

Proviso.
Compensa-
tion limited.

board, and directed to take charge of their respective duties, and allow their compensation to commence at the time they were severally directed to and actually did enter upon the discharge of their respective duties: *Provided*, That such compensation shall not exceed that allowed to collectors and lock keepers on the Pennsylvania canal.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—the thirtieth day of March, Anno Domini, one thousand eight hundred and thirty one.

GEO. WOLF.

* ————— *

No. 134.

AN ACT

Authorising the Governor to incorporate the Warren and Ridgeway turnpike road company.

Commission-
ers to open
books.

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 for the purpose of making a turnpike road, beginning at the line of the state of New York, near where the Conewango creek crosses the same, in Warren county, through the town of Warren, to the Milesburg and Smethsport turnpike road, at Ridgeway settlement, in Jefferson county, Joseph Hackney, Rufus Wetherby and Robert Falconer, of Warren county, and Enos Gilles, and Reuben A. Aylesworth, of Jefferson county, be and they are hereby appointed commissioners to do and perform the duties hereinafter mentioned, that is to say: they shall procure a book and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Warren and Ridgeway turnpike road company, the sum of twenty-five dollars for every share by us subscribed, in such manner and proportions, and at such times and places, as shall be determined on by the said president and managers, in pursuance of an act, entitled "An act authorising the Governor to incorporate the Warren and Ridgeway turnpike road company." Witness our hands the _____ day of

Form of sub-
scription.

\$25 per share.

Notice.

Anno Domini, one thousand eight hundred and _____; and shall give at least thirty days notice, in all the newspapers published in Warren and Jefferson counties,

of the time and place, when and where the said book shall be opened to receive subscriptions of stock of the said company; at which time and place, some one 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, at least six hours in each juridical day, for the space of six days, or until the book shall have subscribed therein five hundred shares; and the said commissioners may adjourn from time to time, and transfer the book 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.

Whole No.
500 shares.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when twenty or more persons shall have subscribed two 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 all those who may afterwards subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of "The Warren and Ridgeway turnpike road company;" and by the said name, the said subscribers shall have perpetual succession, and 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 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 estate, 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 and thing, which a corporation or body politic may lawfully do.

When 20 persons take 200 shares charter may issue.

Style.

Privileges and liabilities.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the stockholders, or any two of them named in the letters patent, shall as soon as conveniently may be, after the issuing of the same, give notice in all the newspapers published in the counties of Warren and Jefferson, of a time and place to be by them appointed, not less than twenty days from the time of the first notice; at which time and place the said subscribers, or as many of them as may be then present, shall proceed to organize the said company, and shall choose by a majority of the said subscribers, by ballot, either in person, or by proxy duly authorised, one pre-

Organization of company.

President, 6 managers, treasurer, &c. for one year, and from thence until the next annual election, and until such other officers shall be chosen and organized, agreeably to the provisions of this act; and in case of the death, removal, or resignation of any president or manager, the board of managers may and shall choose another to supply the vacancy, until the said next annual election of said company; they may make and have one common seal, and the same may break, alter or renew at their pleasure; and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, as shall be necessary for the well ordering of the affairs of the corporation: *Provided*, That each subscriber shall be entitled to one vote, for every share of stock by him or her held, not exceeding five, but no share or number of shares above five, shall entitle the holder to more than two votes at any election or meeting of said company: *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 share or shares, by him or her held at the time of such election or meeting, shall have been fully paid and discharged.

SECT. 4. *And be it further enacted by the authority aforesaid*, That if any treasurer elected by virtue of this act, shall die, resign or refuse to act, or neglect to give such security for the faithful discharge of the duties of his office, as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon him and perform all the duties of said office, it shall be the duty of the said managers for the time being, to appoint some suitable person treasurer; which person so appointed shall hold the office to which he shall have been appointed, until the next election by the stockholders, on his giving the requisite security, and until a successor shall be duly elected, and give the security required.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the stockholders shall meet on the first Monday in July, in each succeeding year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing, in manner aforesaid, such officers as aforesaid, for the year ensuing the terms of service of those previously elected.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the said president and managers shall make out certificates of stock, signed by the president, and countersigned by the treasurer, and sealed with their corporate seal, and deliver one such certificate to each subscriber, for any share or number of shares by him or her held, on his or her paying to the treasurer on each share so held the sum of five dollars; which certificates shall be transferable in person or by attor-

President, 6 managers, treasurer, &c. for one year, and from thence until the next annual election, and until such other officers shall be chosen and organized, agreeably to the provisions of this act; and in case of the death, removal, or resignation of any president or manager, the board of managers may and shall choose another to supply the vacancy, until the said next annual election of said company; they may make and have one common seal, and the same may break, alter or renew at their pleasure; and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, as shall be necessary for the well ordering of the affairs of the corporation: *Provided*, That each subscriber shall be entitled to one vote, for every share of stock by him or her held, not exceeding five, but no share or number of shares above five, shall entitle the holder to more than two votes at any election or meeting of said company: *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 share or shares, by him or her held at the time of such election or meeting, shall have been fully paid and discharged.

Vacancies how supplied.
Seal.
By-laws.

Proviso.
Ratio of votes to shares.

2d proviso.
Delinquents not to vote.

Of the treasurer.

Annual meeting of stockholders.

Stock certificates.

Transferable.

ney on the books of the said company, only subject to the sum due or to become due on the shares so transferred.

SECT. 7. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said president and managers, their superintendents, surveyors, engineers, artists and chain bearers, to enter in, 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 for that purpose to examine the ground, and the quarries of stone and gravel, and other materials that may be necessary in making and constructing the said road, and to survey, lay down, ascertain, mark and fix such route for said road, as in the best of their judgment and skill, will combine shortness of distance, with the most eligible ground within the points aforesaid. -

Right to enter enclosures for materials, &c.

Location.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the said president and managers, five of whom shall for all purposes be a quorum, 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, 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 herein-after authorised, and to fix their compensation, to ascertain the times, manner and proportions, in which the stockholders shall pay the amount of their respective shares, in order to carry on the work, 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 quorum of the managers, and attested by their secretary, and to do and transact all other acts, matters and things, as by the by-laws, orders and regulations of the said company, shall be entrusted to them.

General powers of president and managers.

Orders on treasurer.

SECT. 9. *And be it further enacted by the authority aforesaid,* That if any stockholder, whether original subscriber or assignee, after thirty days notice in two newspapers, printed in the town of Warren, if there be two published, of the time and place appointed for the payment of any instalment or proportion of the capital stock, 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 two per centum per month, for every delay of such payment, and if the same and additional penalty shall become equal to the sums before paid in part, on account of such share, the same may be forfeited by and to the said company, and may be sold by them for such price as can be obtained therefor, or in default of payment of any stockholder of any such instalments as aforesaid, for the space of sixty-days as aforesaid, the president and managers may at

Penalty on delay in paying instalment.

Shares may be forfeited or suit may be brought against delinquents.

their election, cause suit to be brought in the same manner, as debts of like amount are now recoverable, for the recovery of the same, together with the penalty aforesaid.

Notice to be given of entrance upon contiguous land.

SECT. 10. *And be it further enacted by the authority aforesaid,* That it may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen, and laborers, their tools and instruments, carts, wagons, and other carriages, and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice of their intention to the occupiers thereof, and doing as little damage thereto as possible, and making amends for damages upon a reasonable and equitable agreement by the parties; or if they cannot agree then upon a just and equitable assessment, to be made upon oath or affirmation, by three disinterested freeholders 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 of the county of Warren or Jefferson, as the case may be, who shall not be interested therein; and upon the tender of the assessed value, to dig, take and carry away any timber, stone, sand, earth, or other materials necessary or suitable for making said road.

Mode of assessing damages.

Annual statement of accounts.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the said president and managers shall keep fair and just accounts, as well of all monies received by them, as of those paid, laid out, and expended in the prosecution of said work, and shall at least once in every year submit their books and accounts to a general meeting of the stockholders; and whenever it shall be ascertained that the capital stock of said company is not sufficient to complete the said road according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, at a stated or special meeting, convened according to the provisions of this act or their own by-laws to increase the number of shares to such extent as they shall deem sufficient to accomplish the work, and to demand and receive the monies subscribed for such additional shares, in like manner and under the like penalties as are provided by this act, in the case of the original subscriptions.

Increase of capital stock.

Erection of bridges.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said route, whenever the same shall be found necessary; and shall cause a road to be laid out, not exceeding thirty feet in width, and shall cause at least sixteen feet of said width to be made an artificial road, of wood, stone, gravel, or other proper and convenient materials, such as the nature of the ground may require and will afford, to be constructed in such manner as will admit an

Dimensions of road, &c.

even surface; and in such places where the road shall not be made of stone, to rise towards the centre by a gradual arch, to the height of eighteen inches; and in no place in said road shall there be an elevation of more than five degrees from a horizontal line, and shall forever thereafter maintain and keep the same in good order and repair: *Provided*, That it shall and may be lawful for the president and managers, whenever they may deem it necessary, to cut, deaden, and prostrate the timber on each or either side of the said road, within a distance not exceeding one hundred feet from the centre of the said road.

Proviso.
Company may cut timber adjoining road.

SECT. 13. *And be it further enacted by the authority aforesaid*, That whenever, and as often as the said company shall have finished five miles or more of said 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 report on oath or affirmation to him, whether the 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 seal of the state, permit and suffer said 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 from all persons travelling the same otherwise than on foot, the same tolls which are hereinafter authorised and granted: *Provided*, That all persons attending funerals, military parades or trainings, or divine worship, on the Sabbath day, shall at all times be exempted from the payment of any tolls on said road.

On completion of 5 miles.

License to take toll may issue.

Proviso.
Exempts from toll.

SECT. 14. *And be it further enacted by the authority aforesaid*, That for collecting and receiving tolls, and for every attempt to evade the payment thereof; for every neglect to keep the said road in good repair; for the increase, diminution, and application of tolls, the erection of index posts, and for injuring and defacing the same; for the regulation of the travelling on the said road, and for limitations of actions, and for the recovery and application of fines and penalties for offences against this act, the said company shall have all the powers, authorities, rights and privileges, and be subject to all the penalties which are given and granted by the act entitled, "A supplement to an act, entitled An act authorising the Governor to incorporate a company for making an artificial road from the bank of the river Susquehanna, opposite the borough of Harrisburg, to Pittsburg," passed the thirty-first day of March, eighteen hundred and seven.

Placed under provisions of a former law with regard to tolls, &c.

SECT. 15. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the county commissioners of Warren county, to subscribe on behalf of said county

County commissioners of Warren may subscribe \$4000.

ty any number of shares of stock in the said company, not exceeding the sum of four thousand dollars.

SECT. 16. *And be it further enacted by the authority aforesaid,* That if the said company do not commence making the said road within three years after the passing of this act, and complete the same within ten years thereafter, then this act shall be void.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The thirtieth day March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 135.

AN ACT

Authorising a loan of monies to be invested in the internal improvement fund, to be applied to the payment of repairs, damages, and other demands upon said fund, and for other purposes.

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,*

Loan authorised to be invested in internal improvement fund.

That the Governór be, and is hereby authorised to borrow, on the credit of the commonwealth, such sum or sums of money as may be required during the ensuing year, for the purpose of defraying the expenses of necessary repairs upon the several lines of canal, and for the payment of the superintendents, collectors, supervisors, and lock keepers, and of damages assessed upon the several lines of rail-road and canal; and also for constructing a towing path along the pool of the Nanticoke dam; which sum or sums so borrowed shall be paid and vested in the commissioners of the internal improvement fund, to be applied by them to the purposes above described: *Provided,* That the above loan may be negotiated to be paid into the treasury by instalments, from time to time, as required, and shall not exceed the sum of three hundred thousand dollars, at an interest not exceeding five per centum per annum; and that no engagement shall be entered into, precluding the commonwealth from repaying the said loan at any time after the expiration of twenty-five years, from the first day of July next.

And how applied.