

## CHAPTER MMCMLVII.

AN ACT TO ENABLE THE GOVERNOR TO INCORPORATE A COMPANY FOR MAKING AN ARTIFICIAL ROAD FROM THE CITY OF PHILADELPHIA, BY CHAD'S FORD ON BRANDYWINE TO THE LINE OF THE STATE IN A DIRECTION TOWARDS BALTIMORE.

Section I. (Section I, P. L.) 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 Edward Tilghman, William Levis, and Joseph Lownes, of the city of Philadelphia, Mark Wilcox, William Trimble and Caleb Lownes, of the county of Delaware; Amos Harvey, James Kelton and John Menough, of the county of Chester, be, and they are hereby appointed commissioners to perform the several duties herein mentioned, that is, they shall on or before the first Monday of May next, procure four books and in each of them enter as follows: "We whose names are hereunto subscribed, promise to pay to the president, managers and company of Philadelphia, Brandywine and New London turnpike road, the sum of fifty dollars for every share of stock in said company, 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 the said company, in pursuance of an act of the general assembly, entitled "An act to enable the governor to incorporate a company for making an artificial road from the city of Philadelphia, by Chad's Ford on Brandywine, to the line of the state in a direction towards Baltimore." Witness our hands the            day of            in the year of our Lord, one thousand eight hundred and            ,"

and shall give notice in three of the public newspapers printed in the city of Philadelphia, and in one or more printed in the borough of Lancaster, for one calendar month at least, of the times and places, when and where the said books shall be open to receive subscriptions for the stock of the said company at which respective times and places some one of the

said commissioners shall attend and permit 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 in the said stock, and the said books shall be kept open, for the purpose aforesaid, six hours in every juridical day, for the space of six days, or until the book opened in Philadelphia shall have six hundred shares subscribed therein, the book opened in Concord shall have three hundred shares subscribed therein, and the book opened at Kennet Square shall have three hundred shares subscribed therein, and the book opened at New London Cross roads, shall have three hundred shares subscribed therein, and if at the expiration of six days the books aforesaid, or any of them shall not have their respective number of shares as aforesaid therein subscribed, the said 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 adjournments and transfers the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares subscribed in the said books shall amount to fifteen hundred, the same shall be closed: Provided, that every person offering to subscribe in the said books in his own name, or in any other name, shall previously pay to the attending commissioners the sum of five dollars for every share to be subscribed, out of which shall be defrayed the expenses in taking subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That when fifty or more persons have subscribed five hundred or more shares of the said stock, the said commissioners may, or when the whole number of shares aforesaid shall be subscribed, shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each to the governor, and thereupon it shall be lawful for him by letters patent under his hand,

and the seal of the state to create and erect the subscribers, and if the subscriptions be not full at the time, then those also who shall afterwards subscribe into one body politic and corporate in deed and in law, by the name and style of, "The president, managers, and company of the Philadelphia, Brandywine and New London turnpike road," and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions in such manner and form as they shall think proper, 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 and 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 III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give notice in two of the public papers printed in the city of Philadelphia, and in one or more of the public papers printed in the borough of Lancaster, of a time and place to be by them 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, twelve managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until other such officers shall be chosen, and shall make such by-laws, rules, orders and regulations, not incon-

sistent with the laws and constitution of this commonwealth, as shall be necessary for the well ordering of the affairs of the said company, and generally shall have like powers, authorities and privileges necessary for laying out, making and completing an artificial road, not exceeding four degrees from a horizontal line, and fifty feet in width from the intersection of the state road leading from Philadelphia through West Chester to Strasburg, and the Philadelphia and Lancaster turnpike road on the nearest practicable route by Chad's Ford on Brandywine and New London Cross roads, to the line of the state in a direction towards Baltimore, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls and profits as is given and granted to the president, managers and company of the Springhouse and Bethlehem turnpike company, in and by an act of the assembly, passed the fourth day of April, one thousand eight hundred and five, entitled "An act to enable the governor to incorporate a company to make an artificial road from the Springhouse tavern, in Montgomery county, through Strawntown in Bucks county, to Bethlehem in Northampton county,"<sup>(1)</sup> except the twenty-third section of said act.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That no wagon or other carriage, the wheels of which shall not be four inches in breadth, shall be drawn along the said road with a greater weight than two and a half tons.-

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That if the said company shall not proceed to carry on the said work within seven years after the passing of this act, or shall not within twenty years thereafter complete the said road according to the true intent and meaning of this act, then and in either case it shall and may be lawful for the legislature to resume all and singular the rights, liberties, privileges and franchises by this act granted to the said company.