

treasury of the commonwealth yearly, and that any improvements or repairs necessary to protect the wharf or end of the street at the canal he shall be at liberty to make, the expenses of which shall be paid out of the rents of the wharf.

LEWIS DEWART,

Speaker of the House of Representatives,

CHARLES B. PENROSE,

Speaker of the Senate.

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

JOS. RITNER.

No. 44.

An Act

Authorizing the Governor to incorporate the Franklin and Emlenton 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 from a point on the Susquehanna and Waterford turnpike, near the Allegheny river, to Emlenton, Alexander M'Calmont, Arnold Plumer, William Craig, William Davidson, Samuel Huston, John Gray, Joseph Porterfield, Daniel Smith, Abraham Witherup, Isaac Haslet, John Shannon, Samuel Crawford, John F. Cauver, George S. Myers, John Cochran, William Cripps, John L. Porter, Thomas Platt, George R. Espy, Andrew Bowman, Joseph M. Fox, Henry Neely, Benjamin Junkins and William Kerns, be, and they are hereby appointed commissioners To procure to do and perform the duties hereinafter mentioned, that books 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 Franklin & Emlenton 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 Franklin and Emlenton Turnpike Road company; Witness our hands, the day of , Anno Domini

one thousand eight hundred and ,” and shall give at least thirty days notice in at least one newspaper published 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 four thousand shares, and the said commissioner 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 commissioner 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 one hundred or more shares have been subscribed, 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 shall be the duty of 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 Franklin and Emlenton 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, 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

Who may subscribe.

No. of shares

Proviso.

Letters patent.

Name, style and title.

Privileges & franchises

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 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 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 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: *Provided*, That each subscriber shall be entitled to one vote for every share of stock by him or her held.

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 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 over 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 said company, only subject to the sum due or to become due on the shares so transferred.
- Of transfer.**
- Authority to enter upon lands, to examine for materials &c.** 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 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 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.
- Quorum.** 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 and 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.
- Minutes.**
- Powers.**
- Penalty for neglecting to pay instalments.** SECTION 9. If any stockholder, whether original subscriber or assignee, after thirty days notice in two newspapers printed in the county of 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. Forfeiture.

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 when the land is occupied, and to the owners thereof when it is unoccupied, 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 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. *Provided*, That the managers or directors of the said road shall always pay the amount of the damages, estimated as aforesaid, before entering upon any land or lands, for the purpose of commencing operations in the construction of the whole or any part of the said road. Authority to enter upon lands. Damages to be paid. Mode of estimating damages.

SECTION 11. The said president and managers shall keep fair and just accounts, as well of all monies 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. Just accounts to be kept.

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, Bridges.

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.

Governor to
appoint
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.

Proviso.

Powers and
privileges.

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 action, 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.

Banking
prohibited.

SECTION 15. It shall not be lawful for the president and managers of said company in their corporate capacity, to issue bills of credit, or notes in the shape of bank notes, or to have any banking privileges whatever.

State road
from York
Haven to Co-
lumbia
bridge, York
county.

SECTION 16. That James Kerr, John Kauffelt, Joseph Wil-son, John Rankin, John Thompson, and Robert Boyd of the county of York, be, and they are hereby appointed commissioners to view, and lay out a state road from a point in the turnpike road leading from York to York Haven, at the latter place, thence extending along the Susquehanna river as near as

practicable, and to intersect the turnpike road from York to Wrightsville, at the Columbia bridge, in York county.

SECTION 17. That it shall be the duty of said commissioners respectively, or a majority of them, after taking and subscribing an oath or affirmation before a justice of the peace to perform the duties enjoined upon them by this act with impartiality and fidelity, to carefully view the ground over which the said road may pass, and to lay out the same as near to a straight line between the aforesaid points as the nature of the ground and other important circumstances will permit, and so that the vertical departure from a horizontal line shall at no point exceed five degrees, except only at crossing ravines and streams, where by moderate filling or bridging the declination of the said road may be preserved within that limit. Commissioners to be under oath.

SECTION 18. That it shall be the duty of the commissioners respectively, plainly and distinctly to mark on the ground the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties in this act enjoined, the commissioners respectively, are hereby authorized to employ one surveyor, at a per diem allowance not exceeding two dollars, and two chain carriers, one axe man, and one staff bearer, at a per diem allowance not exceeding one dollar, and the said commissioners respectively shall receive one dollar and seventy-five cents for each and every day while necessarily employed in discharging the duties enjoined upon them by this act, to be paid as is hereinafter directed. Route.
Surveyor.
Compensation.

SECTION 19. That it shall be the duty of the said commissioners to make out fair and accurate drafts of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of October next, and one copy in the office of the clerk of the court of Quarter Sessions of York county, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened the full breadth, and repaired in all respects as roads are opened and repaired which are laid out by order of the court aforesaid. Drafts where to be deposited.

SECTION 20. That the accounts of said commissioners for their own pay and for the pay of surveyors, chain carriers, and paid. Accounts to be adjusted

axeman, and staff bearer, shall be adjusted by the commissioners of the county of York, and paid by the treasurer thereof, on warrants drawn in the usual way.

Time and place for commiss'rs. to meet.
Vacancies.

SECTION 21. That the said commissioners shall meet at York Haven on or before the first Monday in May next, or as soon thereafter as practicable; and complete the location of said road as soon as practicable, and if any vacancy or vacancies shall happen by resignation or otherwise, the court of Quarter Sessions of York county are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

Franklin & Titusville turnpike company incorporated
Commiss'rs.

SECTION 22. That for the purpose of making a turnpike road from a point at or near Franklin in Venango county, to Titusville in Crawford county, John Evans, James Kinneer, Charles Mackey, Edward Pierce, Nimrod Grace, William Elliott, James R. Snowden, Robert Lamberton, Rowletter Power, Alexander McCalmont, Benjamin A. Plumer, Lewis T. Rena, Jonathan R. Sage, Robert McCalmont, Green Hays, Peter Spire, Richard Hamilton, Jonathan Titus, John Robinson, Joseph L. Chase, William Robinson, Hugh Hamilton, William Hamilton, Manus McFadden, John Tarr, Nenian Irwin, Joshua Reynolds, John Breed, James Irwin, Peter Dempsey, Robert Curry, Isaac Archer, Moses Elder, John Wilson, and Isaac Newton, 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 Franklin 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 Franklin and Titusville Turnpike Road company; Witness our hands, the day of Anno Domini one thousand eight

To procure books.

Form of subscription.

Who may subscribe.

Number of shares.

hundred and ;" and shall give at least thirty days notice, in at least one newspaper published in the county of Venango, of the time and places when and where the said books 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 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 23. When one hundred or more shares have been subscribed, 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 shall be the duty of the Governor, by 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 Franklin and Titusville 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, 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, hereditament 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 24. 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 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, four 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 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, and renew at their pleasure, and 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

Seal.

Proviso.

Of the treasurer.

SECTION 25. 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 26. 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.

Of transfer.

SECTION 27. 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 over 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 said company, only subject to the sum due or to become due on the share so transferred.

Authority to enter upon lands for materials.

SECTION 28. 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 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 29. The said president and managers 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 think necessary, to make and construct said road, Powers. 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 & regulations of the said company, shall be entrusted to them. Quorum.

SECTION 30. If any stockholder, whether original subscriber or assignee, after thirty days notice in one newspaper neglecting printed in the county of Venango, of the time and place to pay instalments. 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 Forfeiture. 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 31. It may be lawful for the said president and Authority to managers, by and with their superintendents, engineers, enter upon artists, workmen and laborers, their tools and instruments, lands. 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 Damages.

- How to be assessed. 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 proper county, 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.
- Accounts to be kept. SECTION 32. The said president and managers shall keep fair and just accounts, as well of all monies 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.
- Bridges. SECTION 33. 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 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.
- Governor to appoint viewers. SECTION 34. 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 the seal of the state, permit and suffer said company to erect and fix such and so many gates 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. SECTION 35. 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,
- Proviso.
- Powers and penalties.

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 limitation of action, 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.

SECTION 36. It shall not be lawful for the president and managers of said company, in their corporate capacity, to Banking issue bills of credit, or notes in the shape of bank notes, or prohibited to have any banking privileges whatever.

SECTION 37. That for the purpose of making a turnpike Titusville road from Titusville in Crawford county, to Neilsborough in and Neilsborough Venango county, William Neil, William Broadfoot, Ebenezer Turnpike Road Boyle, Aaron Benedict, John Brown, John Dawson, Edward Dunham, Samuel Fleming, Samuel Grandon, Jesse Co. Hays, William Howeth, Abraham Lovill, John Lamb, William Commiss'rs. Poor, Hiram Goodrich, Joseph L. Chase, John Robinson, James M'Caslin, William Robinson, Joseph M'Caslin, Jonathan Titus, William Curry, Adam, Holladay, Wallace Mahen, Robert Curry, Edward Fleming, James Hulings, Alexander Holeman, Nathaniel Siggens, and John A. Dale, be and they are hereby appointed commissioners to do and To procure perform the duties hereinafter mentioned, that is to say, they books shall procure books and enter therein as follows: We whose Form of names are hereunto subscribed do promise to pay the presi-subscription. dent and managers of the Titusville and Neilsborough 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 Titusville and Neilsborough Turnpike Road company: Witness our hands, the day of , Anno Domini one thousand eight hundred and ; and shall give at least thirty days notice in at least one newspaper published in the county of Venango, of the time and places when and where the said books 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 subscrip-Who may tions from all persons of lawful age who shall offer to sub-scribe. scribe 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 four 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 38. When one hundred or more shares have been subscribed, 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 shall be the duty of the Governor, by 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 Titusville and Neilsborough 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, 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 39. 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 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, four 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 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: *Provided*, That each subscriber shall be entitled to one vote for every share of stock by him or her held. Seal.
 Proviso.

SECTION 40. 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. Treasurer.

SECTION 41. That the stockholders shall meet on the first Annual Monday in April in each succeeding year, at such place as election 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 42. 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 over 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 said company, only subject to the sum due or to become due on the shares so transferred. Certificates of stock.
 Of transfer.

Authority to
enter upon
lands.

SECTION 43. 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 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.

Minutes.

Powers.

Quorum.

SECTION 44. The said president and managers 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 be entrusted to them.

Penalty for
neglecting
to pay in-
stalments.

Forfeiture.

SECTION 45. If any stockholder, whether original subscriber or assignee, after thirty days notice in one newspaper printed in the county of 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 46. 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 lauds 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 proper county, 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.

Authority to enter upon lands.
Damages to be assessed.

SECTION 47. The said president and managers shall keep fair and just accounts as well of all monies 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.

Just accounts to be kept.

SECTION 48. 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 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.

Bridges.

SECTION 49. 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, 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 the seal of the state, permit and suffer said company to erect and fix such and so many gates on and across the said road as will be necessary and sufficient to collect from all persons traveling the same

to appoint viewers.

License.

Proviso. 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.

Powers and penalties. SECTION 50. 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, and for limitation of action, 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.

Banking prohibited. SECTION 51. It shall not be lawful for the president and managers of said company, in their corporate capacity, to issue bills of credit, or notes in the shape of bank notes, or to have any of the usual banking privileges.

Connellsville & Pittsburg turnpike Co. SECTION 52. James C. Cummings, Alexander Johnston, Joseph Torrence, John Smilie, David B. Long of Fayette county, and Christian Fox, Robert Hitchman, Archibald Boyd, sen'r., Henry Null, and John B. Tarr of Westmoreland county, 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 June next, procure a book and enter in it as follows: "We whose names are hereunto subscribed, do promise to pay unto the president, managers and company of the Connellsville and Pittsburg Turnpike road, the sum of twenty-five dollars for every share of said stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined on by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, authorizing the Governor to incorporate the president, managers and company of the Connellsville and Pittsburg Turnpike road, as witness our hands, the

To procure books. day of _____, in the year of our Lord one thousand eight hundred and _____;" and shall thereupon give notice in one or more of the newspapers printed in the counties of Fayette and Westmoreland, one month, of the time and place when and where the said book shall be opened to receive subscriptions for the stock of the said company, at which time

Form of subscription.

and place some one of the said commissioners shall attend, Who may and permit and suffer all persons of lawful age who shall subscribe. offer to subscribe in the said book, in their own name or in the name of any other person who shall duly authorize the same, for any number of shares of the said stock, and the said book shall be kept open respectively for the purpose aforesaid, for at least six hours in every juridical day for the space of three days, and until the said book so opened, shall have four hundred shares therein subscribed; and if at the expiration of the said three days, the book aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners respectively may adjourn from time to time, and transfer the book from place to place, until the whole number of shares shall be subscribed, of which adjournment and transfer the said commissioners shall give notice, as the occasion may require.

Number of shares.

SECTION 53. Whenever ten or more persons shall have subscribed two hundred shares or more of the said stock, Letters patent. the commissioners shall certify under their hands and seals, the names of the subscribers and the number of shares subscribed by each, to the Governor, and thereupon it shall and may be lawful for the Governor, by letters patent, under his hand and the seal of the state, to create and erect the subscribers, and if the said subscriptions be not full at the time, then also those who shall afterwards subscribe to the number aforesaid, into one body corporate and politic, by the name, style and title of the president, managers and company of the Connellsville & Pittsburg Turnpike road, and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent and meaning of this act, and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments and estates, real & personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and doing all and every other matter or thing which a corporation or body politic may lawfully do.

Name, style, and title.

SECTION 54. The commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give notice in the public papers aforesaid, of the time and place by them to be appointed, not Privileges.

- less than thirty days from the publication of the first notice, of what time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of their own subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, five managers, one treasurer, and such other officers as they shall think necessary, to conduct the business of the said company for one year and until such other officers shall be chosen, and the said managers so chosen, and their successors, shall and may make such by-laws, rules and regulations, not inconsistent with the constitution and laws of this state and of the United States, as shall be necessary for the well ordering of the affairs of the said company, and generally have like powers, authority and privileges for carrying on and completing said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to take tolls as soon as six miles of said road shall be completed, in proportion to the distance, as are given and granted to the president and managers and company of the Pittsburg and Greensburg Turnpike road; and the said Connellsville and Pittsburg road shall commence at the borough of Connellsville, county of Fayette, thence through part of Fayette and Westmoreland counties to intersect the Robbstown and Mount Pleasant Turnpike road at or near M'Kean's old stand, in Westmoreland county: *Provided*, That if the said company shall not proceed to carry on the said work within three years after the passage of this act, and shall not within five years afterwards complete the said road, according to the true intent and meaning of this act, then and in either of the said cases, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, privileges, liberties and franchises by this act granted to the said company.
- SECTION 55.** John Sheaffer, John Arndt, jun^r. Christian Haldeman, George W. Hamersly, George Ford, jr. John Hoover, Christian Stauffer, Martin Swar, Abraham Long, Robert B. Wright, Edward B. Grubb, John Hostetter, Lewis Wislar, Philip F. Wislar. Doctor F. A. Thomas, James Boon. John Hoover, John Barber and James Given of the county of Lancaster, 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 May next, procure two books and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Columbia and Manheim Turnpike Road company, the sum
- Organizat'n.**
- Powers and penalties.**
- Proviso.**
- Columbia & Manheim Turnpike company.**
- Commiss'rs. to procure Books.**
- Form of subscription.**

of twenty-five dollars for every share of stock 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 incorporate the president and managers of the Columbia and Manheim Turnpike Road company; Witness our hands, the _____ day of _____ in the year of our Lord one thousand eight hundred and thirty-_____ and thereupon shall give notice in two or more public papers printed in the city and county of Lancaster, 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 judicial day, for the space of six days, or until the said books shall have two thousand shares therein subscribed; and if at the expiration of the said six days the books aforesaid shall not have the said number of two thousand shares therein 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 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 two thousand, 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 such 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.

Who may
subscribe.

Number of
shares

Proviso

SECTION 56. When twenty persons or more shall have subscribed four 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 of this commonwealth, whereupon it shall and may be lawful for the Governor, by letters patent, under his hand and seal of

Letters
patent.

- 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 Columbia and Manheim Turnpike Road company," and by the said name the subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding the 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, 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 works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.
- Name style & title.** **Privileges.** **Organization** **Proviso.** **Annual election.**
- SECTION 57.** 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 or more public papers printed in the county of Lancaster, 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 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, seven managers, one treasurer and such other officers as may be necessary to conduct the business of said company until the first Monday in November next, and until such other officers shall be chosen, and shall and may make such by-laws, orders and regulations, not inconsistent with the constitution and laws of the United States and 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 arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share held by him under that number.
- SECTION 58.** The said company shall meet on the first Monday of November in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such other officers as aforesaid for the ensuing year, in manner

aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders and regulations made as aforesaid, and to do and perform any other corporate act.

SECTION 59. The president and managers first to be chosen as aforesaid, shall procure certificates, to be written or printed, for all the shares of the said stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for every share by him subscribed and held, which certificate shall be transferable at his pleasure, in person or by attorney, in the presence of the president or treasurer, subject however to all payments due and to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of said corporation, and for every certificate by him held shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

SECTION 60. If after the thirty days notice in two of the public newspapers printed in the county of Lancaster, of the time and place appointed for the payment of any proportion or instalment of the said capital stock in order to carry on the work, any stockholder shall neglect to pay any such proportion or instalment, at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee shall, in addition to the instalments so called for, pay after the rate of two per cent. per month for delay of such payment, and if the same and the said additional penalty shall remain unpaid for such space of time as that the accumulated penalties shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may and shall be sold to any person or persons willing to purchase, for such price as can be obtained for the same.

SECTION 61. The said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met five members shall form a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and a quorum being formed, they shall have full power and

Certificates
of Stock

Seal.

Of transfer.

Penalty for
neglecting
to pay instal-
ments.

Forfeiture.

Meetings.

Quorum.

Minutes.

Powers. authority to appoint all such surveyors, engineers, superintendents and other artists and officers as they shall deem necessary to carry on their intended works, and fix their salaries and wages, to ascertain the times when and the manner and proportion in which the stockholders shall pay the monies due on their respective shares in order to carry on the work, to draw orders on the treasurer for monies necessary to pay the salaries or wages of persons by them employed, and for labor done and materials provided in the prosecution of the work, which orders shall be entered on their book of minutes, and shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their secretary, and generally to do all such other acts, matters and things as by this act and the by-laws, rules, orders and regulations of the company shall be committed to them.

How road to be made.

SECTION 62. It shall be lawful for the said president and managers to cause a road to be laid out forty feet wide, and at least eighteen feet thereof to be made an artificial road, bedded with wood, stone, gravel or other hard substance, well compacted together, and of sufficient depth to secure a solid foundation to the same, and the said road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm, and as nearly as the materials will admit of, an even surface, rising towards the middle by a gradual arch, and so nearly level in its progress as that it shall in no place rise or fall more than will form an angle of four degrees with a horizontal line, and shall forever hereafter maintain and keep the same in good and perfect order and repair, from the north end of Locust street in the borough of Columbia, upon or near the road now in use, to George Getz's mill, from thence by way of Jacob Gamber's tavern, in the most direct course the situation of the country will admit of, to the village of Manheim.

Authority to enter upon lands.

SECTION 63. It shall be lawful to and for the said president and managers, by and with their superintendents, engineers, artists, workmen and laborers, with their tools and instruments, carts, wagons, wains, and other carriages and beasts of draft or burden, to enter upon the lands in, over, contiguous and near to which the route and track of the said intended road shall pass, first giving notice of their intention to the owners thereof, or their representatives, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done to any

Damages.

improvements thereon, and also for the value of the materials, by appraisements, to be made in the manner hereinafter directed, or upon reasonable agreement, if they can agree, if they cannot agree, then upon an appraisement, to be made upon oath or affirmation, by three disinterested and reputable freeholders, to be mutually chosen, whose award, or the award of any two of them, shall be final; and if either the said president and managers or the said owners shall, upon due notice, neglect or refuse to join in the choice, then it shall and may be lawful for any justice of the peace of the county where the said damage may be done, not interested on either side, to appoint the said freeholders, and upon tender of the value so appraised as aforesaid, it shall and may be lawful for the said president and managers, or for any person or persons by his or their directions, to dig, take and carry away any stone, gravel, sand or earth then being most conveniently situated for making or repairing the said road.

SECTION 64. So soon as the said president, managers and company shall have perfected the said road from the borough of Columbia the distance of two miles, and also when they shall have completed the remainder of the distance to the village of Manheim, they shall give notice thereof to the Governor of the commonwealth, who shall thereupon forthwith nominate and appoint three disinterested persons to view and examine the same, and report to him in writing whether the said road is so far executed in a masterly and workmanlike manner, according to the true intent and meaning of this act, and if their report shall in either case be in the affirmative, then the Governor shall, by license, under his hand and the lesser seal of this commonwealth; permit and suffer the said president, managers and company to erect and fix so many gates and turnpikes upon and across the said road as will be necessary and sufficient to collect the toll and duties hereinafter granted to the said company, from all persons traveling on the same with horses, cattle, carts and carriages: *Provided*, That all persons attending funerals or places of worship, their horses and carriages, shall be exempt from the payment of tolls in going to and in returning therefrom. License. Proviso.

SECTION 65. When the said company is licensed in manner aforesaid, it shall and may be lawful for them to appoint such and so many toll gatherers as they shall think proper, to collect and receive of and from all and every person and persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horses, cattle, hogs, sheep, coach,

coachee, sulkey, chaise, chair, phaeton, cart, wagon, train, sleigh, sled, or any other carriage of burden or pleasure, from passing through the said turnpikes until they shall respectively have paid the same, that is to say; for every five miles in length of the said road completed and licensed as aforesaid, the following sums of money, and so in proportion for any lesser distance, or for any greater or lesser 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; 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, phaeton or dearborn with one horse and four wheels eight cents; for every chariot, coach, phaeton or chaise with two horses and four wheels twelve cents; for either of the carriages last mentioned with four horses twenty cents; for every other carriage of pleasure, under whatever name it may go, the like sums, according to the number of wheels and horses drawing the same; for every stage wagon with two horses twelve cents, and for every such wagon with four horses twenty cents; for every sleigh three cents for each horse drawing the same, and for every sled two cents for each horse drawing the same; for every cart or wagon whose wheels shall not exceed four inches six and a quarter cents for each horse drawing the same, and for every cart or wagon whose wheels shall exceed four inches and not exceed seven inches three cents for every horse drawing the same; for every cart or wagon the breadth of whose wheels shall be more than seven inches and not more than ten inches, and being of the breadth of seven inches shall roll more than ten inches, two cents for every horse drawing the same; for every cart or wagon the breadth of whose wheels shall be more than ten inches and not exceeding twelve inches, or being ten inches shall roll more than fifteen inches, one cent for every horse drawing the same; for every cart or wagon the breadth of whose wheels shall be more than twelve inches one cent for every horse drawing the same; and if any person or persons shall represent to the said company or any of their officers, that he, or she or they have travelled a less distance than he, she or they have actually travelled along said road, with intent to defraud said company of its toll, or any part thereof, such person or persons shall for every such offence, forfeit and pay to the use of said company the sum of five dollars; and if any toll gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded shall have travelled

Penalty for
defrauding
the Comp^y

along said turnpike road, or shall demand and receive greater 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 ten dollars for every such offence, to the supervisors of the township in which the forfeiture is incurred, to be expended in repairing township roads, and for the payment of which the said company shall be responsible.

SECTION 66. All such carriages as aforesaid to be drawn by oxen in the whole, or partly by horses and partly by oxen, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse. Two oxen estimated as equal to one horse.

SECTION 67. If the said company shall neglect to keep the said road in good and perfect order for the space of ten days, and information thereof shall be given to any justice of the peace of the neighborhood within the county where the repair ought to be made, such justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time in said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto within the said county, and the said justice shall at such time and place, on the oaths or affirmations of the said persons, inquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made, under the hands of himself and a majority of the said persons, and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid, and if the same shall not be so put into good and perfect order and repair before the next general court of Quarter Sessions of the peace to be held for the county in which the defect is proved to be, the aforesaid justices shall certify and send a copy of the inquisition aforesaid to the justices of the said court, and the said justices shall thereupon cause process to issue and bring in the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be so found Proceedings in case of neglect to keep the road in good order

Fines and penalties.

defective, and shall proceed thereon as in cases of supervisors of the highways for neglect of their duty, and if the person or persons entrusted by the said company as aforesaid shall be convicted of the offence by the said inquisition charged, the said court shall give judgment according to the nature and aggravation of the neglect as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties, and the fines and penalties so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisor of the highways of the township wherein the offence was committed, to be applied to repairing the public roads within such township.

Penalty for attempting evade the payment of toll.

SECTION 68. If any person or persons whosoever, owning, riding in or driving any sulkey, chair or chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, riding or leading any horse, mule, mare or gelding, or driving any hogs, sheep, or other cattle, shall therewith pass through any private gates or bars, or along or over any private gates or bars, or along or over any private passage way or other ground near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company and avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall with such intent take off, or cause to be taken off, any horse, mule, mare or gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons, in all or every or any of the ways or manners aforesaid offending, shall for every such offence respectively, forfeit and pay to the president and managers and company of the Columbia and Manheim Turnpike road any sum not exceeding ten dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations as debts of similar amount are by law sued for and recovered: *Provided always*, That if any person or persons shall be prosecuted under this section of this act, and the said prosecution shall not be sustained on the part of the prosecutors, then in that case the person or persons prosecuted as aforesaid shall receive from the company the sum of ten dollars in lieu of damages arising from delay and a vexatious prosecution, recoverable as other fines under this act.

Proviso.

SECTION 69. The president and managers of the said company shall keep fair and just accounts of all monies received by them from the said commissioners and from the subscribers to the said undertaking, on account of the several subscriptions, and of all penalties for the delay of payment thereof, and of the amount of profits on the shares which may be forfeited as aforesaid, and also all monies by them expended in the prosecution of their said work, and shall once at least in every year, submit such accounts to a general meeting of the stockholders, until the said road shall be complete, and until all costs, charges and expenses of effecting the same shall be fully paid and discharged, and the aggregate amount of such expenses shall be liquidated and ascertained.

SECTION 70. The said president and managers and company shall also keep a just and true account of all and every of the monies received by their several and respective collectors of tolls at the several and respective gates or turnpikes on the said road, from the beginning to the end thereof, and shall make and declare a dividend, and when such dividends shall exceed twelve per cent. per annum, then one half of the surplus exceeding twelve per cent. to be paid into the state treasury, for the benefit of the education fund, which abstract shall be verified by the oath or affirmation of the president or treasurer of said company, of the clear profits and income thereof, all contingent costs and charges being first deducted among all the subscribers to the said company's stock, and shall on the first Monday in November and May in every year, publish the half yearly dividend made of the said clear profits among the stockholders, and of the time and place where the same will be paid, and shall cause the same to be paid accordingly.

SECTION 71. The said company shall cause mile stones to be placed on the side of the said road, beginning at the distance of one mile from the northern limits of the borough of Columbia, and extending thence to the termination of the turnpike aforesaid, whereon shall be marked in plain legible characters the respective number of miles which each stone is distant from the commencement of the said turnpike road, and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from Columbia and the distance from the nearest gates or turpikes in each direction to be marked in legible characters, designating the number of miles and fractions of a mile on the said gates or some other conspicuous place for the information of travellers and others using the said road; and if any person shall wilfully destroy the said mile stones or deface the same, or

Just acc'ts
to be kept
and submit-
ted annually
to the stock-
holders.
Dividends.
Mile stones.
Penalty for
defacing
mile stones.

deface the directions made on the said gates or other conspicuous places aforesaid, or shall without permission of the acting superintendent of the said road, throw out upon the road, or within the limits of the same, and suffer to remain for the space of one day, any mould, dirt, shavings, weeds or rubbish of any kind, such person being convicted thereof by the evidence of one, or more creditable and disinterested witnesses before any disinterested justice of the peace of the county, he or she shall be adjudged by the said justice to pay a fine not exceeding three dollars, to be recovered with costs, as debts of like amount are by law recoverable, which fine when recovered, shall be paid by the said justice to the treasurer of the said company, for the use of the said company.

How the
road is to
be used.

SECTION 72. All wagoners and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road in the passing direction, leaving the other side of the road free and clear for other carriages to pass and repass, and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be obstructed in his passage as will sue for the same, to be recovered with costs, before any justice, in the same manner as debts of like amount are by law recoverable; and no wagoner or driver of carriages of any kind, whether of burden or pleasure, using said road, shall pass any other vehicle going in the same direction at a faster gait than a trot, at the rate not exceeding eight miles per hour, under a penalty of twenty dollars for each offence, recoverable before any justice of the peace, one half for the use of the said company and the other half to the use of the informant.

Penalty.

Time for
commencing
and comple-
ting the
work, &c.

SECTION 73. If the said company shall not proceed to carry on the said work within two years after the passage of this act, or shall not within five years afterwards complete the said road to the village of Manheim, according to the true intent and meaning of this act, then and in either of those cases, all and singular the rights, liberties and privileges and franchises hereby granted to the company shall revert to this commonwealth.

Roads in
L. Chance-
ford t—p.

SECTION 74. That the eighteenth section of an act entitled "An act declaring the streets in the town of Mifflinburg, in Columbia county, public highways, and relating to Duquesne Way Pittsburg Gas Works, and for other purposes," so far as relates to laying out and keeping in repair the roads in the township of Lower Chanceford, is hereby repealed,

and the act of assembly entitled "An act relating to roads, highways and bridges," passed on the thirteenth day of June, eighteen hundred and thirty-six, and such other acts as may not have been thereby supplied, may hereafter be and remain in full force in said township.

SECTION 75. That so much of the act passed the fifteenth day of April, one thousand eight hundred and thirty-four, as provides for the election of supervisors, and their acting as in capacity of overseers of the poor, is hereby repealed, so far as regards the townships of Plymouth, Kingston, and Tunkhannock, in Luzerne county, ^{Relative to supervisors acting as overseers of the poor in certain t'ps.}

SECTION 76. That the time for completing the work authorized by the act of the fifth day of April, one thousand eight hundred and thirty, entitled "An act authorizing the Governor to incorporate a company for making a turnpike road from the north end of the bridge over Powel's-creek, in Dauphin county, through Halifax, Millersburg, Georgetown, and Sunbury, to the south-east end of the Northumberland bridge in Northumberland county," be, and the same is hereby extended for a further period of five years. ^{Turnpike road from Powel's cr'k bridge to Northumb'ld bridge.}

SECTION 77. That William Back, Abraham Albright, of Schuylkill county, and Peter Kline of Berks county, be, and they are hereby appointed commissioners to view, lay out and mark a state road leading from the borough of Orwigsburg in the county of Schuylkill, passing Samuel Yost's tavern, McKeansburg, and Daniel Weaver's mill, from thence to intersect the state road near George Reagan's iron works, in Albany township, Berks county, by the best and nearest route. ^{State road in Schuylkill & Berks co. Commissioners appointed.}

SECTION 78. It shall be the duty of the said commissioners, or a majority of them, appointed to view as aforesaid, after having been sworn or affirmed before some justice of the peace, who shall file and preserve the same in his office, to perform the duties enjoined on them by this act with impartiality and fidelity, carefully to view the ground over which the road by them laid out may pass, and lay out the same as near to a straight line between the aforesaid points as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal line shall in no point exceed five degrees, except at the crossing of ravines and streams where by moderate filling and bridging the declination of the road may be preserved within that limit; and further, it shall be the duty of said commissioners to have due regard to the crossing of waters, the nature of the ground, and damages to private property, and all other circumstances that may affect the route, so that by a judicious combination of them the route adopted may best ^{Commissioners to be sworn or affirmed. Duties to be performed.}

promote the public good, and that they shall clearly and distinctly mark upon the ground the route agreed upon, in such a manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties by this act enjoined, the commissioners herein mentioned shall receive a per diem allowance of one dollar and fifty cents each for every day they shall be necessarily employed in performing the duties of this act, together with all necessary provisions, and in case any of the said commissioners shall perform the duties of surveyor, he shall receive fifty cents per day in addition; and the said commissioners are hereby authorized to employ one surveyor, at two dollars per day, two chain bearers and one axeman, at a per diem allowance not exceeding one dollar.

SECTION 79. The said commissioners shall meet on or before the first Monday in August next, or as soon thereafter as practicable, at such places as a majority of them shall agree upon, (and complete the location of said road as soon as practicable,) and if any vacancy or vacancies shall happen by resignation or any other cause, the Governor, or the court of Quarter Sessions of the proper county, as the case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

SECTION 80. It shall be the duty of the commissioners to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of January next, and one copy in the office of the clerk of the several courts of Quarter Sessions of the counties through which said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by orders of the courts aforesaid.

SECTION 81. The accounts of the commissioners for their own pay & for the pay of surveyors, chain carriers and markers, shall be adjusted by the commissioners of the respective counties through which the said road shall pass, and paid by the treasurers thereof, on warrants, drawn in the usual way.

SECTION 82. It shall be the duty of the said commissioners to take from each and every person or persons owning lands along the road by them laid out acquittances or releases from any claim or damages: *Provided*, such releases can be obtained upon the condition that such road shall pass through such person or persons land or lands, and file the same in the commissioner's office of the proper county.

LEWIS DEWART,

Speaker of the House of Representatives,

CHARLES B. PENROSE,

Speaker of the Senate.

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

JOS. RITNER.

—••••—
No. 45.

An Act

Authorizing the Canal Commissioners to settle and adjust the claim of Arts and Dobbins, 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 the Appraisers of Canal Damages be, and they are hereby directed to examine if any and what amount of damages have been sustained by Arts and Dobbins, salt manufacturers, on the Conemaugh river, in the county of Westmoreland, in the destruction of a quantity of manufactured salt by the overflow of the river aforesaid, on February tenth, eighteen hundred and thirty-two, which overflow it is alleged was caused by a large quantity of earth, stones, &c. taken from the Pennsylvania Canal at that place, and by the orders of the Canal Commissioners placed in the said river, at a bend a short distance below the salt works of the said Arts and Dobbins; and if should they think that the said Arts and Dobbins are in equity and justice entitled to damages for the injury aforesaid, they shall report the amount thereof, which shall be paid out of the fund appropriated for the payment of damages done in the construction of canals and railroads by this commonwealth.

Appraisers
to examine
damages
sustained by
Arts & Dobbins.

To report
amount.
Payment.