

an act enjoining certain duties on the holders of warrants not executed, and on the holders of unseated lands," passed the twenty-eighth day of March one thousand eight hundred and six, only one fourth of the sum so assessed shall be re-funded under the provisions of this act.

REES HILL, *Speaker of the House of Representatives.*

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and nineteen.

WILLIAM FINDLAY.

CHAPTER CX.

AN ACT

To authorise the Governor to incorporate a company for making an artificial road from the bank of the Monongahela river opposite the end of Smithfield street in the city of Pittsburg, through Birmingham, Elizabethtown, Perryopolis, to Uniontown in Fayette county.

SECT. 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 William Wilkins, George Stewart, Philip Gilliland and George Sutton of Pittsburg; Thomas Duncan of Birmingham; James Brice and George A. Bayard of Elizabethtown; Joseph Barnetz of Perryopolis; John Witherow, John Lyon, Thomas Irwin and Henry W. Beason of Uniontown; be, and they are hereby appointed commissioners to perform the several duties hereinafter mentioned: That is to say, They or a majority of them shall on or before the first day of June next procure three or more books, and enter therein as follows; " We whose names are hereunto subscribed do promise to pay to the president, managers and company of the Pittsburg and Uniontown Turnpike Road company, the sum of fifty dollars for each and every share of stock in the said company set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the said president and managers of the said company in pursuance of an act of the general as-

Commissioners named.

Books to be procured.

Engagement of subscribers.

sembly of the commonwealth, entitled "An act authorising the Governor to incorporate a company for making an artificial road from Pittsburg, in the county of Allegheny, through Birmingham, Elizabethtown and Perryopolis, to Uniontown, in the county of Fayette." Witness our hands the day of _____ in the year of our Lord one thousand eight hundred and ____.

And the said commissioners or a majority of them, shall give notice in one newspaper printed in the borough of Uniontown, and two printed in the city of Pittsburg, one calendar month, of the times and places where the said books shall be opened to receive subscriptions of stock for the said company, at which respective times and places, two or more of said commissioners shall attend, and permit all persons of lawful age, who shall offer to subscribe in the said books, in their own name or the names of any other person or persons, who shall duly authorise the same, for any number of shares in the said stock; and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until the said books have two thousand shares therein subscribed, or if at the expiration of the said six days, the books as aforesaid shall not have the said two thousand shares subscribed, then the said commissioners may adjourn from time to time, until the whole number of shares shall be subscribed, of which adjournments the commissioners aforesaid, shall give such public notice as the occasion may require; and when the whole number of shares subscribed shall amount to two thousand, the same shall be closed: *Provided always*, That every person offering to subscribe in the said books, in his own name or the name of any other person, shall previously pay to the attending commissioner or commissioners, the sum of two dollars and fifty cents, for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions and other incidental charges; and the remainder shall be paid over to the treasurer of the said corporation, as soon as the same shall be organised, and the officers chosen as hereinafter mentioned.

Notice to be given.

Subscriptions to be taken.

How long the books shall be kept open.

Proviso.

\$2 50 payable on subscribing.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when fifty persons or more have subscribed five hundred or more shares of the said stock, the said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall, under their hands and seals, certify to the Governor, the names of the subscribers and the number of shares subscribed by each; and thereupon it shall be lawful for the Governor, by letters patent, under his hand and the seal of the state, to create and erect the subscribers, and if the subscription be not full at the time, then also 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 Pittsburg and Uniontown Turnpike Road Company." And by the said

When letters patent may issue.

Style and title

Powers and privileges.

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 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, 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.

Proceeding to organise the company.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid, as soon as conveniently may be, after the letters patent shall be sealed and obtained, shall give notice in one newspaper printed in the borough of Uniontown, and two newspapers printed in the city of Pittsburg, of a time and place 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 organise the said corporation, and shall choose by a majority of votes of the said subscribers then present, by ballot, to be delivered in person or by proxy, duly authorised, one president, eight 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 duly chosen; and the said managers so chosen, and their successors, shall and may make such by-laws, rules, orders and regulations not inconsistent with the constitution or laws of the United States or of this state, as shall be necessary for the well ordering the affairs of the company; and generally have like powers, authorities and privileges, necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications; restrictions, penalties, fines and forfeitures; and be entitled to like tolls and profits, in proportion to the distance, as are given and granted to the president, managers and company of the Harrisburg and Pittsburg turnpike road, by an act passed the twenty-fourth day of February, one thousand eight hundred and six: *Provided,* That no toll shall be demanded or taken from any person passing or repassing from one part of his farm to another, or to or from any place of public worship, funeral, militia training, general or special elections, or from any student or child going to or from any school or seminary of learning: *And provided also,* That if the company shall not proceed to carry on the work in five years after the passing of this act, or shall not within ten years complete the said road, according to the true intent and meaning of this act, then in either of

President & managers to be chosen.

By-laws.

Placed on the footing of the Harrisburg and Pittsburg company. Proviso.

2d proviso.

these cases, all and singular, the rights, liberties and franchises hereby granted to the company, shall revert to the commonwealth.

Sect. 4. *And be it further enacted by the authority aforesaid,* That as soon as five miles or more of the road aforesaid shall have been completed, the president and directors shall give notice thereof to the Governor, who shall thereupon nominate and appoint three skillful, disinterested and judicious persons, to view and examine the same, who shall be under oath or affirmation, and report to him whether the road is made and executed in a competent and workmanlike manner; and if their report be in the affirmative, then the Governor shall by license, under his hand and seal of the commonwealth, permit and suffer the president and managers 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 the tolls which the company respectively shall be entitled to demand and receive.

When view-ers shall be appointed.

And license obtained.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if the legislature should at any time after the year one thousand eight hundred and thirty, think proper to take possession of said road, three persons shall be appointed by the Governor, three persons by the president and managers of the said company, and three by the judges of the supreme court, who are hereby required to appoint the same; ~~where,~~ or any six or more of them, not having any interest in the said road, shall proceed to examine and estimate the value of the property which the said company have therein, and certify the amount thereof to the Governor, who shall cause the same to be laid before the legislature at their next session; and whenever the amount so certified shall be paid by the state to the said company, their right to take toll on the said road, together with all their right, title, claim and interest therein shall cease and determine.

Proceeding in case the legislature choose to take possession of the road.

REES HILL, *Speaker of the House of Representatives.*

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and nineteen.

WILLIAM FINDLAY.