

CHAPTER XXXIX.

An ACT to enable the governor of this commonwealth, to incorporate a company, for making an artificial road, by the best and nearest route, from Waterford, in the county of Erie, through Meadville and Franklin, to the river Susquehanna, at or near the mouth of Anderson's creek, in Clearfield county, and also to incorporate a company for making an artificial road from the town of Northumberland, in the county of Northumberland, by the best and nearest route, to the west branch of the Susquehanna river, at or near the mouth of Anderson's creek; passing through Derrstown, Youngmanstown, Aaronsburg, Belle-fonte, and Milesburg.

SECT. I. *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* Thomas Forster, and John Boyd, of Erie county; James Harriot, and Henry Hurst, of the county of Crawford; William Moore, and George Powers, of the county of Venango; Ebenezer Magoffin, and Bevan Pearson, of Mercer; Joseph Barnet, and Peter Jones, of the county of Jefferson; Joseph Boone, and Paul Clover, of Clearfield; George Latimer, and Jeremiah Parker of the city of Philadelphia; William Duncan, and John Shaw, of the county of Philadelphia; be and they hereby are appointed commissioners, to do and perform the several things hereinafter mentioned; *that is to say,* they shall, on or before the first Monday in August next, procure one or more 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 Susquehanna and Waterford turnpike road, the sum of twenty-five dollars, for 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 president, and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled "An act to enable the governor to incorporate a company, for making an artificial road by the best and nearest route, from the town of Waterford, in the county of Erie, through Meadville, and Franklin, to the river Susquehanna, at or near the mouth of Anderson's creek, in the county of Clearfield." Witness our hands the _____ day of _____

Commissioners to open books of subscription on or before the first Monday in August next.

Notice to be given of the time of opening the books and places where,

in the year of our Lord, one thousand eight hundred and twelve;" and shall thereupon give notice in two or more of the public papers, printed in the city of Philadelphia, one of which shall be in the German language in the Crawford Messenger, printed at Meadville, in the Western Press, printed at Mercer, and in the Commonwealth, printed at Pittsburgh, for one calendar month at least, of the times and places when and

where the said book 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 shall permit all persons of lawful age, who shall offer to subscribe in the said books, in their own 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 respectively, for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until the said book opened at Philadelphia, shall have five hundred shares therein subscribed; the said book opened in the county of Philadelphia, two hundred and fifty shares; the said book opened in the county of Jefferson, fifty shares; the said book opened in the county of Clearfield, one hundred shares; the said book opened in the county of Mercer, three hundred shares; the said book opened in the county of Venango, three hundred shares; the said book opened in the county of Crawford, four hundred and fifty shares; and the said book opened in the county of Erie, eighty shares; and if at the expiration of the said six days, the books aforesaid, or any of them, shall not have the 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, aforesaid, until the whole number of shares shall be subscribed; of which adjournments and transfer, the commissioners aforesaid shall give such public notice, as the occasion may require; and when the whole number of shares subscribed in all the said books, 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 any other name shall previously pay to the attending commissioners, the sum of three dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking such 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; and the officers chosen as hereinafter mentioned, to be by him from time to time, invested in the name of, and for the benefit of the said corporation, in some public fund or stock within the state of Pennsylvania.

SECT. II. *And be it further enacted by the authority aforesaid*, That when two thousand, or the whole number of shares shall be actually subscribed, the said commissioners 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; and thereupon it shall and may be lawful for the governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers into one body politic and corporate, in deed and in law, by the name, style, and title of "The president, managers and company, of the Susquehan-

Who may
subscribe.

Time of keep-
ing the books
open.

Number of
shares to be
subscribed at
different plac-
ces.

Commission-
ers may ad-
journ and
transfer their
books.

When books
to be closed.
Proviso, for
paying 3 dol-
lars in each
share at the
time of sub-
scribing.

2000 shares,
or more being
subscribed,
the same to
be certified to
the governor,
and letters
patent to is-
sue.

Style of the
corporation.

Their powers and privileges.

na and Waterford 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, transferring and conveying in fee simple, or for any lesser 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.

Governor to subscribe 125,000 dollars in the stock.

SECT. III. *And be it further enacted by the authority aforesaid,* That whenever the said company shall have been incorporated, the governor of this commonwealth shall subscribe on behalf of the state, one hundred and twenty-five thousand dollars, stock in the said road, which subscription shall be apportioned to the distance of the whole road, and laid out and expended on the same, according to the said apportionment in the following manner, and in no other; *that is to say,* the sum of one hundred thousand dollars shall be laid out on that portion of the road which lies between the rivers Susquehanna and Allegheny, and twenty five thousand dollars on that part which lies between the town of Franklin, and the town of Waterford; and whenever the length of the said parts or portions shall be ascertained, it shall be the duty of the president and managers of the said road, to certify the length of each portion, to the state-treasurer, who shall upon the receipt of the same, pay on the orders of the said president and managers, to the treasurer of the said company, such sums of money, as will according to the said apportionment, and the limitation herein established, be applicable to a section of five miles on the east side of the Allegheny, and to a section of the same distance on the west of the said river; and when the said sections, or either of them, will have been completed and licensed by the governor, it shall be the duty of the state-treasurer, to pay, in manner as aforesaid such other sum or sums as will be applicable in manner aforesaid to one or two other sections of the road as the case may be; and so on from time to time as the sections will have been finished as aforesaid, until the whole of the said road will have been completed; but no more money shall at any one time be paid, than what may be found corresponding to a section of five miles, on each or either side of the Allegheny river, until the said section or sections will have been completed and licensed: *Provided,* that the said sum subscribed by the governor, on behalf of the commonwealth,

Where the money is to be expended.

President and managers to certify to the state-treasurer the length of road completed from time to time, who shall pay in certain proportions, how the money is to be applied.

Proviso.

shall be considered and taken in part of the appropriation made by the fourth section of an act, entitled "An act to encourage the constructing of certain great and leading roads within this commonwealth, and the erection of bridges over the Susquehanna, at Harrisburgh, Northumberland, Columbia and McCall's ferry," passed the second day of April, anno Domini, one thousand eight hundred and eleven.

SECT. IV. *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 or more of the public papers in Philadelphia, one of which shall be in the German language; and also in the Crawford Messenger, Western Press, and Pittsburgh Commonwealth, aforesaid, respectively, of the time and place by them to be appointed, not less than thirty 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 said subscribers, by ballot, to be delivered in person or by proxy duly authorized, which proxy shall have been obtained, and bear date within twelve months previous to the election, at which such proxy shall be presented; but no transfer or extension thereof to a third person shall be admitted; 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 such other officers shall be chosen: and shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States, or of this commonwealth, as shall be necessary for the well-ordering the affairs of the said company: *Provided always,* That no person shall have more than five votes at any election, or in determining any questions 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 by him held, under the said number: *Provided nevertheless,* that all future annual elections of the said corporation, shall be held with such notice, and in manner and form, as aforesaid, at such places as the managers aforesaid shall direct and appoint.

Commissioners to give notice to the stockholders to meet for the purpose of organizing the corporation.

Stockholders may vote by proxy under certain restrictions.

What officers are to be chosen.

Power to make by-laws.

Proviso.

No person to have more than five votes.

Proviso for future elections.

SECT. V. *And be it further enacted by the authority aforesaid,* That the said company shall meet on the first Monday in June, in every year, at such place as shall be fixed by their by-laws for the purpose of choosing officers as aforesaid, for the ensuing year, in manner aforesaid; and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed 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 aforesaid, all such by-laws, rules, orders and regulations, as aforesaid; and to do and perform any other corporate act.

Annual meeting of the company on the first Monday in June.

And at other times as prescribed by by-laws.

Certificates of stock to be given—their form.

5 dollars to be paid on each share.

How stock transferable.

Assignments to be entered in a book.

Five members to constitute a quorum to do business.

Minutes of their proceedings to be kept.

Power to appoint superintendants, &c. and fix their wages.

Fix the time of paying the proportions of their subscriptions, and how much.

Orders to be drawn on the treasurer for paying workmen, &c.

Penalty on stockholders, for neglecting to pay their instalments.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the president and managers, first to be chosen as aforesaid, shall procure certificates, to be written or printed, for all the shares of the stock of the said company; and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the common seal of the said corporation, to the governor, for each share subscribed by him on the part of the state; and to each person for every share by him subscribed and held, he paying to the treasurer, in part of the sum due thereupon, the sum of five dollars for each share; which certificate shall be transferable at his pleasure, in person, or by attorney, in the presence of the president or treasurer; subject however to all payments due, and 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 purpose, shall be a member of said corporation; and for every certificate by him held, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid, at the meetings thereof.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the said president and managers, shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business, at which meeting, five members shall form a quorum, who in the absence of the president, may choose a chairman; and shall keep minutes of all their transactions, fairly entered in a book; and a quorum being met, they shall have full power and authority, to agree with, and appoint all such surveyors, superintendants, artists, and officers, as they shall judge necessary to carry on the intended works; and to fix their salaries or wages; to ascertain the times, manner, and proportions, when, and in which the stockholders shall pay the money due on their respective shares, in order to carry on the work; to draw orders on the treasurer for all monies necessary to pay the salaries or wages of persons by them employed; and for the labour done, and materials provided in the prosecution of the work; which orders shall be entered or registered in their book of minutes, and shall be signed by the president, or in his absence, by a majority of a quorum, and countersigned by their secretary; and generally to do all such other acts, matters and things, as by the by-laws, rules, orders and regulations of the company, shall be committed to them.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That if any stockholder, whether original subscriber or assignee, after thirty days notice in two of the public papers in Philadelphia, one of which shall be in the German language; and also in the Pittsburgh Commonwealth, Crawford Messenger, and Western Press, respectively, of the time and place appointed for the payment of any proportion, or instalment of the said capital

stock, in order to carry on the work, shall neglect to pay such proportion, at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of five per centum per month, for every delay of such payment; and if the same, and the said additional penalties, shall remain unpaid for such space of time, as that the accumulated penalty shall become equal to the sums before paid, in part, and on account of such share, the same may be forfeited by and to the said company, at any public meeting of the managers thereof, and may be sold by them, to any other person or persons willing to purchase, for such price as can be obtained therefor; or in default of payment by any stockholder, of any such instalment as aforesaid, the said president and managers may, at their election, cause suit to be brought in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided always*, that no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, unless the whole sum due and payable as aforesaid, on the share or shares by him held at the time of such election, or general or special meetings of the said company, shall have been fully paid and discharged as aforesaid.

Shares may be forfeited and sold.

Suit may be brought for recovering instalments.

Stockholder not entitled to vote who is in arrears with the company.

SECT. IX. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful, to and for the said president and managers, their superintendants, surveyors, engineers, artists, and chain-bearers, to enter into, and upon all and every the lands, tenements and enclosures, in, through, and over which the said intended turnpike road may be thought proper to pass; and to examine the ground most proper for the purpose, and the quarries, and beds of stone and gravel, and other materials in the vicinity, that may be necessary in making and constructing the said road; and to survey, lay down, ascertain, mark, and fix such route or tract for the same road, as in the best of their judgment and skill, will combine shortness of distance with the most practicable ground from Waterford, in the county of Erie, through Meadville and Franklin, to the river Susquehanna, at or near the mouth of Anderson's creek, in Clearfield county.

Officers of the company authorized to enter enclosures to lay the road. Examine quarries, &c.

Fixed points, Waterford, Meadville, and Franklin, to the river Susquehanna, near the mouth of Anderson's creek.

SECT. X. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for the said president and managers, by and with their superintendants, engineers, artists, workmen, and labourers, with their tools and instruments, carts, waggons, wains, and other carriages, and beasts of draught and burden, to enter upon the lands, in, over, contiguous, and near to which the route and track of the said intended road shall pass, first giving notice of their intention to the owners or occupiers thereof; and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and mak-

Right to enter enclosures, doing the least possible damage.

Repair breaches, &c.

Agree for damages, or refer to disinterested men to appraise the same.

In case the parties do not agree to referees, justice to appoint.

On tender of appraised value, may take materials, &c.

Company authorized to erect bridges.

Width of the road.

Of what materials to be composed.

Road to be kept in repair.

Toll not to be exacted in certain cases.

When a section of five miles has been completed, inspected and approved, gates may be erected, and toll demanded.

ing amends for any damages that may be done to any improvements thereon, upon a reasonable agreement, if they can agree, or if they cannot agree, then upon an appraisement, to be made upon oath or affirmation, by three disinterested freeholders, any two of them agreeing, mutually to be choser; or if the owners, upon due notice, shall neglect or refuse to join in the choice, then to be appointed by any justice of the peace of either of the counties through which the said road passes, not interested therein; and upon tender of the appraised value, to cut down, dig, take and carry away, any timber, stone, gravel, sand, earth, or other materials, there being most conveniently situated for making or repairing the said road.

SECT. XI. *And be it further enacted by the authority aforesaid,*

That the said president, managers and company, shall have power to erect permanent bridges over the creeks and waters, crossed by the said route or track whereon the same shall be found necessary, and shall cause a road sixty feet in width to be laid out and made from Waterford as aforesaid, by the route aforesaid, to the river Susquehanna as aforesaid, of which sixty feet the said president, managers and company, shall be bound to make an artificial road, twenty feet in width, of firm, compact, and substantial materials, composed of wood, gravel, pounded stone, or other small hard substances, in such a manner as to secure a solid foundation, and an even surface, so far as the nature of the country and the materials will admit in the whole extent of the said road, wherever it shall be necessary, and the natural surface require it, so as to fulfil the duties of the said company towards the public, and to conform to the true intent and meaning of the present act, and shall forever hereafter maintain, and keep the same in good repair; and no part of said road shall exceed an elevation of more than four and one half degrees from an horizontal line, *And provided,* that no toll be demanded, or taken from any person, passing or re-passing from one part of his or her farm to another; or to and from any place of public worship; or funerals, or from militia-men, on days of training, going to and returning from the same; or persons going to or returning from general elections.

SECT. XII. *And be it further enacted by the authority aforesaid,*

That so soon as the said president, managers and company, shall have perfected any distance of the said road, not less than five miles, and so from time to time, any distance not less than five miles, progressively, from the same towards either of the places aforesaid, they shall give notice thereof to the governor, who shall thereupon, forthwith nominate and appoint, three skilful and judicious persons, to view and examine the same, and report to him whether the road is so far executed in a complete and workman-like 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 lesser seal of the commonwealth, permit and suffer the said president, managers and 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 the tolls and duties hereinafter granted to the said company, from all persons travelling on the same with horses, cattle and carriages: *Provided always*, that no gate shall be erected, nor toll demanded from any person or persons travelling said road, until after the license aforesaid shall have been granted, under a penalty of fifty dollars, to be recovered as debts of the same amount are recoverable, for every such offence; which said penalty, when recovered, shall be paid over to the supervisors of the respective townships, for the use of the roads in the same; nor shall any gate be erected within one mile of the towns of Waterford, Meadville, Franklin, and the place where the said road will cross the Susquehanna river, at or near the mouth of Anderson's creek.

No toll to be demanded until license granted, under a penalty of 50 dollars.

How penalty to be appropriated.

No gate to be erected within one mile of Waterford, &c.

SECT. XIII. *And be it further enacted by the authority aforesaid*, That the said company, having perfected the said road, or such part thereof from time to time as aforesaid, and the same being examined, approved, and licensed as 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 person and persons, using the said road, the tolls and rates hereinafter mentioned; and to stop any person riding, leading, or driving any horse or mule, or driving any cattle, hogs, sheep, sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled, or other carriage of burden or pleasure, from passing through the said gates or turnpikes, until they shall have respectively paid the same, *that is to say*: For every space of five miles in length of the said road, the following sums of money; and so in proportion for any greater or less distance, or for any greater or less number of hogs, sheep or cattle, *to wit*: For every score of sheep, four cents; for every score of hogs, six cents; for every score of cattle, twelve cents; for every horse or mule laden or unladen, with his rider or leader, three cents; for every sulkey, chair, chaise, with one horse and two wheels, six cents; and with two horses, nine cents; for every chair, coach, phaeton chaise, stage-waggon, cochee, or light-waggon, with two horses and four wheels, twelve cents; for either of the carriages last mentioned, with four horses, twenty cents; for every other carriage of pleasure, under whatever name it may go, the like sums according to the number of wheels and of horses drawing the same; for every sleigh or sled, two cents for each horse drawing the same; for every cart or waggon, or other carriage of burden, the wheels of which do not in breadth exceed four inches, four cents for each horse drawing the same; for every cart or waggon, the wheels of which shall exceed in breadth

After license granted, toll-gatherers may be appointed.

Rates of toll.

four inches, and shall not exceed seven inches, three cents for each horse drawing the same; and when any such carriage as aforesaid shall be drawn by oxen or mules, in the whole or in part, two oxen shall be estimated as equal to one horse; and every ass or mule as equal to one horse, in charging the aforesaid tolls.

Penalty on attempts to defraud the company.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That if any person or persons, owning, riding in, or driving, any carriage of burden or pleasure, as aforesaid, or owning, riding, leading, or driving, any horse or mule, or driving any hogs, sheep, or cattle as aforesaid, shall, with an intent to defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass therewith through any private gate or bar, or along or over any private passage way, or along or over any other ground or land, near to or adjoining any turnpike or gate, which shall be erected in pursuance of this act; or if any person or persons shall, with the intent aforesaid, take off, or cause to be taken off, any horse, or other beast or cattle of draught or burden, from any carriage of burden or pleasure; or shall practise any other fraudulent means or device, with the intent to evade or lessen the payment of any such toll or duty, all and every such person or persons, offending in manner aforesaid, shall, for every such offence, respectively forfeit and pay to the president, managers and company, of the Susquehanna and Waterford turnpike road, the sum of fifteen 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 equal amount are or may be by law recoverable.

Penalty on the company for neglecting to keep the road in repair.

Mode of proceedings against the company for neglect.

SECT. XV. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good repair for the space of twenty days, and information thereof shall be given to any justice of the peace of the proper county, such justice shall issue a precept to be directed to any constable, commanding him to summon three judicious freeholders, to meet at a certain time, in the said precept to be mentioned, at the place in the said road which is complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said justice shall at such time and place, by the oaths or affirmations of the said freeholders, inquire whether the said road, or any part thereof, is in such good repair as aforesaid; and shall cause an inquisition to be made, under the hands and seals of himself, and a majority of the said freeholders; and if the said road shall be found, by the said inquisition, to be out of repair, contrary to the true intent and meaning of this act, he shall so 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 turnpikes or gates for the intermediate dis-

tances between them, shall cease to be demanded, paid, or collected, until the said defective part or parts of the said road shall be put into good and perfect order and repair as aforesaid, and if any of the keepers of the gates aforesaid, shall take, or attempt to exact tolls for the intermediate distance between the gates aforesaid, from any traveller during the time the road shall continue out of repair, such keeper shall forfeit, and pay to the person who shall prosecute for the same, the sum of fifteen dollars, to be recovered before any justice of the peace, as debts of equal amount are, or may be by law, recoverable; but if the same road shall not be put into good repair before the next ensuing court of quarter sessions of the proper county, the said justice shall certify, and send a copy of the said inquisition to the justices of the said court; and the said court shall thereupon cause process to issue, and bring in the bodies of the person or persons entrusted by the company with the care and the superintendance of such part of the said road, as shall be found defective as aforesaid, and shall direct a bill of indictment to be sent to the grand inquest, against the person or persons, entrusted as aforesaid; and upon conviction, shall give such judgment according to the nature and aggravation of the neglect, as the said court in their discretion shall judge proper: *Provided*, the fine in no instance shall be less than twenty dollars, nor exceeding one hundred dollars; and the fines so to be imposed, shall be recovered in the same manner, as fines for misdemeanors are usually recovered in the said county, and shall be paid to the supervisors of the highways of the place wherein the offence was committed, to be applied to repairing such highways as the township or county is bound to repair, at the public expense thereof.

SECT. XVI. *And be it further enacted by the authority aforesaid*, That the president and managers of the said company, shall keep fair and just accounts, of all monies which shall be received by them, from the said commissioners, and from the subscribers, for the stock of the said company, on account of their several subscriptions; and of all penalties for the delay in the payment thereof, and of the amount of the profit on the shares which may be forfeited as aforesaid; and also of all monies by them to be expended, in the prosecution of their said work; and shall once at least in every year, submit such accounts to a general meeting of the stockholders, until the said road shall be completed, and until all the costs, charges, and expenses of effecting the same shall be fully paid and discharged; and the aggregate amount of such expenses shall be liquidated and ascertained; and if upon such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the said road, according to the true intent and meaning of this act,

No toll to be demanded until the road is repaired.

Amount of fine, and to whom paid.

If repairs are not made before the next ensuing court of quarter sessions, complaint to be preferred to the said court.

Upon conviction before said court, a fine may be imposed by the said court. But no fine to exceed 100 dollars.

To be paid to supervisors; &c.

Accounts to be kept of all monies received for subscriptions, fines, and forfeited shares.

And to be submitted to a general meeting of the stockholders.

Company authorized to enlarge the stock if necessary.

Account to be kept of the amount of tolls received.

Not more than one gate to be erected within every five miles. Dividend to be made to the stockholders on the first Mondays in December and June.

Notice to be given of the time and place of paying dividends.

Abstract of the accounts of the company to be triennially laid before the legislature.

Index hand boards to be erected at the crossings and intersections of roads.

it shall and may be lawful for the said president, managers and company, at a stated or special meeting, to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work; and to demand and receive the monies subscribed for such shares, in like manner, and under the like penalties as are herein before provided for the original subscriptions, or as shall be provided by their by-laws.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That the said president, managers and company, shall also keep a just and true account of all and every the monies to be received by their several and respective collectors of tolls, at the several gates or turnpikes on the said road, which shall not exceed one for every five miles, after the road is completed, from the beginning to the end thereof, or such part thereof as shall from time to time be completed as aforesaid; and after the said road shall be completed, or so much thereof as it may from time to time be deemed expedient to make and finish, shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges, and a reasonable fund for repairs, and for the progressive improvement and accomplishment of the said work, being first deducted and reserved, among all the subscribers to the stock of the said company; and shall, on the first Monday in December and June, in every year, publish the half-yearly dividends to be made of the clear profits, among the stockholders, and of the time and place, when and where the same will be paid; and shall cause the same to be paid accordingly.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That the said president and managers shall, at the end of every third year, (from the date of the incorporation,) lay before the general assembly of this commonwealth, an abstract of their accounts, shewing the whole amount of their capital expended in prosecution of the said work, and of the income and profits arising from the said tolls, for, and during the said respective periods, together with an abstract account of the costs and charges of keeping the said road in repair; and all other contingent costs and charges, to the end that the clear annual income and profits thereof, may be ascertained and known.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That the said company shall cause posts to be erected at the intersection of every road, falling into, and leading out of the said turnpike road, with boards, and an index hand 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 mile-stones to be placed on the side of the said road, to designate the distance to, and from the principal places thereon; and also shall cause

to be affixed on the gates to be erected, for the information of travellers, and others using the said road ; a printed list of the rates or toll which, from time to time, may be lawfully demanded.

Rates of toll to be posted up at every gate.

SECT. XX. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully break, deface, pull up, or prostrate, any mile-stone 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 road as aforesaid, or the board or index-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 letters, figures or other characters marked at any turnpike or 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, which shall be affixed in pursuance of the directions of this act, at any such gate or turnpike, he or they so offending in the premises, shall for every such offence, severally and respectively forfeit and pay to the said president, managers, and company, the sum of twenty dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in manner aforesaid.

Penalty for defacing mile-stones, &c.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That all waggoners, carters, and drivers of carriages, of all kinds, whether of burden or pleasure, using the said road, shall, except when overtaking and passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road, in the passing direction, leaving the other side of the said road free and clear for other carriages to pass and repass, and if any carter, waggoner or driver, shall offend against this provision, he shall forfeit and pay any sum not exceeding six dollars, to any person who shall, by reason thereof, be obstructed in his passage, and will sue for the same, before any justice of the peace, to be recovered with costs, in like manner aforesaid.

Directions to travellers passing each other on the road.

Penalty on breach of the directions.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That if any toll gatherer on the said road, shall demand from any person or persons, using the said road, any greater rate of toll than by this act is authorized and allowed, such toll-gatherers shall forfeit and pay the sum of twenty dollars, for every such offence, one half to the use of the supervisors of the roads or highways, of the township in which the forfeiture shall be incurred, and the other half to the use of the person suing for the same ; to be recovered before any justice of the peace, of the county, where such offence shall have been committed.

Penalty for demanding illegal toll.

Persons not sustaining their prosecutions against the company, liable for damages.

SECT. XXIII. *And be it further enacted by the authority aforesaid;* That if in the case of any suit or prosecution, which shall be commenced under the directions of this act, for any penalty incurred under the same, whether by or against the said company, their servants or assignees, the said suit or prosecution shall not be sustained by the plaintiff or prosecutor, then and in such case as the person or persons prosecuted as aforesaid, shall recover by the judgment of the justice, before whom such suit or prosecution shall be depending, or by action, before the court of common pleas of the proper county, (if such prosecution had been instituted before the court of general quarter sessions of the peace,) such sum, not exceeding the amount of the penalty for which the suit or prosecution shall be commenced, as shall be deemed a reasonable retribution for the vexation of such suit or prosecution.

Limitation of time for bringing suits.

SECT. XXIV. *And be it further enacted by the authority aforesaid;* That no suit or action shall be brought or prosecuted by any person or persons, for any penalties incurred under this act, unless such suit or action shall be commenced within six months next after the fact committed; and the defendant or defendants in such suit or action, 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.

Company not commencing within three, or completing their work within ten years, their privileges, &c. forfeited.

SECT. XXV. *And be it further enacted by the authority aforesaid;* That if the said company shall not proceed to carry on the said work, within three years, or shall not within ten years after the passing of this act, complete the said road, according to the true intent and meaning of this act, then in either of those cases, it shall and may be lawful for the legislature of the commonwealth, to resume all and singular, the rights, liberties, privileges and franchises, by this act granted to the said company.

Legislature may after a certain time take possession of the road.

SECT. XXVI. *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 the said road, three persons shall be appointed by the governor, and three 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; who, 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 of this commonwealth, who shall cause the same to be laid before the legislature, at their next session; and whenever the amount so certified, shall be by law paid 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.

And under what conditions.

SECT. XXVII. *And be it further enacted by the authority aforesaid,* That if two thousand shares in the stock of the said company, be not actually subscribed for, as aforesaid, within three years from the passing of this act, then shall the powers and privileges hereby granted to the said company, cease and determine; and the subscribers of shares shall have right and power to call on the president and managers for their proportional shares of the sums by them respectively paid, after deducting their respective proportions of the reasonable expenses that have been actually paid or incurred.

Two thousand shares not being subscribed within three years — powers of the company to cease — and money be refunded to subscribers.

SECT. XXVIII. *And be it further enacted by the authority aforesaid,* That a bridge shall be erected over the river Susquehanna, where the said road terminates, at the joint expense of the said company, and the company hereinafter mentioned.

Bridge to be erected over the Susquehanna.

SECT. XXIX. *And be it further enacted by the authority aforesaid,* That Theophilus Harris, and Thomas Stewardson, of the city of Philadelphia; Gabriel Hiester, junr. and William Whitman, junr. of the county of Berks; Charles Hall, Thomas Grant, David Taggart, John P. De Gruchy, Jacob Dentler, Hugh Wilson Ridge, and John Driesbaugh, of the county of Northumberland; James Duncan Lyons, Mussina, Andrew Gregg, William Irwin, John Dunlap, Roland Curtin, Isaac M'Kinney, Philip Benner, and Matthew Allison, of the county of Centre; be and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say, they shall, on or before the first Monday in May next, procure one or more 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 Northumberland and Anderson's creek turnpike road, the sum of fifty dollars, for every share of stock in the said company, set opposite to our respective names, in such manner and proportions, and at such time as shall be determined by the president and managers of the said company, in pursuance of this act, to enable the governor to incorporate a company, for making an artificial road, from the town of Northumberland, in the county of Northumberland, by the best and nearest route, to the Susquehanna river, in the county of Clearfield, passing through Derrstown, Youngmanstown, Aaronsburg, Bellefonte, and Milesburg, to the west branch of the Susquehanna, at or near the mouth of Anderson's creek, in the county of Clearfield. Witness our hands, the _____ day of _____ in the year of our Lord, one thousand eight hundred and _____."

Commissioners named for taking subscriptions.

Books to be opened in May next.

Price of shares, fifty dollars.

And shall, thereupon, give notice in two of the public papers, printed in the city of Philadelphia, one of the papers published in Reading, and in all the papers published in Northumberland, of the times and places, when and where the said books shall be open, to receive subscriptions, for the stock of the said company; and the said books shall be kept open, until the whole number

Notice to be given of the time and place of opening books.

Books to be closed when 2400 shares are subscribed.

3 dollars to be paid on each share at the time of subscribing.

Letters patent to issue when 1000 shares are subscribed.

Style of the corporation.

May increase their stock.

Notice to be given of the time and place of organizing the company.

What officers to be chosen.

of shares subscribed, shall amount to two thousand four hundred shares, when they shall be closed: *Provided always*, that every person offering to subscribe in the said books, in his own name, or any other name, shall previously pay to one of the commissioners, the sum of three dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking such 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, and the officers chosen as hereinafter mentioned.

SECT. XXX. *And be it further enacted by the authority aforesaid*, That when one thousand, or the whole number of shares shall be actually subscribed, the said commissioners, or any seven of them, 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 and may be lawful for the governor, by letters patent under his hand, and the great seal of the state, to create and erect the subscribers, into one body politic and corporate, in deed and in law, by the name, style, and title of "The president, managers, and company, of the Northumberland and Anderson's creek 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 increasing and enlarging the same from time to time, by new subscriptions, if such enlargement shall be found necessary to fulfil the true intent and meaning 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 lesser 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.

SECT. XXXI. *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 obtained, shall give notice in two of the public papers in Philadelphia, one of which shall be in the German language; in one paper published in Reading; and also in all the papers published in Northumberland and Meadville, of a time and place by them to be appointed, not less than thirty 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 said subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, twelve managers, one treasurer, and one secretary, who shall be subscribers to the

said turnpike ; and such other officers as they shall think necessary to conduct the business of the said company, for one year ; and until such other officers shall be chosen ; and shall and may make such by-laws, rules, and regulations, not inconsistent with the constitution and laws of the United States, or of this commonwealth, as shall be necessary for the well ordering the affairs of the said company ; and generally, have like powers, authorities, and privileges, necessary for carrying on and completing the said road ; and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to the like tolls and profits, as are given and granted to the president, managers and company of the Susquehanna and Waterford turnpike road, leading from the town of Waterford to the river Susquehanna, at or near the mouth of Anderson's creek in Clearfield county.

Power to make by-laws.

Like tolls to be demanded with those of the Susquehanna and Waterford turnpike road.

SECT. XXXII. *And be it further enacted by the authority aforesaid,* That the president and managers of the said company, for the time being, may, and they are hereby authorized, and empowered, at their choice and discretion, to grant, demise, and to farm let, to any person or persons, the tolls and duties which by virtue of this act they are authorized to demand and receive for passage in, upon; and along the said road, at any gate or turnpike on the same; or any part of the same, from year to year, by public auction, under such rents, and convenient restrictions and conditions, as the said president and managers shall agree upon; which grants and demises shall have the same construction, force and effect, as other the like grants and demises made between private persons, have and receive at law.

Company authorized to farm out the tolls annually at public auction.

SECT. XXXIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the subscribers to the Northumberland and Aaronsburgh turnpike company, and they or either of them are hereby authorized, to transfer their shares either by themselves, or by persons properly authorized, to the Northumberland and Anderson's creek turnpike road, immediately after the books shall be opened for receiving subscriptions agreeably to the first section of this act.

Subscribers of Northumberland and Aaronsburgh, authorized to transfer their shares in the Northumberland and Anderson turnpike road.

SECT. XXXIV. *And be it further enacted by the authority aforesaid,* That the governor of this commonwealth is hereby authorized and directed, to subscribe seventy-five thousand dollars, to the stock of the Northumberland and Anderson's creek turnpike road company, as soon as such company is incorporated, to be paid to the treasurer of the said company, in the same manner and proportions, as is directed by the third section of this act ; being the residue of the appropriation made by the fourth section of the act, entitled "An act to encourage the constructing of certain great and leading roads within this commonwealth ; and the erection of bridges over the Susquehanna at Harrisburgh, Northumberland, Columbia, and McCall's ferry," passed the se-

Governor authorized to subscribe 75,000 dollars to the stock of the company. In what proportions the subscriptions to be paid:

Proviso.

cond day of April, Anno Domini one thousand eight hundred and eleven: *Provided*, that not more than twenty-five thousand dollars of the state subscription, shall be expended on the said road, between Northumberland and Aaronsburg.

1000 shares not being subscribed within three years privileges of the company to determine. Money paid to be refunded to subscribers.

SECT. XXXV. *And be it further enacted by the authority aforesaid*, That if one thousand shares of the stock of the said company be not actually subscribed as aforesaid, within three years from the passing of this act, then the powers and privileges hereby granted to the said company, shall cease, and the subscribers shall have right and power to call on the said commissioners, or the president and managers, as the case may be, for their proportional shares of the sums, by them respectively paid, after deducting their proportions of the reasonable expenses, that shall have been actually paid or incurred.

JOHN TOD, *Speaker*
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-second day of February, one thousand eight hundred and twelve.

SIMON SNYDER.

CHAPTER XL.

An ACT authorizing the commissioners of Indiana county, to sell part of certain lots, in the town of Indiana, and for other purposes.

Notice to be given by the commissioners.

SECT. I. *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 commissioners of Indiana county, be and they are hereby authorized and empowered, having first given four weeks public notice, in one of the news papers printed in Greensburgh and Pittsburgh, respectively, and by written or printed advertisements, put up at six of the most public places in Indiana county, one of which shall be on the court house door, of the time and place of sale, to proceed to sell for the highest and best price that can be had for the same, one hundred and fifty feet of the lot on Philadelphia street, off the end of the same that adjoins the alley which divides it from lot number one, and one hundred and eighty feet, of the lot on Water-street, off the end of the same, that adjoins the alley which divides it from lot number one hundred and thirty, having first laid off the ground so to be sold, in such lots as to them may appear most proper, and on payment of the purchase money to the treasurer of said county in the following manner, viz. one third of the purchase money at the time of sale, and the residue in two equal annual instalments; and on payment of the first instalment, the said

Lots to be sold.

Terms of payment.