

be imprisoned in the county jail not less than three nor more than twelve months, at the discretion of the court.

Accounts of tolls. **Dividend.** **Proviso.** SECTION 9. The said president and directors shall keep just and true accounts of all tolls received by their respective collectors of tolls for crossing said bridge, and shall make and declare a dividend of the profits and income thereof among all the stockholders of said company, in proportion to the shares respectively held by each, and deducting therefrom all contingent costs and charges, and such proportions of said income as may by them be deemed necessary for a growing fund for repairing or re-building said bridge; and shall, on the first Monday of January in each year, publish the dividends to be made of the clear profits thereof among the stockholders, and of the time and place, when and where the same shall be paid, and shall cause the same to be paid accordingly: *Provided*, That no dividends of profits shall be declared until all the expenses of building and constructing said bridge shall be fully paid.

WILLIAM F. PACKER,
Speaker of the House of Representatives.
WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The thirtieth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 391.

AN ACT

Authorizing the governor to incorporate the Conestoga and Reading turnpike road company.

Commissioners. 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 David Jenkins, Henry Youndt, John Hertzler, Roland Diller, Anthony E. Roberts, Charles Robinson, Edward Davis, Cyrus H. Jacobs, James M'Caa, Hiram Evans, H. B. Jacobs, of the county of Lancaster; Peter Swentzer, John Schwartz, George Coleman, Levi Smith, James Hartly Potts, Christian Westley, of the county of Berks; John Ritter, esquire, Isaac Eckert, H. H. Muhlenberg, Samuel Bell, William Darling, William Peacock, doctor Isaac Hiester, Daniel L. Bitting, Daniel Housum, Philip Bushong, Daniel H. Boas, John M'Manus, John N. Miltemore, Charles Fickthorn, Benjamin Tyson, Jacob Mishler, Robert W. Parker, George Frill, Daniel Raudenbush, Samuel Frees, Isaac Seltzer, Franklin Miller, Frederick Lauer, William Weimert, John Green, James M'Knight, Joseph L. Stichler, Samuel Myers, William Coleman, Matthias S. Richards, Thomas Baird, be and they are hereby appointed

commissioners to do and perform the duties hereinafter mentioned, that is to say: they shall on or before the first day of May next ensuing after the date hereof, procure two books, and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president, managers and company of the Conestoga and Reading turnpike road company, the sum of twenty-five dollars for each and every share of stock set opposite to our respective names, in such manner and proportions, and at such times and places as shall be determined on 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 governor to incorporate the Conestoga and Reading turnpike road company.' Witness our hands the

Form of sub-
scription.

day of Anno Domini, one thousand eight

day of
hundred and
;” and thereupon shall give notice in
three or more public papers printed in the counties of Berks and Lan-
caster, three weeks at the least previous to the times and of the places
when and where the said books shall be opened to receive subscriptions
for the stock of the said company, at which times and places two 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 names or in the 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 purposes aforesaid, at least
four hours in every juridical day for the space of three days, or until
the said books shall have sixteen hundred shares therein subscribed;
and if at the expiration of the said three days, the books aforesaid shall
not have the said number of sixteen hundred shares therein subscribed,
the commissioners may adjourn from time to time, and transfer the books
from place to place, until the whole number of shares shall be subscribed,
of which adjournment and transfer the commissioners shall give such
public notice as the occasion may require, and when the whole number
of shares subscribed shall amount to sixteen hundred, the said books
shall be closed: *Provided always*, That no subscription shall be valid
unless the person offering to subscribe in his own name or in any other
name, shall pay to the attending commissioner at the time of making
the same, the sum of two dollars and fifty cents on each and every share
he shall so subscribe, out of which shall be payed the expenses of taking
such subscription 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 agreeable to the provisions of this act; such first payment
on each share to be taken and considered as a part payment on each
share subscribed.

SECTION 2. As soon as six hundred shares shall have been subscribed by ten persons or more, and the sum of two dollars and fifty cents paid on each share of stock as aforesaid; the said commissioners, or any four of them, shall certify the same under their hands and seals to the governor, the names of the subscribers and the number of shares subscribed by each, and thereupon the governor shall by letters patent, under his hand and the seal of the state, create and erect the subscribers, and also those who may afterwards subscribe, if the subscription be not full at the time, into one body, politic and corporate, in deed and in law, by the name, style and title of "The Conestoga and Reading turnpike road company," with all the privileges and franchises incident to a corporation, and said company shall have perpetual succession, and be capable of taking and holding the said capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if such enlargement shall be necessary to fulfil the intent and purposes of this act,

in such manner and form as they may think proper, and of purchasing, taking and holding, to them and to their successors and assigns, in fee simple, or for any less estate, all such lands, tenements or hereditaments, real and personal, as shall be necessary and convenient for them in the prosecution of their work, and the same to sell or dispose of at their pleasure, of suing and of being sued, and of doing all and every matter and thing which a corporation or body politic may lawfully do.

Organization.

SECTION 3. That the commissioners aforesaid, or any two of them, as soon as conveniently may be after the said letters patent shall have been issued, shall give notice in one or more newspapers printed in the county of Berks, and one paper in the county of Lancaster, of a time and place by them to be appointed, not less than fifteen days after the publication of the notice, at which time and place the said subscribers, or as many of them as may attend, shall proceed to organize the said company, and shall choose by a majority of votes of the said subscribers present, by ballot, either in person or by proxy duly authorized, which proxy shall have been obtained and bear date within one month previously to the election at which such proxy shall be presented, one president, eight managers, one treasurer and a secretary, to conduct the business of the said company until the next annual election of the said company, which annual election shall take place on the first Wednesday in January then next ensuing, as hereinafter regulated; they may make and have one common seal, and the same may alter and renew at pleasure, and make such by-laws, rules, orders and regulations not inconsistent with the laws of the United States or of this state as shall be necessary for the well ordering of the company: *Provided*, That no person but a stockholder shall be eligible to the office of president or manager.

Officers.

Seal.

Proviso.

Annual election.

SECTION 4. The stockholders shall meet on the first Wednesday of January, in every year, at such places as may be fixed by the by-laws of the said company, for the purpose of choosing by the majority of votes present; officers for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year and until others are chosen, and at such other time as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws; at which annual or special meeting they shall have full power and authority to make, alter, or repeal, by a majority of the votes as hereinafter, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled shall be according to the number of shares he or she shall hold in the proportion following, that is to say: one vote for each share not exceeding five shares; and one vote for three shares, above five, not exceeding twenty; and one vote for every ten shares, over twenty and under one hundred; but no share or shares over one hundred shall confer any additional right of voting; but no share shall confer a right of suffrage which shall not have been holden three calendar months prior to the day of election, nor unless it be holden by the person in whose name it appears absolutely and bona fide in his own right, or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right or for the use and benefit of some co-partnership, corporation, or society of which he or she may be a member, and not in trust for and to the use and benefit of any other person: *Provided*, That no shares held by transfer shall be entitled to vote unless the same shall have been transferred at least two months before the election; and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, one thousand eight hundred and

Votes.

Proviso.

twenty, entitled "An Act to regulate proxies :"
And provided also, Proviso.
 That no shareholder shall be entitled to vote at any election or at any special meeting of said company from whom any instalment or arrearages may have been due and payable more than thirty days previously to said election or meeting.

SECTION 5. The election of officers provided for in the third section of this act, shall be conducted in the following manner, that is to say: Election of officers, how conducted.
 the managers for the time being shall appoint two of the stockholders not being managers, to be judges of the said election, and to conduct the same, after having severally taken and subscribed an oath or affirmation before an alderman or justice of the peace, well and truly, and according to law to conduct such election, to the best of their knowledge and abilities; and the said judges shall decide upon the qualifications of voters, and when the election is closed, shall count the votes and declare who has been elected; and if it shall at any time happen that an election of president and managers, treasurer, secretary, or other officer shall not be made, the corporation shall not for that cause be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer, secretary, or other officers, on any day thereafter, by giving at least fifteen days notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding the said election; and the president, managers, secretary, treasurer, and other officers of the preceding year shall, in that case, continue to act, and be invested with all the powers belonging to their respective situations, until an election shall take place; in case of death, resignation or removal from the state, of the president, managers, treasurer or secretary, or other officer of the said corporation, his or their places may be filled by the board of managers until the next annual meeting.

SECTION 6. The said president and managers first chosen, shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one or more certificates, signed by the president, and countersigned by the treasurer, and sealed with the common seal of said corporation, to each person for the number of shares by him or her subscribed or held; which certificate or evidence of stock shall be transferable at his or her pleasure, in person, or by attorney duly authorized in presence of the president or treasurer, one of whom shall keep a book for that purpose, subject, however, to all payments due or 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 the transfer of stock, shall be a member of the said corporation, and shall be entitled to one share of the capital stock of said corporation, for every share thus assigned to him, and to all the estates and emoluments of the company incident to one share of stock, and to vote as aforesaid at the meeting of the said company, subject to all penalties and forfeitures, and to be sued for all the balance and penalty due or to become due on each share, in like manner as the original subscriber would have been. *Certificates of stock.*
Transferable.

SECTION 7. The said president and managers shall meet at such times and places as shall be found most convenient for the transaction of their business, and when met five shall be a quorum, who in the absence of the president, may choose a chairman, and shall keep minutes of their transactions, fairly entered in a book; and at any such meeting a quorum being present, they shall have full power and authority to agree with, and appoint all such surveyors, engineers, superintendents and other artists and officers, as they shall deem to be necessary to carry on the intended work, and to fix their salaries and wages, or at their dis- *Quorum.*
Powers.

cretion, to make contracts for the same or any part thereof; and they shall also determine the times, manner and proportion in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work or materials, or on account of contracts; which orders shall be signed by the president, or in his absence by a majority of the quorum present, and countersigned by the secretary, and generally to do all such matters and things as by this act, and by the by-laws and regulations of the company they are authorized to do; and also the said president, managers and company shall be and they are hereby authorized, if it should be deemed advisable by them on making their contracts for the construction of the said turnpike road, and in settlement of damages caused by the construction of the said road, by and with the consent of any of the contractors, or with the parties interested in the said damages, give bonds bearing an interest of six per cent., payable annually, in payment of such contracts or damages, payable in two, three and four years, as may be agreed upon by the parties interested; and in order to secure the holders of the said bonds, their executors, administrators or assigns, the amount of the said bonds as they shall become due and payable, the said president, managers and company are hereby authorized and empowered to execute a mortgage on the said turnpike road, as the same shall be at the time the mortgage is or shall be executed, to a trustee or trustees to be agreed upon by the president and managers of the said company, and the holders of the said bonds; the said mortgage conditioned as aforesaid, for the payment of the said bonds, shall be for the use and benefit of all and every of the holders of the said bonds: *Provided*, That the amount for which the said bonds and mortgages may be given, shall not in any event exceed fifteen thousand dollars.

Proviso.

Instalments, how payable.

SECTION 8. That if any stockholder after thirty days notice in one or more newspapers printed in each of the counties of Berks and Lancaster, of the time and place appointed for the payment of any instalment of the said capital stock, shall neglect to pay such instalment at the time appointed, every such stockholder or his assignee, shall in addition to the proportion so called for, pay at the rate of two per cent. per month for every delay of such payment; and if the same and additional penalty shall remain unpaid for such space of time that the accumulated penalties shall become equal to the sums before paid on account of such shares, the same shall be forfeited to the company, and may be sold by them to any other person or persons for such price as can be obtained for the same, or the president and managers may sue for and recover the same before any justice of the peace or alderman, or in any court having competent jurisdiction, together with the penalty aforesaid.

Officers required to give bond.

SECTION 9. The president and managers of said company shall demand and require of and from the treasurer, and may demand and require of and from all and every other officer and other persons by them employed, bond in sufficient penalties, and with such securities as the said company shall, by their rules, orders and regulations, require for a faithful discharge of the several duties and trusts to them respectively committed.

Accounts.

SECTION 10. That the said president and managers shall keep a just and true account of all moneys received by their several and respective collectors of tolls, at their several gates or turnpikes on the said road, and shall make and declare dividends of so much of the clear profits thereof, all contingent costs and charges first deducted, as shall appear advisable to the managers; the said dividends shall be declared at least twice a year in each and every year, and paid to the stockholders or

Dividends.

their legal representatives, on demand, at any time after the expiration of ten days from and after the day on which such dividend shall have been declared; but they shall in no case exceed the amount of the net profits acquired by the company, so that the capital stock shall never be impaired thereby: if the said managers shall make any dividend which shall impair the capital stock of said company, the managers consenting thereunto shall be liable in their individual capacities, to the said company, for the amount of such dividends so divided; and each manager present when such dividend shall be declared, shall be adjudged to be consenting thereunto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend.

SECTION 11. That it shall and may be lawful for the president and managers of said company, to lay out the route or track of the said Powers. turnpike road, beginning at the Blue Ball tavern, on the Downingtown and Euphrata turnpike road, in Earl township, Lancaster county; thence Location of road. by such route as shall combine the shortest distance with the most favorable grades, to the most suitable point at the city of Reading, with power and authority to build a bridge over and across the river Schuylkill, if they should deem it necessary to connect with the same: the said president and managers shall have power and authority by themselves, their superintendents, engineers, artists, workmen and laborers employed by them, to enter in and upon any lands or enclosures, for Enter upon lands, &c. the purpose of locating the said road; and they may occupy so much of such lands, and also the beds of public roads and bridges not belonging to other companies, as may be needed for the bed of their road, erection of toll houses and construction of water courses: they may also examine quarries, dig and take away any stone, gravel, or materials in the vicinity of the route, that may be wanted for the construction of the said road, always paying the owner of such lands and materials a just compensation for the same; and if the parties cannot agree upon the compensation, the same shall be determined by three disinterested, judicious and suitable persons, to be chosen by the parties; or if they cannot agree, to be appointed by a justice of the peace, Assessment of damages. or alderman in the neighborhood, who, after taking an oath or affirmation to perform their duties with impartiality, shall determine the amount of the said damages, always taking into consideration the advantages as well as the disadvantages of the said road to the owner of the said land, and file their award in the office of the justice of the peace or alderman who may have appointed them: *Provided*, That either party may ap- Proviso. peal from the same to the court of common pleas of the county in which the land may lie; the said appeal to be made within twenty days after such award shall have been made and filed in the office of the said justice of the peace or alderman: *Provided also*, That if any person or Proviso. persons owning land, or any other property which shall be affected by this act, be feme covert, under age, non compos mentis, or out of the state, then and in any such case the president and managers of the company, and at the costs and charges of the said corporation, shall, within one year after the construction of the said turnpike road through the said land, represent the same to the court of common pleas of the county where the said lands lie, as the case may be, who shall proceed thereon, and shall appoint three or more suitable persons to value and assess the said damages, and make a report of the same to the said court; and when confirmed by the court, they shall direct to whom and in what manner the amount of the said damages shall be paid and secured, to be held in trust for the use and benefit of the parties owning such land or other property, to be so held until it can be paid to them,

Proviso.

or to their proper trustee or guardian, as the same may be: *Provided further*, That no part of this act shall authorize the taking away of any property, or entering in or upon any land, or taking possession of the same by the said company, without the owner's consent, in writing, unless the same be previously paid for, or adequate security given for the payment of the same, to be approved of by the court of common pleas of the county in which the lands lie, or by the parties interested in the same.

Width of road.

SECTION 12. The said road shall be laid out not exceeding fifty feet in width, and at least twenty-one feet in width thereof shall be a good and substantial turnpike road, to be composed of broken stone, gravel or other hard substances, and to secure a solid foundation for the same a bed shall be excavated and made to slope each way from the centre to the sides, and to be sunk at least six inches below the surface of the ground, the width of twenty-one feet. the bed being so made, shall be covered with broken stone, gravel or other hard substances, not to exceed in size two inches and a half at their largest diameter, as may be directed by the engineer or superintendent of the road; to be eight inches in depth, forming a regular slope from the centre to the sides of said road; the said company shall make good and sufficient ditches on the sides of the said road in order to drain the water off and to keep the same dry, and may enter on the lands adjacent to the road where it may be necessary to make ditches or drains to lead the water off, making them in such manner and form and in such places as may be suitable for the same, and so as to do the least possible damage to the owners of the property; the said president and managers shall erect good and sufficient bridges over all the streams of water crossed by the route of the said road, wherever the same shall be found necessary; the said road shall be made of as uniform a grade as the nature of the country and the surface of the ground will admit of, but in no part or portion of the same shall the grade of the road, either ascending or descending, exceed three degrees, and the said company shall forever after maintain and keep the said road in all its parts in good order and repair: *Provided*, That if in the opinion of the said president and managers any part of the said ground on the route of the said road, shall be so hard and compact as to make a good and sufficient road, according to this act, without covering the same with gravel, broken stone or other hard substances, the said president and managers are hereby authorized to construct such part of the said road without any such covering, and shall forever thereafter maintain and keep the same in good repair.

Duties.

Plots of road to be filed.

SECTION 13. The said president, managers and company shall, within three months after ascertaining the route of the said turnpike road, cause an accurate survey of the lines of the same to be made, and two maps or plots of such survey, representing the different bodies of land it passes through as near as can be ascertained, one of which maps or plots they shall cause to be filed in the office of the clerk of the court of quarter sessions of Berks county, and the other in the office of the clerk of the court of quarter sessions of the county of Lancaster, which maps or plots, or a certified copy thereof, shall be sufficient evidence of the course and route of the said turnpike road, and to be received as such in all cases of dispute respecting the same.

Governor to appoint viewers.

SECTION 14. Whenever the said company shall have finished three miles or more of turnpike road from any one point, the president thereof may give notice to the governor, who shall thereupon forthwith appoint three skillful, judicious and disinterested persons to view and examine the same, and to report on oath or affirmation to him whether the said road is so far executed in a competent and workmanlike man-

ner, 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 seal of the state permit said company to erect and place so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect from all persons who may travel the same, such tolls as are hereinafter authorized to be collected: *Provided*, That no toll shall be demanded on the said road from any person or persons passing or repassing from one part of his, her or their farm to any other part of the same; and all persons with their horses and vehicles going directly to and from funerals or places of worship, shall be exempt from the payment of tolls when traveling on the said road or in any part thereof. License.
Proviso.

SECTION 15. When the said company is licensed in the manner aforesaid, it shall be lawful for them to appoint such and so many toll gatherers as they may think proper, to collect and receive of and from all and every person or persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person leading, riding or driving any horses, cattle, hogs, sheep or vehicle of burden or pleasure of whatsoever kind from passing through the said gates, until they have respectively paid the same, that is to say: for every carriage, sleigh or vehicle of whatever description used for personal accommodation or pleasure, one and one half cents per mile for each horse or mule drawing the same; for every cart or wagon or other carriage of burden, the wheels of which shall not exceed two inches in breadth, one cent per mile for each and every horse or mule drawing the same; for every cart, wagon or other carriage of burden, the wheels of which are four inches and upwards in width, three-fourths of a cent per mile, for each and every horse or mule drawing the same; for the said vehicles of burden as above mentioned, the wheels of which are six inches in breadth, one half cent per mile for each and every horse or mule drawing the same; any load over four tons may be charged additional toll not exceeding double these rates; every two oxen drawing carts, wagons or other vehicles of burden with wheels shall be rated as one horse; for every sleigh or sled used in carrying burdens; one cent per mile for every horse drawing the same: *Provided*, That the said company may at their discretion regulate the tolls so as to reduce them below the rates specified above, and raise them again to the amount permitted by this act, but in no case to exceed them during such times and seasons and with such discriminations, as they may think proper and right. Toll gatherers.
Tolls.

SECTION 16. If any person or persons riding in or driving any carriage of burden or pleasure, or driving any cattle, sheep or hogs, shall with the intent to defraud the said company, or to evade the payment of any tolls aforesaid, pass through any private way or over any other ground near to or adjacent to any turnpike gate, or shall wilfully represent to the toll collector, that he or she has traveled a less distance than he or she has actually traveled, or use any other fraudulent means or device to lessen or avoid the payment of such tolls, any such person or persons so offending, shall upon conviction before any justice of the peace or alderman of the county in which the offence shall have been committed, for every such offence forfeit and pay to the president and managers of the said company, a sum not exceeding ten dollars with costs for the use of the said company, and in default or neglect to pay the same, it shall be recovered as debts of a like amount are recoverable. Frauds, how
punished.

SECTION 17. If the said company shall neglect to keep the said road in good repair and traveling order for the space of fifteen days, and information thereof shall be given to any justice of the peace or alderman in the vicinity where the repairs ought to be made, such justice or Proceedings to
keep the road in
order and repair.

alderman shall issue a precept directed to any constable, commanding him to summon three disinterested persons to meet at a certain time in such precept mentioned, on the part of the road which shall be complained of, of which meeting notice shall be given to the keeper of the gate nearest thereto, and the said justice or alderman shall at such time and place on the oaths or affirmation of the said persons, inquire whether the said road or any part thereof is in such good order and repair as aforesaid, and if the said road shall be found by the said inquisition to be out of order or repair contrary to the true intent and meaning of this act, the said justice or alderman, as the case may be, shall certify and send one copy of the inquisition to each of the keepers of the gates between which such defective place may be, and thenceforth the tolls authorized hereby to be collected at such gates shall cease to be demanded or collected, until the said defective part or parts of the road shall be put in good order and repair; and if the same shall not be put in good order and repair as aforesaid, before the next court of quarter sessions of the proper county, the justice of the peace or alderman before whom the said proceedings were had, shall certify and send a copy of the inquisition aforesaid to the judges of the said court, and the court 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 road as shall be found defective, and shall proceed thereon as in cases of supervisors of the highways for neglect of duty; and if the person or persons entrusted by the company as aforesaid, shall be convicted of the offence in and by the said inquisition charged, the said court shall give judgment as in the case of supervisors of highways neglecting their duties; the penalties so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in said court, and shall be paid to the supervisors of the township wherein the offence was committed, to be used for repairing the public roads in said township.

Toll collectors demanding and receiving more toll than is authorized by this act, how punished.

SECTION 18. If any toll collector shall demand and receive from any person greater toll than is authorized by this act, such toll collector shall forfeit and pay for every such offence a sum not exceeding ten dollars, to the directors of the poor and house of employment of the county in which the forfeiture shall be incurred, to be recovered before any justice of the peace or alderman of the county where such offence shall have been committed:

Traveling regulated.

SECTION 19. All drivers and conductors of wagons and carriages of all kinds, using the said road, shall, except when overtaking and passing by a carriage, wagon, or other vehicle of slower draught, keep their horses and carriages on the right hand side of the road in the passing direction, leaving the other side free and clear for other carriages to pass and repass, nor shall any driver of carriage of any kind, using said road, in any way obstruct the road, or occupy it in such manner as to prevent the free passage of other carriages which may be going at a faster gait; and if any carter, wagoner or driver shall offend against any of the above provisions, he shall forfeit and pay any sum not exceeding six dollars with costs, to any person who shall be obstructed in his or her passages, who will sue for the same, to be recovered in the usual way and manner, and also be liable for all damages which may occur; and no driver of any carriage of any kind, 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 and every offence so committed, recoverable before any justice of the peace or alderman of the county in which said offence

shall be committed, one-half to the use of the said company, and the other half to the use of the informant.

SECTION 20. The said company shall cause posts to be erected at the intersection of every public road falling into and leading out of the said turnpike road, with an index board pointing to the direction of such road, on both sides whereof shall be inscribed in legible characters, the name of the town or place to which such road leads, and the distance thereof, in measured or computed miles, and shall also cause milestones to be placed on the said turnpike road to designate the distances to and from the principal places thereon, and also shall cause to be affixed on the gates erected or to be erected on the said road, for the information of travelers and others using the road, a printed list of the rates of toll which from time to time may be lawfully demanded, and also such of the by-laws as may be deemed necessary.

SECTION 21. That if any person or persons shall wilfully break, deface, pull up, or prostrate any milestone or mile post which shall be placed in pursuance of this act on the side of the said road, or shall obliterate the letters or figures inscribed thereon, or shall wilfully break, pull down, deface, destroy, or injure any direction post which shall be erected in pursuance of this act, at the intersection of any public road as aforesaid, or at any other point, or the index board, or hand affixed thereto, in conformity with the directions of this act, or shall obliterate the letters or figures inscribed or marked thereon, or destroy, deface, or obliterate the figures, letters, or other characters marked at any turnpike or gate, or shall injure or destroy such gate which shall be erected in pursuance of this act, for all or any of the purposes therein mentioned, or the whole or any part of any printed list of the rates of tolls or by-laws which shall be affixed in pursuance of the directions of this act, at such gate or turnpike, or at any other place, he, she, or they so offending in the premises, shall for every such offence, severally and respectively forfeit any pay to the said president, managers and company, the sum of twenty dollars, to be sued and recovered with costs of suit, before any justice of the peace or alderman in manner aforesaid.

SECTION 22. No suit or prosecution shall be brought or prosecuted by any person or persons for any penalties incurred under this act, unless such suit or prosecution shall be commenced within six months next after the act committed, or within six months after the perpetrators of any offence shall have been discovered; and the defendant or defendants in such suit or prosecution may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by the authority of this act.

SECTION 23. At each annual meeting of the stockholders, the president and managers of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year; special meetings of the stockholders may be called by order of the president and managers, or by the president, at the request of the stockholders holding in their own right, one-third of the amount of the capital stock in said company, giving like notice as that required for the annual meeting, and stating in said notice for what purposes said meeting is called, and what matters are intended to be brought before the same; but no business shall be transacted at such meetings, except that for which it shall have been called, nor then, unless stockholders holding in their own right two-thirds in value of the capital stock, shall attend in person or by proxy.

SECTION 24. At the end of the third year after the charter shall have been obtained, and yearly thereafter, there shall be furnished to the leg-

Index boards to be erected.

Injuries to fixtures, punished.

Limitation of suits or prosecutions.

Statement of the affairs of the company to be exhibited at each annual meeting of the stockholders.

Abstract of the accounts of the

company to be
furnished the leg-
islature.

islature an abstract of the accounts of the company, showing the amount of capital paid in, and the debts of the said company, the amounts received for tolls, and the rate charged, and the amount of dividends declared. which abstract shall be verified by the oath or affirmation of the president or treasurer of the said company; two copies of the same shall be made out, one of which shall be sent to the speaker of the house of representatives of this commonwealth, the other to the auditor general of the same; the said company shall pay into the treasury of this commonwealth a tax of eight per centum on all dividends exceeding twelve per centum on the capital stock paid in.

Commencement
and completion of
road.

SECTION 25. If the president, managers and company shall not proceed to carry on the said work within three years from the passage of this act, and shall not complete the same within seven years, according to the true intent and meaning of this act, or if after the completion of the said road, the said company shall suffer the same to go to decay, and become impassable for the term of one year, then this charter shall become null and void, except so far as compels the said company to make reparation for damages.

Reservation.

SECTION 26. If the said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges hereby granted to the said corporation, and shall have power to revoke and annul the same: *Provided*, That no injustice thereby may be done to the corporators.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

WM. WILLIAMSON,

Speaker of the Senate.

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

FRS. R. SHUNK.

No. 392.

AN ACT

To erect the village of Bridesburg, in the county of Philadelphia, into a borough.

Name.

Boundaries.

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 inhabitants of that part of the township of the unincorporated Northern Liberties, in the county of Philadelphia, known as the village Bridesburg, and the same is hereby erected into a borough, which shall be called the borough of Bridesburg, and shall be comprised within the following boundaries, to wit: Beginning at the junction of the Frankford creek and the river Delaware, extending along said Frankford creek in south-westwardly direction, to a corner of land of Mister William Reynolds; thence along said William Reynolds' line in a south-eastwardly*