laws, orders, and regulations of the said
company shall be entrusted to them.

SECTION 8. If any stockholder, whether original subscri-
ber or assignee, after twenty days notice in two newspapers
printed in Philadelphia, and one in Bucks county, of the time

and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion at the place appointed, for the space of thirty days after the time appointed for the payment thereof, any such stockholder shall in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment, and if the same and additional penalty shall become equal to the sum before paid in part on account of such share, the same may be forfeited by and to the said company, and may be sold by them for such price as may be obtained therefor; or in default of payment of any stockholders of such instalments as aforesaid, for the space of sixty days aforesaid, the president and managers may, at their election cause suit to be brought, in the same manner as debts of like amount are now recoverable, for the recovery of the same, together with the penalties aforesaid.

Penalty for neglect to pay instalments.

Authority to enter upon lands to construct road.

Of damages and mode of assessment.

Proviso.

2d Proviso.

Compensation to Bustleton & Smithfield road, how made.

SECTION 9. It may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen, laborers, their tools and instruments, carts, wagons, and other carriages and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice of their intentions to the occupiers thereof, and doing as little damage thereto as possible, and making amends for damages upon a reasonable and equitable agreement by the parties, or if they cannot agree thereupon, a just and equitable assessment, to be made upon oath or affirmation by three disinterested freeholders, or any two of them to be mutually chosen, or if either party upon due notice shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace of the county wherein the land lies, who shall not be interested therein, and upon the tender of the assessed value, to dig and carry away any timber, stone, sand, earth, or other materials necessary or suitable for making said road: *Provided*, That no part of this act shall authorize the taking of any property by said company, unless the same be previously paid for, or adequate security given to the owners for the payment thereof: *And provided further*, That the court of General Sessions of the city and county of Philadelphia shall, upon the application of any ten of the stockholders of the Bustleton and Smithfield turnpike road company, appoint and direct six disinterested freeholders of the county of Philadelphia, to examine and report to the said court, under their hands and seals, what compensation, if any, should be made to the stockholders of the said Bustleton and Smithfield turnpike road company, for the materials and bridges of the said road, and on confirmation of the report of the said freeholders, or any four of them, the amount so awarded shall be paid or secured, to be paid to the said Bustleton and Smithfield turnpike road company, before the com-

pany hereby created shall be permitted to collect any tolls on said road.

SECTION 10. The said president and managers shall keep fair and just accounts, as well of all moneys received by them as of those paid out and expended in the prosecution of the work, and shall at least once in every year submit their books and accounts to a general meeting of the stockholders, and whenever it shall be ascertained that the capital stock of the said company is not sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, at a stated or special meeting convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such an extent as they shall deem sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares, in like manner and under like penalties as are provided by this act, in the case of the original subscriptions.

President and managers to keep accounts

Number of shares may be increased.

SECTION 11. The said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said route, whenever the same shall be found necessary, and shall cause a road to be laid out not exceeding fifty feet in width, and shall cause at least eighteen feet of said width to be made an artificial road of wood, stone, gravel or other proper and convenient materials, such as the nature of the ground may require, and will afford to be constructed in such manner as will admit an even surface, and so nearly level in its progress that it shall in no place raise or fall more than will form an angle of five and a half degrees from a horizontal line: *Provided*, That if in the opinion of the said president and managers, any part of the ground on the route of said road shall be so hard and compact as to make a good road without any covering of wood, gravel, stone, slate or other hard substance, the said president and managers are hereby authorized to construct such part of said road without any such covering, and shall forever thereafter maintain and keep the same in good order and repair.

To erect bridges.

Width of road and materials of which constructed.

Proviso.

SECTION 12. Whenever the said company shall have finished two miles or more of road, the president thereof may give notice to the Governor, who shall thereupon forthwith appoint three skilful, judicious and disinterested persons to view and examine the same, and report on oath or affirmation to him, whether the said road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act, and if this report shall be in the affirmative, then the Governor shall by license, under his hand and the seal of the state, permit and suffer said company to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect from

Governor to appoint view-ers.

To license company.

all persons otherwise than on foot the same tolls as are hereinafter authorized and granted.

Toll-gatherers SECTION 13. 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 persons and persons using the said road the toll and rates hereinafter mentioned, and to stop any person riding, leading or driving any horses, cattle, hogs, sheep, coach, coaches, sulkey, chair, chaise, phaeton, cart, wagon, 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:

Tolls. 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, five cents; for every sulkey, chair or chaise, with one horse and two wheels, eight cents, and with two horses, ten cents; for every chariot, coach, phaeton or dearborn, with one horse and four wheels, ten cents; for every coach, chariot, phaeton or chaise, with two horses and four wheels, fifteen cents; for either of the carriages last mentioned with four horses, twenty-five 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, four cents for each horse drawing the same, and for every sled, three 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 be four inches and not exceed seven inches, four cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches, three cents 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 re-

Penalty for evading payment.

ceive, by virtue of this act, such toll-gatherer shall forfeit and pay the sum of five dollars for every such offence to the supervisors of the township, in which the forfeiture is incurred, to be expended in repairing township roads, and for the payment of which the said company shall be responsible.

SECTION 14. If the said company shall neglect to keep the said road in good travelling order and repair for the space of thirty days, and information thereof shall be given to any justice of the peace of the neighborhood within the county where the repairs 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 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 travelling 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 turnpike 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 travelling order and repair, as aforesaid, and if the same shall not be so put in good travelling 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 justice shall certify and send a copy of the inquisition aforesaid to the judges of the said court, and the said judges 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 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

Of neglect to keep road, in repair.

Mode of proceeding.

highways of the township wherein the offence was committed, to be applied to repairing the public roads within such township.

Penalty for attempting to avoid paym't of toll.

SECTION 15. If any person or persons whosoever owning, riding in, or driving any sulkey, chair or chaise, phaeton, cart, wagon, 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 gates or private 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, sleigh, sled, or other carriage of burden or pleasure, or practice any other fraudulent means or 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 offending, shall for every such offence respectively forfeit and pay to the president and managers of the Bustleton and Summerton 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.

Time of commencement and completion.

SECTION 16. If the said company shall not proceed to carry on the said work within three years after the passage of this act, or shall not within six years afterwards complete the same, according to the true intent and meaning of this act, then or in either of those cases, all and singular, the rights, liberties, privileges and franchises hereby granted shall revert to the commonwealth.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.