

No. 400.

AN ACT

To authorize the governor to incorporate the Fredericksburg, Pinegrove, Friedensburg and Schuylkill Haven 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

Commissioners.

David Greenawalt, Arthur S. Faesig, Caleb Wheeler, William Graeff, Peter Filbert, John Steese, John Hipple, senior, John A. Bechtel, Lewis Reeser, William Zimmerman, Paul Barr, Hugh Lindsay, Michael Fritz, Jacob Minnich, Joseph Fertig, senior, Jacob Biddle, Daniel F. Berger, Philip Boyer, James B. Levan, B. W. Hughs, Charles Huntzinger, George Kauffman, Henry Saylor, John Jones, John D. Deibert, Samuel Beard, Henry Winter, Absalom Reifschneider, Charles Dengler, William C. Collins, James Lenigan, Terence Duffy, Edward Kerns, John C. Lessig and Orlando Dufer, of Schuylkill county; and Joseph Kline, Daniel Sigfried, M. B. Moyer, P. Bolty, Daniel Bashore, Benjamin Strouse, Martin Moyer, John Swartz, John Bresler, D. S. Bicksler, of Berks county; Jacob W. Grove, Jacob Houtz, Abraham Stouffer, John H. Lick, Jacob Weber, John Desh, William Large, Henry Miller, Martin Rudy, W. J. Grove, Henry Bixler, (farmer,) Samuel Sherk, J. L. Bixler, doctor D. H. Beaver, Samuel Rank, Freeman Gross, Henry Hileman, Henry Miley, John George, Joseph Reinhard, of Lebanon county, be and they are hereby appointed commissioners, to do and perform the duties hereinafter mentioned, that is to say: they shall procure two books and therein enter as follows:

Duties.

Form of subscription.

“We whose names are hereunto subscribed, do promise to pay to the president and managers of the Fredericksburg, Pinegrove, Friedensburg and Schuylkill Haven turnpike road company, the sum of twenty-five dollars for every share of stock in said company by us subscribed, in such manner and proportions, and at such times and places as shall be determined on by the president and managers, in pursuance of an act, entitled “An Act to authorize the governor to incorporate the Fredericksburg, Pinegrove, Friedensburg and Schuylkill Haven turnpike road company.” Witness our hands the day of

Notice of opening books.

Anno Domini, one thousand eight hundred and forty-eight;” and shall give at least twenty days’ notice in two newspapers published, one thereof at Lebanon and one at Pottsville, of the time and place when and where the said books shall be opened to receive subscriptions of stock of the said company, at which time and place three or more of the said commissioners shall attend and receive subscriptions from all persons of lawful age who shall offer to subscribe in said book, which shall be kept open for the purpose aforesaid, six hours or more in each juridical day, for the space of three days, or until there shall have been subscribed eight hundred shares; and the said commissioners may adjourn from time to time, and transfer the books from place to place, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the said commissioners shall give such notice as the occasion may require.

Who may subscribe.

Number of shares.

SECTION 2. When twenty or more persons shall have subscribed four hundred or more shares, and the said commissioners or a majority of them shall have certified under their hands and seals to the governor the names of the subscribers, and the number of shares subscribed by each, it may be lawful for the governor, by letters patent under his hand and seal of the state, to create and erect the subscribers, and also those who may afterwards subscribe, into one body politic and corporate in deed and in law, by the name, style and title of "The Fredericksburg, Pinegrove, Friedensburg and Schuylkill Haven turnpike road company," and by the same name the subscribers shall have perpetual succession, and the privileges and franchises incident to a corporation, and shall be capable of taking and holding their 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 intention 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, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter or thing which a corporation or body politic may lawfully do.

Letters patent.

Style.

Privileges.

SECTION 3. That the commissioners aforesaid, or any three of them, as soon as conveniently may be after the said letters patent are obtained, shall give notice in two newspapers, one thereof published in Lebanon, and one at Pottsville, of the time and place by them to be appointed, not less than ten days from the first publication of said notice, at which time and place the said subscribers shall proceed to organize the corporation, and choose, by ballot, by a majority of the votes of the subscribers present, in person or by proxy duly authorized, one president, seven managers and one treasurer, and such other officers as may be necessary to conduct the business of said company, until the third Monday in May next after said meeting, and until other officers shall be chosen; and shall and may make such by-laws, rules and regulations, not inconsistent with the constitution and laws of this commonwealth or of the United States, as shall be necessary for the well ordering the affairs of said company: *Provided*, That no stockholder shall have more than ten votes at any election or in determining any question at any meeting, but each stockholder shall be entitled to one vote for each share of stock held not exceeding ten shares: *And provided also*, That no stockholder, whether 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 stock by him or her held at the time of said offering to vote shall have been fully paid.

Organization and election of officers.

Proviso.

Votes.

Proviso.

SECTION 4. The stockholders of the said company shall meet on the third Monday of May in every year, at such place as shall be fixed by the by-laws, for the purpose of choosing officers for the year ensuing, in the manner aforesaid, and at such other times as they shall be notified by the managers; at which annual or special meetings they shall have full power to make, alter or repeal, by a majority of votes in manner aforesaid, all such by-laws, rules and regulations made as aforesaid, and to do and perform any other corporate act.

Annual meeting.

Powers.

SECTION 5. The president and managers first to be chosen as aforesaid, shall procure certificates for all the shares of stock of the company, and shall deliver one such certificate, signed by the president and treasurer, and sealed with the seal of the corporation, to each subscriber for the number of shares by him or her held, which certificates shall be

Certificates of stock.

Transferable. transferable at the pleasure of the holder, in person or by attorney, in the presence of the president or treasurer, on the books of the company, only subject however to all payments due or to become due thereon.

Payment of instalments. SECTION 6. If any stockholder, whether original subscriber or assignee, after twenty days' notice in two newspapers printed as aforesaid, of the time and place appointed for the payment of any instalment or portion of the capital stock, shall neglect or refuse to pay such instalment or portion at the place appointed, for the space of thirty days after the time appointed for such payment, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment, and in default of payment by any stockholder of such instalments and penalties, the president and managers shall cause suit to be brought in the same manner as debts of like amount are recoverable, for the recovery of the said instalments and the penalties aforesaid.

Quorum. SECTION 7. The president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met five shall be a quorum, and the managers present, in the absence of the president, may choose a president pro tem; they shall keep minutes of all their proceedings fairly entered in a book to be kept for that purpose, and shall have full power and authority to appoint and 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 determine the time, manner and proportion in which the stockholders shall pay the amount of their respective shares; to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence by a majority of a quorum of the managers, and attested by the secretary, and to do and transact all other acts, matters or things as by this act and the by-laws of the company, may be entrusted to them.

Location. SECTION 8. The said turnpike road shall commence at the west end of the town of Fredericksburg, in the county of Lebanon, thence the nearest and best route via Pinegrove, Friedensburg and Schuylkill Haven, to a point on the Reading and Pottsville turnpike on the north of Schuylkill Haven, in Schuylkill county.

Width and construction of road. SECTION 9. The said road shall be laid out not exceeding fifty feet in width, of which eighteen feet wide in the middle of said road shall be a good and substantial turnpike road, to be composed of stone, wood, gravel or other proper materials, such as the nature of the ground may require, and so nearly level in its progress, that it shall in no place rise or fall more than will form an angle of five degrees from a horizontal line; and the said company shall have power to erect and build bridges, and to erect culverts over any creeks or channels where water must necessarily pass; and the said company shall ever after maintain and keep the said bridges and culverts in good order and repair: *Provided however,* That in all deep cuts or fills, the said road need not be of greater width on the surface than thirty feet.

Proviso. SECTION 10. It shall be lawful for the president and managers, and their agents, engineers and workmen, with their tools and instruments, carts, wagons and other carriages and beasts of draught and burden, to enter in and upon the lands over which, and contiguous and near to which the said road shall be laid or made, first giving notice of their intention to the occupiers thereof, and doing as little damage thereto as possible, and making amends for damages, if any, upon an equitable agreement by the parties, or if they cannot agree, then a just assess-

Enter upon lands.

ment to be made upon oath or affirmation by three disinterested citizens, 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 who shall not be interested therein, and upon the tender of the assessed value to dig and carry away any timber, stone, gravel, sand, earth, or other materials necessary or suitable for making said road; and the said managers and their workmen, under their supervision, shall have full power to enter upon any lands lying near to, or adjoining said road, and to cut or open such drains through the same as they shall judge necessary to drain the water from the turnpike road, with the same rights, and under the same penalties, as the supervisors of highways.

SECTION 11. The said president and managers shall keep fair and Accounts. just accounts of all moneys received by them, and 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 when it shall be ascertained that the capital stock of the company is not sufficient to complete the said road according to the true intent and meaning of this act, it shall be lawful for the president and managers at a stated or special meeting, convened according to the provisions of this act and by-laws, to increase the number of shares to Increase shares. 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 the like manner and under the like penalties as are provided by this act in the case of original subscriptions.

SECTION 12. Whenever the said company shall have finished five miles of said turnpike road, 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 manner, 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 one or more gates across and upon said road, to collect from all persons such tolls as are hereinafter authorized to be collected: *Provided*, That no toll shall be demanded 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 vehicles or horses, going directly to or from funerals or places of public worship, elections, or military trainings, shall be exempt from the payment of tolls, when traveling on the said road.

Governor to appoint viewers.

Governor to grant license to take toll.

Provido.

SECTION 13. When the said company is licensed in manner aforesaid, it shall be lawful for them to appoint one or more toll-gatherers to collect and receive of and from all and every person and persons using the said road, the toll and rates hereinafter mentioned, and to stop any person leading, driving, or riding any horses, cattle, hogs, sheep, or vehicle of burden or pleasure of whatsoever kind, from passing through the said gate until they shall have respectively paid the same, that is to say: for any five miles of said road, and in proportion for any less distance, for every score of hogs, six cents; for every score of sheep, six cents; for every score of cattle, twelve cents, and in proportion for any greater or less number; for every horse and his rider, or lead horse, five cents; for every sulkey, chair or chaise with one horse and two wheels, eight cents, and for every such carriage with two horses, ten cents; for every vehicle not of burden with four wheels, six cents for each horse drawing the same; for every sleigh, six cents for each horse drawing the same; for every sled, five cents for each horse draw-

Toll-gatherers.

Tolls.

Penalty for violation.

ing the same; for every cart, wagon or carriage of burden carrying less than three tons burden, with wheels four inches wide, five cents per each horse drawing the same; with wheels less than four inches wide, seven cents for each horse drawing the same; and for every such carriage of burden carrying three tons or more burden, with wheels four inches wide, seven cents for each horse drawing the same; and with wheels less than four inches wide, nine cents for each horse drawing the same; two oxen, or one mule or ass, to be estimated as equal to one horse; and if any person shall represent to said toll-gatherer that he or she has traveled a less distance than he or she has actually traveled along said road, with intent to defraud the company of any toll, such person shall for every such offence forfeit and pay to the use of the company, the sum of five dollars; and if any toll-gatherer shall demand and receive toll for a greater distance than the person from whom such toll is demanded shall have traveled along said turnpike road, or shall demand and receive greater toll than is authorized by 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, for the use of the same, to be expended in repairing the public roads, and for payment of which the said company shall be responsible: *Provided*, That the said company may in their discretion reduce the tolls hereinbefore provided, or any of them, below what is here allowed, and to raise the same again not higher than is permitted by this act during such times and seasons, or at all times, and with such discrimination as they may deem most expedient.

Proviso.

Proceeding to keep the road in good order and repair.

SECTION 14. If the company shall neglect to keep the road in good order for the space of thirty days, any justice of the peace of the neighborhood, in said county, where the repairs ought to be made, may issue a precept directed to any constable, commanding him to summon three disinterested persons to meet at a certain time at the place in said road which shall have been complained of, of which meeting notice shall be given to the toll-gatherer; and the said justice shall at such time and place hold an inquisition, and if the said road shall be found by the said inquisition to be out of order, contrary to the true intent and meaning of this act, the said justice shall certify a copy of the inquisition and send to the toll-gatherer, and from the time of receipt of said copy, no tolls shall be collected until the said defective part or parts of the said road shall be put in good order and repair aforesaid.

Penalty for evading the payment of tolls.

SECTION 15. If any person or persons whomsoever shall practice any fraudulent means or device, with the intent that the payment of any toll or duty at said turnpike gate may be evaded or lessened, all and every such person or persons in any way or manner offending, shall for every such offence forfeit and pay to the said company 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 as debts of a similar nature are by law sued for and recovered.

Advantages and disadvantages of the road to be taken into consideration.

SECTION 16. In the adjustment of claims for damages for taking or using land or other property by the company, it shall be the duty of the persons appointed according to this act, to take into consideration the advantages as well as the disadvantages to be derived or sustained by the making of said turnpike road.

Dividend.

SECTION 17. The president, managers, and company shall in the month of May in each and every year after the organization thereof, on a day to be named in their by-laws, proceed to examine and ascertain the income of the company, and after deducting all costs and charges incurred by the same, may if a majority of votes are found to be in favor thereof, out of the net profits, if any there be, declare a dividend

to and among the stockholders, notice of which, and of the time and place shall be given, and the same shall be paid according.

SECTION 18. 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 six years thereafter 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. Limitation of powers.

SECTION 19. That the legislature hereby reserve the right to alter, annul, or revoke the charter and privileges hereby granted, whenever in their opinion the same may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators; and the legislature shall have power to alter the rate of toll fixed by this act, and the managers of said company may lessen the same whenever they shall believe it necessary for the well being of the company or the community at large. Reservation.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. F. JOHNSTON,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 401.

A N A C T

To incorporate the Columbia fire engine company, in the city of Philadelphia.

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 all and every the persons that shall at the time of the passing this act be members of the association, called the Columbia fire engine company, in the city of Philadelphia, shall be and they are hereby erected and declared to be one body politic and corporate, by the name, style and title of the "Columbia fire engine company, of the city of Philadelphia;" and by the same shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded in all courts of record or elsewhere; and also the said corporation and their successors, at all times hereafter, be able to purchase, receive, have, hold, and enjoy to them and their successors, all and all manner of lands, tenements, rents, annuities, liberties, franchises and other hereditaments, goods and chattles of whatsoever nature, kind or quality soever, real, personal or mixed, or choses in action, and the same from time to time sell, alien, grant, demise and dispose of: *Provided,* That the clear yearly value and income of the said corporation shall not exceed two thousand five Incorporated.
Style.
Privileges.
Proviso.