

CHAPTER CXIV.

AN ACT

Authorising the Governor to incorporate the President, Managers and company of the Mount Pleasant Turnpike Road, in the county of Westmoreland.

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 Charles Fulwood, William Hindman, James Irwin, Robert Stewart, Andrew Byerly, Christian Brenncman, James M'Guire and Peter Pool, 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 day of September next, procure a book or books, and enter therein as follows "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Mount Pleasant turnpike road company, the sum of fifty dollars for every share of stock set opposite our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled "An act, authorising the Governor to incorporate the President, Managers and Company of the Mount Pleasant Turnpike Road, in the county of Westmoreland." Witness our hands the day of in the year of our Lord one thousand eight hundred and " And thereupon give notice in one or more newspapers printed nearest the route of said road, of the time and place when and where said books shall be open to receive subscriptions for the stock of said company; at which time and place, some two of said commissioners shall attend, and permit all persons of lawful age, who shall offer to subscribe in the said book, in their own, or in the name or names of any other persons who shall authorise the same, for any number of shares of the said stock; and the said book shall be kept open for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until twelve hundred shares have been subscribed therein; and if at the expiration of the said six days, the said number of twelve hundred shares shall not have been subscribed, the commissioners respectively, may adjourn from time to time, and transfer the said books from place to place, until the whole number of shares aforesaid be subscribed, of which adjournment and transfers the commissioners aforesaid, shall give such public notice as the occasion may require; and when the whole number of shares subscribed shall amount to twelve hundred

Commissioners named.

Book to be procured.

Engagement of subscribers.

Notice to be given.

Subscriptions to be taken.

How long the book shall be kept open.

Adjournment.

Proviso.
Four dollars
payable on
subscribing.

shares, the same shall be closed: *Provided always*, That every person offering to subscribe in said book, in his own or the name of any other person, shall previously pay to the attending commissioners, the sum of four dollars for every share so subscribed, out of which shall be paid the expenses attending the same, together with other incidental charges, and the remainder shall be paid over to the treasurer of said corporation, as soon as the same shall be organised, and the officers chosen as hereinafter mentioned.

When letters
patent may
issue.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when twenty or more persons shall have subscribed three hundred shares of the said stock, the said commissioners respectively, may, or when the whole number of shares aforesaid shall be subscribed, they 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 seal of the state, to create and erect the subscribers; and if the subscription be not full at the time, then 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 President, Managers and Company of the Mount Pleasant Turnpike Road in the county of Westmoreland." 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 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 true 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 estates, 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 or can lawfully do.

Name and title.

Powers and privileges.

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 said letters patent shall have been obtained, shall give twenty days notice in the newspapers convenient to the route of said road, of the time and place appointed, at which time and place the said subscribers shall proceed to organise the said corporation, and shall choose by a majority of the said subscribers present, by ballot, to be delivered in person or by proxy, duly authorised, one president, ten managers, a treasurer, and such other officers as they deem necessary to conduct the business of said company for one year, and until other officers are chosen; and shall and

Officers to be
chosen.

may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this commonwealth, as shall be necessary for the well ordering the affairs of said company: *Provided always*, That no person shall have more than ten votes at any election, or in determining any question occurring at such meeting, whatever number of shares he or they may have subscribed for, and that every subscriber shall be entitled to one vote for each share subscribed for under that number: *Provided nevertheless*, That all future annual elections of said corporation, shall be held with such notice and in manner and form aforesaid, on the second Monday of January, in every year, at such place as shall be directed by their by-laws.

SECT. 4. *And be it further enacted by the authority aforesaid*, That it shall be lawful for the said president and managers, their superintendants, surveyors, engineers, artists and chain bearers, to enter in and upon all and every, the lands and tenements and inclosures, in, through and over which the said intended turnpike road may be thought proper to pass, and examine the ground most proper for the purpose as well as the materials, in the vicinity that will be necessary in making and constructing the said road; and to survey, lay down, ascertain, mark and fix such route or track for the same road, as in the best of their judgment and skill will combine shortness of distance, with the most practicable ground, from the town of Mount Pleasant, in the county of Westmoreland, to intersect the Greensburg and Pittsburg turnpike road, at or near Larimer's tavern, and generally they shall have the like powers, authorities and privileges necessary for carrying on and completing the said turnpike road, as well as for all the subsequent concerns of said corporation, 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 Somerset and Mount Pleasant turnpike road: *Provided*, If the company shall not proceed to carry on the work within three years after the passing of this act, or shall not within ten years afterwards complete the said road according to the true intent and meaning of this act, then, and in either of those cases, all and singular the rights, liberties and franchises hereby granted to the said company shall revert to this commonwealth.

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.