

No. 103.

An Act

Authorizing the Governor to incorporate the Meadville and Titusville Turnpike Road Company, and for other purposes.

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, commencing at the east end of Chesnut street, in the borough of Meadville, by Widow Kitelinger's mill, to Titusville, in Crawford county, Stephen Barlow, David Dick, John P.

Commiss'rs. Davis, David M^rFadden, Joseph Douglass, E. A. Reynolds, C. B. Power, Meadville, William Curry, J. L. Chase, John Robinson, D. M^rCombs, Adam Holliday, John Gilson, Titusville, Alexander Johnston, Avery Oaks, John Kean, Jacob Guy, Joel Jones, Jr., Randolph township, 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: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Meadville and Titusville 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 authorizing the Governor to incorporate the Meadville and Titusville Turnpike road company;' Witness our hands, the day of , Anno Domini, one thousand eight hundred ,"

To provide books.

Form of subscription.

Shares \$25 each.

Notice.

Who may subscribe.

800 shares.

Proviso.

shall give at least thirty days notice, in at least one newspaper published in the county of Crawford, 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, or 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: *Provided always,* That

every person offering to subscribe in said books, in his own or any other name, shall previously 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 twenty-five 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, ^{Letters patent.} under his hand, and the 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 Meadville and Titusville ^{Name, style and title.} 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 ^{Privileges & liabilities} 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 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.

SECTION 3. That the stockholders, or any two of them ^{Organization} 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 Crawford, 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 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 next said annual election of said company; they may make and have one common seal, and the same may break, alter, or renew at 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 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: *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.
- Treasurer.** 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.
- Annual election.** SECTION 5. That the stockholders shall meet on the first Monday in March, 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.
- Certificates of stock.** 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 transferable 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.
- Transferable** SECTION 7. It shall and may be lawful for the said president and managers, their superintendents, surveyors, engi-

neers, artists, and chain bearers, to enter in and upon, all ^{Right to enter upon} and every, the lands, tenements, and enclosures, in, through, ^{lands to locate, and for} and over which the said intended turnpike road may be ^{materials,} thought proper to pass, and for that purpose, to examine 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 point aforesaid.

SECTION 8. The said president and managers, five of ^{Quorum.} whom shall for all purposes be a quorum; shall keep minutes ^{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 ^{Power to appoint engineers, etc.} 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 ^{Penalty for neglecting to pay instalments.} printed in the county of Crawford, 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 ^{Forfeiture.} 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.

Right to
enter upon
lands.

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 agreement by the parties, or if they cannot agree thereupon, 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 Crawford, 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.

Damages,
how assessed

Just accounts
to be kept.

SECTION 11. The said president and managers shall keep just and fair accounts, as well of all moneys received by them, as of those 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 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 moneys 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.

Number of
shares may
be increased.

Bridges.

SECTION 12. The said president and managers shall have power to erect good and sufficient bridges over all the 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.

Viewers.

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, 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, on and across the said road, as will be necessary and sufficient to collect from all persons traveling 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.

License
collect toll.

Proviso.

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.

Act of 9th
March, 1814,
extended to
this comp'y.

SECTION 15. That the commissioners of Crawford county are hereby respectfully authorized to subscribe to the stock of said turnpike road company, a sum not exceeding five thousand dollars, in shares of twenty-five dollars, and to draw their warrant on the treasurer of said county, for the sum or sums so subscribed.

Commiss'rs.
of Crawford
co. to sub-
scribe 5000
dollars.

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.

Time of com-
mencing and
completing
the road.

SECTION 17. That from and after the passage of this act, the company incorporated to make a turnpike road from Bald Eagle bridge, through Nittany Valley, to the Brush Valley road, in Miles township, Centre county, passed the fourteenth day of April, one thousand eight hundred and thirty-four, to which this is a supplement, are hereby authorized and empowered to extend and continue their turnpike road,

Bald Eagle,
Nittany and
Brush Valley
turnpike co.,
authorized to
extend their
road.

so as to intersect the turnpike road leading from Lewisburg, in Union county, to the Old Fort in Penn's Valley, in said county, at or near the town of Millheim, and the said company shall have the same rights, privileges, and franchises, and be subject to the same duties, qualifications, restrictions, penalties, fines and forfeitures, in the completion of said road, as were granted and restricted in the act to which this is a supplement.

SECTION 18. That the time for completing the said road be, and the same is hereby extended five years from the expiration of the time granted in the act to which this is a supplement.

Warren & N. York State Line Turnpike comp'y. SECTION 19. That for the purpose of making a turnpike road, beginning at Warren, in Warren county, up the Allegheny river, to the New York state line, Robert Falconer, Archibald Tanner, Dennis Mead, Andrew Menett, Oron Hook, Andrew Irwin, Benjamin Marsh, William Culbertson, Enoch Gilman, Gilman Merrill, John Hackney, William Marsh, Jonathan Marsh, Orris Hall, and H. Sargent, 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 therein enter as follows: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Warren and New York State Line Turnpike Road company, the sum of fifty 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 authorizing the Governor to incorporate the Warren and New York State Line Turnpike Road company;' Witness our hands, the day of Anno Domini, one thousand eight hundred and thirty ;"

Commiss'rs. and shall at least give thirty days notice, in all the newspapers published in Warren county, of the time and place when and where the said books shall be opened to receive subscriptions of stock of the said company, at which time and place, two 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 two 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.

To procure a book.

Shares \$50 each.

Notice.

Who may subscribe.

200 shares.

SECTION 20. When ten or more persons, shall have subscribed twenty-five 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 *Letters patent* 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 New York State Line 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 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 the 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. *Privileges & liabilities.*

SECTION 21. The stockholders, or any two of them named in the letters patent, shall, as soon as conveniently may be after issuing of the same, give notice, in all the newspapers published in the county of Warren, 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, in person, 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 managers may, and shall choose another to supply the vacancy, until the 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, *Organization* *Vacancies how filled.* *Seal.*

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 thereof to a vote at any election or meeting of said company: *And provided also*, That no person shall be entitled to hold the office of president, manager, or treasurer of the said company, who is not a stockholder thereof: *And provided also*, That no stockholder, whether the 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.

Proviso.

2d Proviso.

3d Proviso.

Treasurer.

SECTION 22. If any treasurer elected by virtue of this act, shall die, resign, or refuse to act, or neglect to give 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 himself 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.

Annual election.

SECTION 23. The stockholders shall meet on the first Monday in July in each 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 for the year ensuing the term of service of those previously elected.

Certificates of stock.

SECTION 24. 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 him or her paying to the treasurer, on each share so held, the sum of five dollars, which certificate shall be transferable, in person or by attorney, on the books of the said company, only subject to the sum due, or to become due, on the share or shares so transferred.

Transferable

Right to enter upon lands to locate, and for materials.

SECTION 25. 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 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.

SECTION 26. 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 engineer, 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 their 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 or things, as by the by-laws, orders and regulations of the said company, shall be entrusted to them.

Quorum.
Minutes.
Power to appoint engineers, etc.

SECTION 27. If any stockholder, whether original subscriber or assignee, after thirty days notice, in two newspapers printed in the borough 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 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 may be obtained therefor, or in default of payment of any stockholders, of 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.

Penalty for neglecting to pay instalments.

Forfeiture.

SECTION 28. 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

Right to enter upon lands.

to which the said road shall be made or constructed, first giving notice of their intentions 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 thereupon, 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 wherein the said land lays, who shall not be interested therein, and upon the tender of the assessed value, to dig and carry away any timber, stone, sand, earth, or other materials, necessary or suitable for making said road.

Damages,
how assessed

Just accounts
to be kept

Capital stock
may be in-
creased.

Bridges.

Dimension of
road.

Proviso.

SECTION 29. The said president and managers shall keep just and fair accounts, as well of all moneys received by them, as of those paid out and expended in the prosecution of the work, and shall at least once in every year, submit their books and account to a general meeting of the stockholders, and whenever it shall be ascertained that the capital stock of the 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 moneys subscribed for such additional shares, in like manner, and under like penalties as are provided by this act in the case of the original subscriptions.

SECTION 30. The said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said route, wherever the same shall be found necessary, and shall cause a road to be laid out, not exceeding fifty feet in 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 even surface, and in no place in said road shall there be an elevation of more than three 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, they making just and equitable compensation to the owners.

SECTION 31. Whenever and as often as the said company shall have finished five miles or more of 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, report on oath or affirmation, to him, whether the said 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 the seal of the state, permit and suffer the 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 the sum, otherwise than on foot, the same tolls which are hereinafter authorized and granted: *Provided*, That all persons attending funerals, military parades and trainings, or divine worship, on the Sabbath day, shall at all times be exempted from payment of any toll on said road.

SECTION 32. The said company having perfected the said road, or such part thereof, from time to time, as aforesaid, and 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 stop any person riding or leading any horse, or driving any cattle, hogs or sheep, or driving any coach, coaches, sulkey, chair, chaise, pheaton, cart, wagon, wain, sleigh, sled, or other carriages of burden or pleasure, from passing through the said turnpike or gates, until they shall have respectively paid the same, that is to say; for every five miles in length of the said road, completed and licensed as aforesaid, the following sum of money, and so in proportion for any lesser or greater distance actually travelled, or for any greater or less number of sheep, hogs or cattle, to wit: for every score of hogs six cents, for every score of sheep six cents, for every score of cattle twelve cents and one half, for every horse and his rider, or led horse, three cents, for every sulkey, chair or chaise, with one horse and two wheels, six cents, and with two horses, nine cents, for every chariot, coach, pheaton or chaise, with four wheels and two horses, twelve and one-half cents, for either of the carriages last mentioned, with four horses, twenty cents, for every other carriage of pleasure, under whatsoever name it may go, the like sums, according to the number of wheels, and horses drawing the same, for every sled two cents for each horse drawing the same, for every cart or wagon, the

wheels of which do not exceed the breadth of four inches, six cents for each horse drawing the same, for every cart or wagon, the wheels of which shall exceed in breadth four inches, and not exceeding seven inches, three cents for each horse drawing the same, for every cart or wagon, the breadth of the wheels of which shall be more than seven inches, and not more than ten inches, or being of the breadth of seven inches, shall roll more than ten inches, two cents for each horse drawing the same, for every cart or wagon, the breadth of the wheels of which shall be more than ten inches, and not exceeding twelve inches, or being ten inches, shall roll more than fifteen inches, one cent for each horse drawing the same, for every cart or wagon, the breadth of the wheels of which shall be more than twelve inches, one cent for each horse drawing the same, and all carriages as aforesaid, which shall be drawn by oxen in the whole, or partly by oxen and partly by horses, two oxen shall be estimated as equal to one horse, in charging all the aforesaid tolls, and every mule as equal to one horse, and if any person or persons shall represent to the said company or any of their officers, that he, she, or they, have travelled a less distance than he, she, or they have actually travelled along the said road, with intent to defraud the said company of their toll, or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of the said company, any sum not exceeding eight dollars, and if any toll-gatherer shall demand and receive greater or other toll from any person or persons, than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the supervisors of the highways of the township in which the forfeiture is incurred, for the repairs of the roads in the said township, and for payment of which, the said company shall be responsible: *Provided always*, That it shall and may be lawful for the said company, by their by-laws, to regulate the burden on carriages to be drawn along the said road, in such manner as shall be found from experience to be most conducive to the public convenience, and the advantage of said company.

Penalty for
deftauding
the comp'y.

Penalty for
exactng un-
lawful toll.

Proviso.

SECTION 33. For collecting and receiving tolls, 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 by the act entitled "A supplement to an act entitled An act authorizing 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."

SECTION 34. That James Kerr Washington Parker, John Humes, John Dougherty, John Morland, Robert Reed, William Beatty, John Gilmore, John Bredin, John Gilchrist, John Brown, (of Olive,) John Thompson, ——— Gellespie, Robert Carnahan, and Joseph McQuestine, of Butler county, Aaron McKissock, Hugh McClelland, Andrew Irvine, James Kenier, and John W. Houser; or any five of them, 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 of July next, procure two books, or more, and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Brownington, Harrisville and Franklin Turnpike road company, the sum of fifty dollars for every share of stock in 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 said company, in pursuance of an act of the general assembly of this commonwealth, to authorize the Governor to incorporate a company for making a turnpike road from Brownington, in Butler county, through Harrisville, in said county, to the borough of Franklin, in Venango county; Witness our hands, the day of in the year of our Lord, one thousand eight hundred and ;" and thereupon shall give notice, in two or more of the public papers printed nearest the route of the said road, for twenty days at least, of the time and places when and where the said books shall be opened to receive subscriptions for the stock of the said company, at which times and places, one of the said commissioners shall attend, and permit and suffer all persons of lawful age who shall offer to subscribe in said books, in their own names, or in the name or names of any other persons who shall duly authorize the same, for any number of shares of stock, and the said books shall be kept open respectively, for the purposes aforesaid, at least six hours in every juridical day, for the space of six days, or until the said books shall have one hundred shares therein subscribed, and if at the expiration of the said six days, the books aforesaid shall not have the said number of one hundred shares therein subscribed, the commissioners respectively, may adjourn from time to time, and transfer the said books from place to place, until the whole

Powers,
rights and
privileges.

Brownington
Harrisville &
Franklin
turnpike co.

Commiss'rs.

To procure
books.

Form of sub-
scription.

Shares 50
dollars each.

Notice.

Who may
subscribe.

100 shares.

number of shares shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares subscribed shall amount to five hundred, the same shall be closed: *Provided always*, That every person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners, the sum of two dollars for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking subscription, 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.

Proviso.

Letters patent.

Name, style, and title.

Capital stock may be increased, etc.

Organization

SECTION 35. When ten persons, or more, shall have subscribed for twenty-five 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 of this commonwealth, whereupon, 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, 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 and Managers of the Brownington, Harrisville and Franklin Turnpike Road company," and by the said name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding the 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 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 suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 36. The commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice, in two of the public papers printed nearest the route of the said road, of

a time and place by them to be appointed, not less than twenty 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 subscribers, by ballot, to be delivered 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 the said company for one year, and until such other officers 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 and this commonwealth, as shall be necessary for the well ordering the affairs of the said company: *Provided al-* Proviso.
ways, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, Ratio of
votes. and that each person shall be entitled to one vote for every share by him held under that number.

SECTION 37. It shall be lawful to and for the said president and managers, their superintendents, surveyors, artists and chain bearers, to enter in and upon all and every, the Right to enter upon
lands to locate, and for
materials. lands, tenements and enclosures, 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 may be necessary in making and constructing the said turnpike road, and to survey, lay down, ascertain, mark and fix such route or track for the said road, as in the best of their skill and judgment will combine shortness of distance with the most practicable ground, and generally, they shall have like powers, authorities and privileges, necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls and profits, in For tolls, &c.
see act of
24th March,
1817. proportion to the distance, as are given and granted to the president, and managers, and company of the Pittsburg, Butler and Mercer turnpike road, in and by an act of assembly of this commonwealth, passed the twenty-fourth day of March, Anno Domini, eighteen hundred and seventeen; and the said Brownington, Harrisville and Franklin turnpike, shall commence at Brownington, in Butler county, and pass through Harrisville, in said county, and terminate at the borough of Franklin, in Venango county.

SECTION 38. The president and managers of the said road shall make, or cause the same to be made, not less than Dimensions
and form of
road. forty, or more than fifty feet in width, and at least eighteen feet thereof shall be made an artificial road, in the following

manner, to wit: all the timber shall be taken out by the roots, and removed from the road, which shall, where the original location is level, or nearly so, be at least two feet higher in the centre than at the sides; it shall be well and sufficiently ditched, so as to carry off the water, and to keep the road in its foundation firm and dry, it shall be constructed of firm and substantial materials, composed of wood, gravel, stone, slate, sand, or other hard substance, such as the nature of the ground along which the road may pass will admit of, so as to secure a solid foundation, a smooth and firm surface, and a well made permanent highway, and so nearly level in its progress that it shall in no place rise or fall more than will form an angle of five degrees with a horizontal line: *Provided*, That if in the opinion of the said president and managers, any part of the ground on the route of said road shall be so hard and compact as to make a good road without any covering of wood, gravel, stone, slate, or other hard substance, the said president and managers are hereby authorized to construct such part of said road without any such covering, and shall keep the said road in perfect order and repair.

Proviso.

Time of commencement and completion.

SECTION 39. If the said company shall not proceed to carry on the said work within five years after the passage of this act, or shall not within ten years thereafter complete the same, according to the true intent and meaning of this act, then, or in either of those cases, all and singular, the rights, liberties, privileges and franchises hereby granted, shall revert to the commonwealth.

Annual election.

SECTION 40. The election for president, treasurer, and managers of said company, shall be held annually, on the second Monday of April.

Preamble.

WHEREAS, the act of thirty-first March, eighteen hundred and thirty-six, authorizing the Governor to incorporate the Somerset and Shanksville Turnpike Road company, does not establish definitely the points of commencement and termination of said road; Therefore,

Route.

SECTION 41. That as soon as said company shall be duly organized, the managers shall proceed to lay out said road from a point immediately east of Jacob Gebhart's, on the Bedford and Somerset turnpike, thence by the most direct and eligible route, to a point at or near Phineas P. Handy's cabin, on the top of Bald Hill, on the Bedford and Stoystown turnpike, and said company shall be known and chartered by the name, style and title of the "Somerset and Bald Hill Turnpike Road company."

Name, style and title.

SECTION 42. That Peter Rhoads, of Somerset county, and

John Clark and Peter Schell, of Bedford county, be, and they are hereby appointed commissioners, in conjunction with the commissioners appointed by the above recited act, to carry into effect the provisions of this act, and the act above recited. Additional
commiss'ers.

SECTION 43. The act entitled "An act to authorize the Governor to incorporate the Armagh and Conemaugh Turnpike Road company," passed the second day of April, Anno Domini, one thousand eight hundred and thirty, is hereby revived and continued in force, and the time limited by law for the completion of said road, is hereby extended for the term of four years from the passage of this act. Armagh &
Conemaugh
Turnpike
Road comp'y
Time extend-
ed.

SECTION 44. That the act entitled "An act authorizing the Governor to incorporate the Berry's Mountain Turnpike Road company," passed the sixth day of April, eighteen hundred and thirty-two, be, and the same is hereby revived: *Provided always*, 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 six years thereafter, then this act shall be void. Berry's
Mountain
Turnpike
Road comp'y

SECTION 45. That for the purpose of making said turnpike road, the said company may commence the same at the top of Peters' Mountain, where the present turnpike crosses it, on the line of Middle Paxton and Halifax townships, in Dauphin county, and lay out, form, and make the said road, thence to the Bear Gap, in Lykens township, aforesaid, on such course and courses, and upon such ground as the said company may think advisable: *Provided always*, That the said company may, if they deem it necessary, increase their stock to any number of shares not exceeding sixteen hundred. Route.
Proviso.

LEWIS DEWART,

Speaker of the House of Representatives.

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-seven.

JOS: RITNER.