

No. 42.

An Act

Authorizing the Governor to incorporate the Warren and Franklin Turnpike Road Company.

SECTION 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 from the borough of Warren, in Warren county, to Franklin, in Venango county, Robert Falconer, William A. Irvine, Grey C. Irvine, Archibald Tanner, John King, William Siggins, and Joseph M. Gee, of Warren county, and Alexander M. Calmont, John W. Howe, James Kinneer, James Thompson, and John Gabraith and Arnold Plummer, of Venango county, Henry Sergent, and Thomas Martin, of Warren county, be, and they are hereby appointed commissioners, to do and perform the duties hereinafter mentioned; that is to say, they shall procure books, and enter therein as follows: Commissioners appointed

“We, whose names are hereunto subscribed, do promise to pay the president and managers of the Warren and Venango 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 authorizing the Governor to incorporate the Warren and Franklin turnpike road company.’ Witness our hands, the day of Anno Domini, one thousand eight hundred and .” Manner and form of taking subscriptions for stock. Price of shares, 25 dollars each.

And shall give at least thirty days notice, in at least one newspaper published in the county of Warren, and one in the county of Venango, of the time and places when and where the said books shall be open 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 books shall have subscribed therein eight hundred shares; and the said commissioners may adjourn from time to time, and transfer the books 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. Who may subscribe. Whole number of shares 800.

Provided always, That every person offering to subscribe in said books, in his own or any other name, shall previously Provide.

One dollar to pay to the attending commissioner or commissioners, the sum of one dollar for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscriptions, 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.

SECTION 2. When twenty or more persons shall have subscribed one 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 "Warren and Franklin turnpike road company;" and by the said name the 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 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 settling, 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 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.

SECTION 3. 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 at least one of the newspapers published in the county of Warren, and one in the county of Venango, 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 authorized: one president, six managers, one treasurer, and such other officers as may be necessary to conduct the business of said company 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 mana-

Letters patent.

Style & title.

Capital stock may be enlarged.

Powers.

Notice.

Company to be organized, and how.

President & managers, &c.

Vacancies.

gers may and shall choose another to supply the vacancy, until the next said annual election of said company; they may make and have one common seal, and the same may break, alter and 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; *Pro-Provido.* *vided,* That each subscriber shall be entitled to one vote for every share of stock by him or her held; *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.

SECTION 4. 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.

SECTION 5. That the stockholders shall meet on the first Monday in March in each succeeding year, at such place 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.

SECTION 6. 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 transferrable, in person or by attorney, on the books of the said company, only subject to the sum due or to become due on the shares so transferred.

SECTION 7. 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 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 ground, and the quarries of stone and gravel, and other materials that

Location. 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 point aforesaid.

SECTION 8. 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 hereinafter authorized, 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 entrust to them.

SECTION 9. If any stockholder, whether original subscriber or assignee, after thirty days notice in two newspapers printed in the county of Warren and Venango, 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 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 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.

SECTION 10. 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 reasonable and equitable agree-Mode of as-
 ment by the parties, or if they cannot agree thereupon, a just certaining
 and equitable assessment to be made upon oath or affirmation, damages.
 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 cho-
 sen by a justice of the peace of the county of Warren or
 Venango, 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 the making said road.

SECTION 11. The said president and managers shall keep Accounts to
 fair and just accounts, as well of all moneys received by be kept and
 them, as of those laid out and expended in the prosecution submitted to
 of said work, and shall, at least once in every year, submit the stock-
 their books and accounts to a general meeting of the stock- holders.
 holders, and whenever it shall be ascertained that the capi-
 tal 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 manag-
 ers, at a stated meeting, convened according to the provisions
 of this act, or their own by-laws, to increase the number of Number of
 shares to such extent as they shall deem sufficient to accom- shares may
 plish the work, and to demand and receive the moneys be increased.
 subscribed for such additional shares, in like manner and
 under like penalties, as are provided by this act in the case
 of the original subscription.

SECTION 12. The said president and managers, shall have
 power to erect good and sufficient bridges over all the Bridges.
 streams of water crossed by said road, and shall cause a
 road to be laid out, not exceeding fifty feet in width, and
 shall cause at least twenty feet of said width to be made an
 artificial road; 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. Dimensions
 of road.

SECTION 13. That whenever, and so 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 skilful, 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, ac-
 cording 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, per-
 mit and suffer said company to erect and fix such and so
 many gates or turnpikes on and across the said road, as will
 be necessary and sufficient to collect from all persons travel-
 When view-
 ers shall be
 appointed.
 License.

ing the same otherwise than on foot, the same tolls which are hereinafter authorized 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.

Fines and penalties.

SECTION 14. 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 traveling 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 to the president, managers and company of the Greensburg and Pittsburg turnpike road, in and by an act of assembly of this commonwealth, passed the ninth day of March, Anno Domini, one thousand eight hundred and fourteen.

Commissioners of Warren and Venango to subscribe.

SECTION 15. That the commissioners of Warren and Venango counties, are hereby respectively authorized to subscribe to the stock of said turnpike road company, a sum not exceeding five thousand dollars each, in shares of twenty-five dollars, and to draw their warrants on the treasurers of their respective counties, for the sum or sums so subscribed.

Time of commencing and completing the road.

SECTION 16. That if the said company do not commence making the said road within two years after the passing of this act, and complete the same within five years thereafter, then this act shall be void.

NER MIDDLESWARTH,
Speaker of the House of Representatives,

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The seventeenth day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.