

locomotive engine or engines, then the said Canal Commissioners shall ascertain the actual loss sustained by the said persons, and what damages they are entitled to, and shall pay the same to the said Phebe Thomas, Lydia Thomas, Anna Thomas and Elizabeth Thomas, and also to the said Richard M. Thomas, and also to the said John Glenn, out of any money in the treasury not otherwise appropriated, and said payment shall be allowed by the Auditor General as in other cases: *Provided*, That if it appear to the said Canal Commissioners that any portion of the said property was suffered through negligence to be burned which might by reasonable and proper exertion have been saved, no damage shall be allowed for the loss of such property so suffered to be destroyed.

LEWIS DEWART,

Speaker of the House of Representatives,

CHARLES B. PENROSE,

Speaker of the Senate.

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

JOS. RITNER.

No. 46.

An Act

Authorizing the Governor to incorporate the Mahoning, Kittanning and Freeport 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 constructing a turnpike road from the borough of Freeport, in Armstrong county, by the way of Kittanning, to the top of Mahoning hill, near where the Olean road crosses said hill, Robert Orr, Alexander Colwell, Philip Mechling, David Reynolds, W. W. Gibson, Jacob Weaver, William P. Rupp, James E. Brown, Jacob Mechling, John Gilpin, James Douglass, Joseph Morgrove, Samuel Hutchison, Thomas Donaldson, Walter Sloan, William Peart, William Bitts, Joseph Brown, James Sloan, James Green and David Lawson, or

any six of them, 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 to the president and managers of the Mahoning, Kittanning and Freeport 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 the act authorizing the Governor to incorporate the Mahoning, Kittanning and Freeport 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 Armstrong, 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 six thousand 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 five 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 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 afterward subscribe into one body politic and corporate, in deed and in law, by the name, style and title of the Mahoning, Kittanning and Freeport Turnpike Road company, and

To procure books.

Form of subscription.

Who may subscribe.

Number of shares.

Proviso.

Letters patent.

Name, style and title.

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. Privileges.

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 Armstrong, 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. Organizat'n.

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, Of the Treasurer.

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 May 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 certificate 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 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.

Meetings.

Powers.

SECTION 8. The said president and managers, four of whom shall for all purposes be a quorum, shall keep minutes of all their proceedings, fairly entered in a book to be kept for that purpose, and shall have full power and authority to appoint, agree or contract with such engineers, superintendents, artists, laborers and other persons, as they may think necessary, to make and construct said road and collect the tolls hereinafter authorized, and to fix their compensation, to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares in order to carry on the work, to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence by a quorum of the managers, and attested by their secretary, and to do and

transact all other acts, matters and things as by the by-laws, orders and regulations of the said company shall entrust to them.

SECTION 9. If any stockholder, whether original subscriber or assignee, after thirty days notice in two newspapers printed in the county of Armstrong, 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. Penalty
instalments.
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 Armstrong, who shall not be interested therein, and upon the tender of the assessed value, taking into consideration the advantages as well as the disadvantages which may be sustained by the owner or owners of said land or lands, 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 Authority to
enter upon
lands.
Damages to
be paid.
How to be
assessed.
Proviso.

as aforesaid, before entering upon any land or lands for the purpose of commencing operation in the construction of the whole or any part of the said road.

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.

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.

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 skillful, judicious and disinterested persons to view and examine the same, and report on oath or affirmation to him whether the road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act, and if their report shall be in the affirmative, then the Governor shall by license under his hand and seal of the state, permit and suffer said company to erect and fix such and so many gates or turnpikes 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.

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.

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 or exercise any banking privileges.

SECTION 16. William Jackson, John Williams, Levi Bell, Edward Denny, Artemus B. Woodward, Abijah Wells and Samuel Weston, 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 Gibson and Greenfield Turnpike Road company the sum of twenty-five dollars for every share of stock in said company 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 the act authorizing the Governor to incorporate the Gibson and Greenfield 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 a newspaper published in Susquehanna 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.

SECTION 17. When ten or more persons shall have subscribed one hundred or more shares, and the said commissioners, or a majority of them, shall have certified under their hands and seal to the Governor the names of the subscribers, and the number of shares subscribed by each, it may be lawful for the Governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and also all those who may afterwards subscribe, into

Gibson and Greenfield turnpike co. Commiss'rs to procure books.

Form of subscription.

Who may subscribe.

Number of shares.

Letters patent.

Name and style. one body politic and corporate, in deed and in law, by the name, style and title of the Gibson and Greenfield 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.

Organization. SECTION 18. The stockholders, or any two of them named in the letters patent, shall as soon as conveniently may be after issuing the same, give notice in one or more of the newspapers published in the county of Susquehanna, 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 then 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 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, 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

Seal.

Proviso.

2d Proviso.

3d Proviso.

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.

SECTION 19. 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 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 20. The stockholders shall meet on the first Monday in January 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.

SECTION 21. 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.

SECTION 22. It shall and may be lawful for the said president and managers, their superintendents, surveyors, engineers, artists and chain bearers, to enter in and upon all the lands, tenements and enclosures in, through and over which the said intended turnpike road may be thought proper to pass, and for that purpose to examine 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, beginning on the Lenox and Lanesborough Turnpike road, in the township of Gibson, Susquehanna county, at or near where the Collar road (so called) intersects said Turnpike

road, and ending on the Clifford and Wilkesbarre Turnpike road, in Greenfield township, Luzerne county, at or near where the Carbondale road intersects the last mentioned turnpike.

Quorum.
Minutes.

Powers.

SECTION 23. 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.

Penalty for neglecting to pay instalments.

Forfeiture.

SECTION 24. If any stockholder, whether original subscriber or assignee, after thirty days notice in two newspapers, one printed in Susquehanna county, the other in Luzerne county, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment, and if the same and additional penalty shall become equal to the sums before paid in part on account of such share, the same may be forfeited by and to the said company, and may be sold by them for such price as 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.

Authority to enter upon lands, &c.

SECTION 25. 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 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.

SECTION 26. The said president and managers shall keep fair and just accounts as well of all monies 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 accounts 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 monies 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 27. 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, and shall cause at least twelve feet of said width to be made an artificial road, of wood, stone, gravel, or other proper and convenient materials, such as the nature of the ground may require and will afford, to be constructed in such manner as will admit an even surface, and in no place in said road shall there be an elevation of more than five degrees from a horizontal line, and shall forever thereafter maintain and keep the same in good order and repair: *Provided*, That it shall and may be lawful for the president and managers, whenever they may deem it necessary, to cut, deaden and prostrate the timber on each or either side of the said road, within a distance not exceeding one hundred feet from the centre of the said road, they making just and equitable compensation to the owners.

SECTION 28. 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

Damages,
how to be
assessed.

Just accounts to be
kept.

Number of
shares may
be increased.

Bridges.

Dimensions
of road.

Proviso.

Governor to
appoint

viewers.

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 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 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 29. 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, collect and receive of and from all and every persons or 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, phaeton, 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 and a half 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 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 five 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.

SECTION 30. 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."

Penalty for attempting to defraud the company, or travelers on the road.

Proviso.

Powers and penalties.

SECTION 31. Thomas Wallace, John S. Isett, Anthony Stewart and Archibald Hutchinson, of Huntingdon county, James McGirt and William Bagshaw of Centre county, and Henry Lorain of Clearfield county, be, and 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 Waterstreet and Clearfield 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 Waterstreet and Clearfield Turnpike road, as witness our hands, the 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 Centre, Huntingdon and Clearfield, for 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 and place some one of the said commissioners shall attend, and permit and suffer all persons of lawful age who shall 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 judicial day for the space of three days, and until the said book so opened shall have two 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.

SECTION 32. Whenever ten or more persons shall have subscribed fifty shares or more of the said stock, 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

Waterstreet
and Clear-
field turn-
pike Co.

Commiss'rs
to procure
book.

Form of sub-
scription.

Who may
subscribe.

Number of
shares.

Letters pa-
tent.

time, then also those who shall afterwards subscribe to the number aforesaid, into one body corporate and politic, by Name, style the name, style and title of the President, Managers and and title. Company of the Waterstreet and Clearfield Turnpike road, and by the said name the said subscribers shall have perpetual Privileges. 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 and 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.

SECTION 33. The commissioners aforesaid, as soon as Organizat'n 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 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 the United States, as shall be necessary for the well ordering of the affairs of the said company, and generally have like powers, authorities 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 five 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 Phillipsburg and Susquehanna Turnpike road, and the said Waterstreet and Clearfield road shall commence at the town of Waterstreet, in the county of Huntingdon, thence via Phillipsburg, in Centre county, to intersect the Snow Shoe and Packersville Turnpike road, at the best and most suitable point east of John Powers.

Proviso. Kyler's, in Clearfield county : *Provided*, That if the said company shall not proceed to carry on the said work within five years after the passage of this act, and shall not within ten years afterwards complete the said road, according to the true intent and meaning of this act, then and in either of 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 34. James Stewart and Daniel Stanard, of Indiana county, William Ayres, Jacob Mechling, John Bredin and John Gilmore, of the county of Butler, Samuel Houston, Philip Mechling, Alexander Colwell, David Reynolds, James E. Brown, Chambers Orr, Robert Cunningham, Robert Robinson, Jacob Thomas, John Craig, Frederick Christman, David Johnston, Elijah Horner, James Semple, David Hall, John Templeton, Thomas Forster, John Gilpin, Robert Orr, of Armstrong county, and Wilson Jack and John Y. Barclay, of Westmoreland county, or any ten of them, be, and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, they shall on or before the first day of September next, provide a book or books for the entering of subscriptions, and shall write therein as follows : " We whose names are hereunto subscribed, do promise to pay to the president and managers of the Kittanning Bridge company, for erecting a bridge over the Allegheny river at the borough of Kittanning, in the county of Armstrong, the sum of fifty dollars for each and every share of stock in the said company 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, in pursuance of an act of the general assembly authorizing the Governor to incorporate a company to erect a bridge over the Allegheny river, at the borough of Kittanning and county of Armstrong ; Witness our hands, this day of in the year of our Lord one thousand eight hundred and thirty- ;" and shall thereupon give notice in two of the public newspapers printed in Armstrong county, at least one month, of the times and places where and when the said books shall be open to receive subscriptions, at which times and places some one or more of the said commissioners shall attend for that purpose, and keep open the said books during six hours in each of three successive days, or until one thousand shares shall be subscribed, and if one thousand shares shall not be subscribed within that period, then the said commissioners may adjourn from time to time until the said number of shares

Kittanning Bridge Co.

Commiss'rs to procure books.

Form of subscription.

Number of shares.

shall be subscribed, of which adjournment public notice shall be given in some one or more of the newspapers before mentioned: *Provided always*, That every person, on entering his name in the said books as a subscriber, shall pay five dollars on each share he shall subscribe, as a fund out of which shall be defrayed the expenses attending the taking of subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, such first payment on each share to be taken and considered as a part payment on each share subscribed. Proviso.

SECTION 55. As soon as one hundred shares shall have been subscribed, the said commissioners, or any ten of them as aforesaid named, may certify the same, together with a list of the subscribers and the shares subscribed by each, in writing to the Governor, who thereupon shall constitute the said subscribers, and also all those who may in future subscribe under the provisions of this act, a body corporate or politic, by the name and style of The President and Managers of the Kittanning Bridge company, for erecting a bridge over the Allegheny river, at Market street, in the borough of Kittanning, in the county of Armstrong, with all the privileges incident to a corporation, who shall have perpetual succession, and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if such enlargement shall be necessary to fulfil the purposes of this act, in such manner and form as they may think proper, and of purchasing, taking and holding to them and to their successors and assigns, in fee simple or for any less estate, all such lands, tenements or hereditaments, real and personal, as shall be necessary and convenient for them in the prosecution of their works, and the same to sell and dispose of at their pleasure, of suing and being sued, and of doing all and every other matter and thing which a corporation or a body politic may lawfully do. Letters patent.

SECTION 56. Any ten of the persons named in the letters patent of incorporation, shall, as soon as conveniently may be after sealing the same, give notice in one or more of the public newspapers printed at Kittanning, of a time and place to be appointed, not less than twenty days from the time of issuing said notice, at which time and place the said subscribers shall proceed to organize the corporation, and shall choose by a majority of votes of the said subscribers, taken by ballot, to be delivered either in person or by proxy, duly authorized, one president, four managers, one treasurer, one clerk, and such other officers as they may think necessary. Name, style and title.

- to conduct the business of the company, during one year and until other officers be chosen, and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as may be necessary for the well ordering the affairs of the company: *Provided always*, That no stockholder shall have more than one vote for each share not exceeding five shares, and one vote for every two shares above five and not exceeding eleven, and one vote for every three shares above eleven and not exceeding twenty, and one vote for every five shares above twenty: *Provided also*, That no person shall have more than twenty votes at any election, or in determining any question arising at such meetings, whatever number of shares he may have subscribed.
- Proviso.**
- 2d. Proviso.**
- Annual election.** SECTION 37. A public meeting of the said stockholders shall be held on the first Monday of August, next following the first election, had as aforesaid, and on the first Monday of June in every succeeding year, at such place as shall be fixed by the rules and orders of the said company, for the purpose of choosing officers for the ensuing year, and the determination of any question affecting the interests of said company.
- Certificates of stock.** SECTION 38. The president and managers shall procure printed certificates for all the shares of stock in the said company, which shall be signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation, and each subscriber shall be entitled to one such certificate for each share by him subscribed for, on paying to the treasurer in part of the sum due thereon, ten dollars on each share, which certificates shall be transferable either by the owner in person or by his attorney, duly authorized in the presence of the president or of the treasurer for the time being, subject however to the payments due or that may grow due thereon, and the persons to whom such transfer shall be made shall stand in the place of the former holder of the certificate, and be entitled to the same privileges in the company.
- Transferable.**
- Meetings.** SECTION 39. The president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting the business of the company, at which meeting three members shall be a quorum, who in the absence of the president shall choose a chairman, and shall keep minutes of their proceedings, to be fairly entered in a book to be kept for that purpose, and a quorum being met, they shall have full power and authority to appoint such engineers, superintendents, assistants and workmen as they shall deem necessary to the erection of said bridge,
- Quorum.**
- Minutes.**
- Powers.**

and they shall fix their salaries and wages, they shall also have power to make contracts, to ascertain the times, manner and proportions in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work and labor done and performed, or materials furnished, which orders shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their clerk, and to do and transact all such other matters and things as by this act or by the by-laws of the company shall be committed to him.

SECTION 40. If any stockholder, after thirty days notice Penalty for in a public newspaper printed in Kittanning, and one in neglecting Harrisburg, of the time and places appointed for the payment to pay instal- of any proportion, dividend or instalment of the said capital ments. stock still due on each share, shall neglect to pay the same, for the space of thirty days after the day whereon the same shall be appointed to be paid, every such stockholder shall, in addition to the instalment so called for, pay at the rate of four per cent. per month for every delay of such payment; and if the same and the said additional penalties shall remain unpaid so long that the accumulated penalties shall become equal to the sum already paid on such share, the same shall Forfeiture. be forfeited to the company, and may be sold under the direction of the president and managers, or the majority of a quorum of them, at any of their meetings for transacting the business of the company, the order for that purpose being first entered in the minute book by the clerk at such meeting.

SECTION 41. Before the president and managers of the Mode of company aforesaid shall proceed to build said bridge, it shall getting and may be lawful for them to contract with the owner or lands neces- owners of any land, for the purchase of so much thereof as sary for the shall be necessary for the purpose of erecting and comple- bridge. ting said bridge, and making all the necessary works and causeways to and from the same, if they can agree with the said owner or owners; but in case they cannot agree, then it shall and may be lawful for the said president and managers to apply to the court of Common Pleas of Armstrong county, who upon such application, are hereby authorized and required to appoint two discreet and disinterested freeholders of this state, and also to call upon the owner or owners of said lands, whose duty it shall be to appoint one, who after being duly sworn or affirmed faithfully to perform the duties enjoined on them by this act, shall carefully proceed to view and examine the said lands, as shall be necessary, for the purpose of erecting and completing the said bridge, and making all the necessary works and causeways to and from the same,

and shall, according to the best of their skill and judgment, estimate the value of the lands so necessary to be taken as aforesaid, and having estimated the advantages as well as the disadvantages which may be sustained by the owner or owners of such lands, shall make an appraisement thereof in writing, and the same shall return, together with a map describing the bounds of such land, to the said court of Common Pleas, and the said appraisement, having been confirmed by the court, shall be filed in the prothonotary's office, together with the said map, and the said president, managers and company having paid to the said owners, respectively, the several sums awarded to be paid to them, together with the costs of the appraisement, the said corporation shall be entitled to have and to hold to them and their successors and assigns, the said lands, as fully as if they had been granted by their respective owners.

Just acc'ts
to be kept.

SECTION 42. The president and managers of said company, shall keep fair and just accounts of all monies received by them from the commissioners aforesaid and from the subscribers, to the capital stock of said company, for all penalties for delay in payment thereof, and of the amount of the profit on shares which may be forfeited as aforesaid, of all voluntary contributions and of all monies expended by them in the prosecution of the said work, and shall once in every year submit such accounts in detail to a general meeting of the stockholders, until the said bridge be completed, and all expenses incurred in erecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained, and if such liquidation, or whenever the whole capital stock of the said company be nearly expended, it shall be found that the said capital stock will not be sufficient to complete said bridge, according to the true intent and meaning of this act, it shall be lawful for the said company, at a stated or special meeting to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the monies subscribed on such shares, in like manner and under like penalties as are herein provided for the original subscription.

Number of
shares may
be increas-
ed.

SECTION 43. When the Kittanning bridge company shall have erected and completed a bridge at the place aforesaid, the property thereof shall be vested in the said company, and their successors and assigns during and unto the end of forty years, to commence from the time when said bridge shall be completed, and the said company, their successors or assigns, are hereby empowered to erect gates and demand and receive

tolls as follows, viz: for every foot passenger four cents; Tolls. for every carriage of whatever description, used for the purpose of trade or agriculture, having four wheels and drawn by six horses, seventy-five cents; for such carriage having four wheels and drawn by five horses, sixty-two and one half cents; for every such carriage having four wheels and drawn by four horses, fifty cents; for every such carriage having four wheels and drawn by three horses, forty-four cents; for every such carriage having four wheels and drawn by two horses, forty cents; for every such carriage having four wheels and drawn by one horse, thirty-one cents; for every carriage of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels and drawn by four horses, one dollar and twenty-five cents; for every such carriage having four wheels and drawn by two horses, seventy-five cents; for every such carriage having four wheels and drawn by one horse, thirty-seven and one half cents; for every carriage of whatever description used for the purpose of trade or agriculture, having two wheels and drawn by four horses, fifty cents; for every such carriage having two wheels and drawn by three horses, thirty-seven and one half cents; for every such carriage having two wheels and drawn by two horses, thirty cents; for every such carriage having two wheels and drawn by one horse, twenty cents; for every chair or other two wheeled carriage of pleasure, for every horse used therein twenty-five cents; for every sleigh or sled drawn by four horses, forty cents; for every sleigh or sled drawn by three horses, thirty-five cents; for every sleigh or sled drawn by two horses, twenty-five cents; for every sleigh or sled drawn by one horse, fifteen cents; for every horse, mare or gelding, with or without rider, six cents; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in proportion of two oxen for one horse, and in all cases a mule shall be rated in the same proportion as a horse; for every head of horned or muley cattle, four cents; for every head of sheep or swine, two cents: *Provided*, That any *Proviso* person or persons attending funerals, going to or returning from divine worship, elections or military trainings, and students and children attending schools or seminaries of learning, shall at all times be exempted from the payment of any tolls: *Provided*, That nothing in this act shall be so *2d Proviso* construed as to prevent the said company from contracting with any person or persons desirous of using said bridge for an annual sum, in place of the toll hereinbefore mentioned: *And provided also*, That when the toll shall exceed fifteen *3d Proviso*.

Time for
redeeming
the bridge.

per cent. annual nett profit, the excess shall compose a fund for the redemption of the bridge, so as to render it free, save that there shall always be a small toll collected for keeping it in repair; and if at the expiration of the forty years aforesaid, the amount of the said fund shall be found adequate to the redemption of said bridge so as to declare it free, (providing at the same time for its repairs,) then the said company shall be obliged to take such sum of money therefor, as shall be allowed on a fair appraisement by disinterested persons, to be chosen in such manner as directed by law; but if the said bridge shall not be redeemed and paid for as a free bridge at the expiration of the said term of forty years, the said corporation may and shall continue to hold the same on the terms of this act beyond the said term, and until the same shall be redeemed and paid for in the manner herein directed, or in some other manner as may be directed by the legislature.

Penalty for
demanding
illegal toll.

SECTION 44. If the said company, their successors or assigns, or any person employed by them, shall collect or demand any greater rate or prices for passing over said bridge than what is hereinbefore prescribed, or shall neglect to keep said bridge in repair, he or they shall forfeit and pay for every such offence the sum of twenty dollars, to be recovered before any justice of the peace of said county, one half whereof to be paid to the overseers of the poor of the borough of Kittanning, and the other half to the person who may sue for the same: *Provided always*, That no suit shall be brought in respect of this unless within fifteen days after the offence be committed: *And provided also*, That the judgment of the said justice in any case brought before him shall be liable to reversion, either by appeal to the court of Common Pleas of said county, if the merits of the case be contested, or by certiorari, if the legality of his proceedings or jurisdiction be disputed.

Proviso.

2d Proviso.

Dividends.

SECTION 45. The said president, managers and company, shall keep a just account of all monies received by their several collectors of tolls, for crossing the said bridge, and shall declare and make a dividend of the income and profits thereof among all the subscribers to the said company's stock, in proportion to their respective shares, first deducting all contingent costs and charges, and such proportion of the income as may be sufficient for a fund to provide against the decay, the repairing or the rebuilding of the said bridge as time and accident may render necessary, and shall, on the first week of June of every year, publish the dividend to be made of the clear profits arising from the tolls among the stockholders, and of the time and place when and where

the same shall be paid, and shall cause the same to be paid accordingly in ten days thereafter, or as soon as the same shall be demanded.

SECTION 46. It shall and may be lawful for the president and Authority to managers, their superintendents, surveyors, engineers, artists enter upon and hands, when so directed or authorized by the president or lands for ma- managers, to enter in and upon all the lands, tenements and terials. enclosures, for the examination and location, and they shall have full liberty to take and carry away all stone, gravel, and other materials necessary for the completion of said bridge, paying a just compensation for the same, and in case of the refusal to pay the owner of said material therefor, Compensation suit may be sustained and recovery had in like manner as other debts are now recoverable by law.

SECTION 47. It may be lawful for the commissioners of Commissioners the county of Armstrong, to subscribe for the use of the of Armstrong county, any amount of stock to said company not exceeding co'y to sub- five thousand dollars, and to levy and collect a tax for that scribe for purpose: *Provided*, That they shall not in any one year stock to am't assess more than one mill the dollar on the valuation had of \$5000. for county rates and levies.

SECTION 48. If any person or persons shall wilfully pull Penalty for down, break or destroy, with intent to injure any part or injuring parts of the said bridge, or any toll house, gates, bars, or property of. the other property of the said corporation erected for the use of the Comp. said bridge, or the persons employed in conducting the business thereof, or shall wilfully deform or destroy the letters or figures in any list of the rates of tolls affixed in any place for the information of passengers, or who shall wilfully and maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending, shall each of them forfeit and pay for every such offence to the said corporation, the sum of thirty dollars, to be sued for and recovered before any justice of the peace or alderman, as debts of like amount are recoverable, and he, she or they so offending, shall remain liable to actions at the suit of said corporation for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages : *Provided always*, That no such suit shall be brought unless within thirty days after such offence shall have been committed, and the judgment of the said justice or alderman shall be liable to reversal, as provided for in similar cases by law.

SECTION 49. The said company shall not have power to Banking issue any note or notes in the nature of bank notes, or to prohibited. make discounts, or receive deposits after the manner of any

bank or banks, or to do or conduct any other business in the nature of banking business, and in case they should do so contrary to the provisions of this section, then their chartered privileges shall be null and void.

Time for commencing & completing the work &c.

SECTION 50. If the president, managers and company for erecting the bridge aforesaid over the Allegheny river shall not proceed to carry on the said work within the space of three years from the passing of this act, and shall not within the space of six years from the passage thereof complete the same, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights and privileges hereby granted to the said company.

Rate of tolls may be altered.

SECTION 51. The legislature shall have power to alter the rate of tolls fixed by this act, and the managers of said company may lessen the same whenever they shall believe it necessary for the well being of the company or the community at large.

Bridge not to obstruct the navigation.

SECTION 52. The said company shall raise such bridge a sufficient height above the ordinary freshets in the Allegheny river as not to obstruct the navigation.

Preamble relative to the Waterford & New Haven turnpike Comp.

WHEREAS the stockholders of the Anderson's Ferry, Waterford & New Haven Turnpike Road company and other citizens of the county of Lancaster, have represented to the legislature that the aforesaid road has for want of repairs thereon been thrown open according to law, and as they have prayed that the same may be declared a public highway and be kept in repair in like manner as other public roads in this state are now kept ; Therefore,

Declared a public highway.

SECTION 53. That the Anderson's Ferry, Waterford and New Haven Turnpike road, in the county of Lancaster be, and the same is hereby declared to be a public highway, and that the same shall, from and after the passage of this act, be kept in repair and clear of all impediments to easy and convenient passing and traveling, at the expense of the respective townships through which it passes, in like manner as other public roads are now kept in repair as the law directs ; *Provided*, That in the event of a bridge being required over any creek or rivulet on said road, which will require more expense than it would be reasonable for one or two adjoining townships to bear, the same proceeding shall be thereupon had as is provided by the general laws of this commonwealth regulating roads, highways and bridges.

Proviso.

Bustleton & Smithfield turnpike road.

SECTION 54. That so much of the act, passed the fifth day of March eighteen hundred and four, to enable the Governor to incorporate the president, managers and company of the Bustleton and Smithfield Turnpike road as

requires the said company to continue the construction of said road from Smithfield to the Buck tavern, be and the same is hereby repealed, and that the said road terminate at the point to which said company have constructed said road, at or near the said town of Smithfield.

SECTION 55. That Samuel Haggerty, junior, John Campbell, William Wyley, Samuel Shoaff, William Irvin, John Hoyt and Thomas Brown, of Clearfield county, James Clark, Samuel Wallace, Samuel Coldwell and John H. McCahen, of Huntingdon county, be and are hereby appointed commissioners to do and perform the several things herein-after mentioned, that is to say, they shall on or before the first day of June next procure a book & enter in it as follows: "We whose names are hereunto subscribed do promise to pay unto the president, managers & company of the Huntingdon & Clearfield Turnpike road the sum of twenty dollars for every share of said stock set opposite to our respective names, in such manner & proportions, & at such times as shall be determined on by the president & 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 & company of the Huntingdon & Clearfield Turnpike road; as witness our hands the day of , in the year of our Lord one thousand eight hundred & ;" and shall thereupon give notice in one or more of the newspapers printed in the counties of Huntingdon & Clearfield, for one month, of the time & place when & where the said book shall be opened to receive subscriptions for the stock of the said company, at which time & place some one of the said commissioners shall attend & permit and suffer all persons of lawful age who shall 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, & 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, & until the said book so opened shall have two 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 & 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.

SECTION 56. Whenever ten or more persons shall have

Huntingdon
and Clear-
field Turn-
pike Road
company.
Commiss'rs
to procure
books.

Form of sub-
scription.

Who may
subscribe.

Number of
shares.

- Letters patent. subscribed fifty shares or more of the said stock, 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 Huntingdon and Clearfield Turnpike road, & by the said name the said subscribers shall have perpetual succession, and all the privileges & franchises incident to a corporation, & shall be capable of taking & holding their said capital stock & the increase & profits thereof, & 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 & meaning of this act, & of purchasing & taking & holding, to them & their successors and assigns, & of selling, transferring & conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments & estates, real & personal, as shall be necessary to them in the prosecution of their works, and of suing & being sued, and doing all & every other matter or thing which a corporation or body politic may lawfully do.
- Name, style and title. style and title of the President, Managers and Company of the Huntingdon and Clearfield Turnpike road, & by the said name the said subscribers shall have perpetual succession, and all the privileges & franchises incident to a corporation, & shall be capable of taking & holding their said capital stock & the increase & profits thereof, & 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 & meaning of this act, & of purchasing & taking & holding, to them & their successors and assigns, & of selling, transferring & conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments & estates, real & personal, as shall be necessary to them in the prosecution of their works, and of suing & being sued, and doing all & every other matter or thing which a corporation or body politic may lawfully do.
- Privileges
- Organization. SECTION 57. 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 & place by them to be appointed, not 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, & such other officers as they shall think necessary to conduct the business of the said company for one year & until such other officers shall be chosen, and the said managers so chosen & their successors, shall and may make such by-laws, rules & regulations, not inconsistent with the constitution & laws of this state & 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 & privileges for carrying on & completing said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines & forfeitures, & be entitled to take tolls as soon as five miles of said road shall
- Powers privileges and penalties.

be completed, in proportion to the distance, as are given & granted to the president & managers & company of the Phillipsburg & Susquehanna Turnpike road; and the said Huntingdon and Clearfield road shall commence at the town of Waterstreet, in the county of Huntingdon, thence to intersect the Northern or Erie turnpike, at or near the mouth of Anderson's creek, in Clearfield county: *Provided*, That if the said company shall not proceed to carry on the said work within five years after the passage of this act, & shall not within ten years afterwards complete the said road according to the true intent & meaning of this act, then & in either of the said cases, it shall and may be lawful for the legislature of this commonwealth to resume all & singular the rights, privileges, liberties & franchises by this act granted to the said company.

Time for
commencing
and comple-
ting the
work.

SECTION 58. That for the purpose of making a turnpike road from a point on the Susquehanna & Waterford turnpike, between the borough of Franklin and Big Sugar creek to Waterford, in Erie county, Andrew Bowman, Robert Lamberton, Robert McCalmont, Andrew Webber, Robert Bradley, David S. Cook, Charles Crain, James Hamilton, Jr., Edward Fleming, James Irvin, D. D. Goodwin, James Cooper, John Davidson, Josiah Longwell, and John Lamberton, of Venago county, Jacob Guy, Hugh Brawley, Thomas Dalamater, Noah Town, Joseph Patton, William Robison, Robert Townley, Joseph Hutchison, and Archibald Stewart, of Crawford county, B. B. Vincent, James Boyd & William Miles, of Erie county, be, and they are hereby appointed commissioners to do and perform the duties hereinafter mentioned, that is to say; they shall procure books and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay the president & managers of the Franklin & Waterford Turnpike Road company the sum of twenty-five dollars for every share by us subscribed, in such manner & proportions, and at such times & places as shall be determined on by the said president & managers, in pursuance of an act authorizing the Governor to incorporate the Franklin & Waterford 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 Venago, of the time & places when & where the said books shall be open to receive subscriptions of stock of the said company, at which time & place some one or more of the said commissioners shall attend, & receive subscriptions from all persons of lawful age who shall offer to subscribe in said

Franklin and
Waterford
turnpike Co.

Commis'srs
to procure
books.

Form of sub-
scription.

Who may
subscribe.

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, & the said commissioners may adjourn from time to time, & 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 & 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 59. When one hundred or more shares have been subscribed, & the said commissioners, or a majority of them, shall have certified, under their hands & seals, to the Governor, the names of the subscribers, & the number of shares subscribed by each, it shall be the duty of the Governor, by letters patent, under his hand & the seal of the state, to create & erect the subscribers, and also all those who may afterwards subscribe, into one body politic & corporate, in deed & in law, by the name, style & title of The Franklin & Waterford Turnpike Road company, & by the said name the subscribers shall have perpetual succession, & the privileges & franchises incident to a corporation, and shall be capable of taking & holding their said capital stock, & the increase & profits thereof, & enlarging the same from time to time by new subscriptions, in such manner & form as they shall think proper, & of purchasing, taking & holding, to them & their successors and assigns, & of selling, transferring & conveying, in fees 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, & of suing and being sued, & of doing all and every other matter & thing which a corporation or body politic may lawfully do.

SECTION 60. 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, & 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, & such other officers as may be necessary to conduct the business of said company for one year, & thence until the next annual election, & until such other officers shall be chosen & organized, agreeably to the provisions of this act; & in case of the death, removal or resignation of any president or manager, the board of managers may & shall choose another to supply the vacancy until the next said annual election of said company; they may make & have one common seal, & the same may break, alter & renew at their pleasure, & may make such by-laws, rules, orders & regulations, not inconsistent with the constitution & 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 61. 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 & 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, & until a successor shall be duly elected and give the security required.

Treasurer.

SECTION 62. That the stockholders shall meet on the first Monday in March in each succeeding year, at such place as Annual 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 63. The said president & managers shall make out certificates of stock, signed by the president & countersigned by the treasurer, & sealed with their corporate seal, & 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 to examine for materials &c.

SECTION 64. It shall and may be lawful for the said president & managers, their superintendents, surveyors, engineers, artists & chain bearers, to enter in & upon all & every the lands, tenements & enclosures, in, through & over which the said intended turnpike road may be thought proper to pass, and for that purpose to examine ground & the quarries of stone & gravel, & other materials that may be necessary in making & constructing the said road, & to survey, lay down, ascertain, mark & fix such route for said road as in the best of their judgment & skill will combine shortness of distance with the most eligible ground within the point aforesaid.

Minutes.

SECTION 65. The said president & managers shall keep minutes of all their proceedings fairly entered in a book, to be kept for that purpose, & shall have full power & authority to appoint, agree or contract with such engineers, superintendents, artists, laborers & other persons, as they may think necessary, to make & construct said road & collect the tolls hereinafter authorized, & to fix their compensation, to ascertain the times, manner & 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, & attested by their secretary, & to do & transact all other acts, matters & things as by the by-laws, orders & regulations of the said company shall be entrusted to them.

Quorum.

SECTION 66. If any stockholder, whether original subscriber or assignee, after thirty days notice in one newspaper printed in the county of Venango, of the time & 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, & if the same & 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, & 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 & managers may at their election, cause suit to be brought in the same manner as debt 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 67. It may be lawful for the said president &

managers, by & with their superintendents, engineers, artists, workmen & laborers, their tools & instruments, carts, wagons & other carriages, & beasts of draught or burden, to enter in & upon the lands contiguous & near to which the said road shall be made or constructed, first giving notice of their intention to the occupiers thereof, & doing as little damage thereto as possible, & making amends for damages upon reasonable & 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, & upon the tender of the assessed value, to dig, take & carry away any timber, stone, sand, earth, or other materials necessary or suitable for the making said road.

SECTION 68. The said president & managers shall keep fair & just accounts, as well of all monies received by them as of those laid out & expended in the prosecution of said work, & shall at least once in every year submit their books & accounts to a general meeting of the stockholders.

SECTION 69. The said president & managers shall have power to erect good & sufficient bridges over all the streams of water crossed by said road, & cause a road to be laid out not exceeding fifty feet in width, & shall cause at least twenty feet of said width to be made an artificial road, & 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 & keep the same in good order & repair.

SECTION 70. That whenever & 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 skillful, judicious & disinterested persons to view & examine the same, & report on oath or affirmation to him, whether the road is so far executed in a competent & workmanlike manner, according to the true intent & meaning of this act, and if their report shall be in the affirmative, then the Governor shall by license, under his hand & the seal of the state, permit and suffer said company to erect & fix such & so many gates on & across the said road, as will be necessary & sufficient to collect from all persons traveling the same otherwise than on foot, the same tolls which are hereinafter

Authority to enter upon lands.

Damages to be paid.

Just account to be kept.

Bridges.

Governor to appoint viewers.

License.

Proviso. authorized & 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 privileges and penalties. SECTION 71. 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 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 72. 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.

Certain sections of the act of 25th May 1836 repealed. SECTION 73. The nineteenth, twentieth, twenty-first, twenty-second, twenty-third and twenty-fourth sections of the act of the twenty-fifth of May Anno Domini one thousand eight hundred and thirty-six, entitled "An act authorizing the laying out of certain state roads and for other purposes," be and the same are hereby repealed, and the road which has been located in pursuance of the authority given in the aforesaid sections is hereby declared to be vacated.

Carbondale & Lackawanna turnpike Comp. WHEREAS, there is supposed to be some irregularity in the manner of opening the books and taking the subscriptions for the stock of the Carbondale & Lackawanna Turnpike Road company, for remedy whereof,

Making valid certain acts of the Commiss'rs. SECTION 74. The charter of the said company shall not be affected by any irregularity in the manner of opening the book or in taking the stock of said company, but the same shall continue to be valid and as binding upon the parties concerned, as if the commissioners had strictly complied with the provisions of the act of ninth of April, one thousand eight hundred & thirty-three, to which this is a supplement.

Wilsonville & Indian Orchard Turnpike Co. SECTION 75. That so much of the act of the tenth of April one thousand eight hundred and thirty-five, as authorizes the Governor to incorporate a company for making a turnpike road from the Milford & Owego turnpike, at or near Wilsonville, in Pike county, to the Bethany and Dingmans Choice Turnpike road near Charles Kimbell's

mills, in Wayne county, be and the same hereby is revived & re-enacted, and the said company is hereby allowed the further period of two years from the passage of this act, for commencing & completing the said turupike road, any thing in the said act contained to the contrary notwithstanding.

SECTION 76. James S. Bassett and Joseph Atkinson, are hereby appointed commissioners to carry the said act into effect in place of Benjamin Kimble and John Roberts deceased. New commissioners appointed.

SECTION 77. That Bevan Pearson, John Findley, John Ferker, John Hoge, Joseph Smith, Samuel Holstein, Samuel Bowman, J. P. Garrett, William S. Rankin, John Wright, Alexander M'Cullough, William W. Pearson, George Reznor, Samuel Clark of Clarksville, Robert Frait, William Stevenson, James Breden, are hereby appointed commissioners to do & perform the several things hereinafter mentioned, that is to say, they shall on or before the first Monday of June next procure one or more books & enter in each of them as follows: Mercer and Great Bend Turnpike Comp.
Commissioners to procure books.

"We whose names are hereunto subscribed, do promise to pay unto the president, managers and company of the Mercer & Great Bend Turnpike Road, the sum of twenty dollars for every share of stock set opposite our respective names in such manner & proportions & at such times as shall be determined by the president & managers of said company, in pursuance of an act of the general assembly of this commonwealth by which said company is incorporated for the purpose of making an artificial road from the borough of Mercer to the Great Bend of Shenango; Witness our hands the _____ day of _____ Anno Domini one thousand eight hundred & thirty- _____;" and shall thereupon give notice in one or more of the public newspapers printed in the borough of Mercer, for one calendar month at least of the time & places in said county when & where the said books shall be opened to receive subscriptions, for the stock of said company, at which respective times & places some one or more of the said commissioners shall attend, & permit all persons of the lawful age who shall offer to subscribe in the said books, in their own names or in the name or names of any other person or persons who shall duly authorize the same for any number of shares of the said stock, and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day for the space of six days, or until the books so opened shall have at least sixty shares therein subscribed; and if at the expiration of the said six days the books aforesaid, or any one of them, shall not have the number of shares aforesaid therein subscribed, the said commissioners, respectively, having Form of subscription.
Who may subscribe.
Number of shares.

charge of said books, may adjourn from time to time, & transfer the said books from place to place until the number of shares shall be subscribed, of which adjournments & transfers the commissioners aforesaid may, if they think proper, give notice, & when the whole number of shares subscribed in all the said books shall amount to three hundred & fifty shares, the same shall be closed: *Provided always*, That every person offering to subscribe, shall before subscribing in said books, in his own name or the name of any other person, pay to the attending commissioner or commissioners the sum of one dollar for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions & other incidental charges & 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 hereit after mentioned.

Proviso.

Letters patent.

Name style and title.

Privileges.

Proviso.

SECTION 78. When twenty or more persons shall have subscribed fifty or more shares of the said stock, the commissioners or any twelve or more of them, shall certify under their hands and seals, the names of the subscribers & the number of shares subscribed by each, to the Governor, and thereupon it shall & may be lawful for the Governor, by letters patent, under his hand & the seal of the state, to create & erect the subscribers, and if the said subscription be not full at the time, then also those who shall afterwards subscribe to & for the number of shares aforesaid, into a body politic & corporate, by the name, style and title of "The president & managers & company of the Mercer and Great Bend Turnpike Road," and by the said name the subscribers shall have perpetual succession and all the privileges & franchises incident to a corporation, and shall be capable of taking and holding their capital stock, & the increase and profits thereof, & 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, & of selling, transferring, & conveying, in fee simple or for any lesser estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works, or for the collection of their tolls, 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: *Provided always*, That if the said company shall at any time issue any note or notes in the nature of

bank notes, or shall transact any business in the nature or manner of banking then in either of those cases, their chartered privileges shall cease and revert to this commonwealth. Organization

SECTION 79. The commissioners as soon as may be after said letters patent, shall be sealed and obtained, shall give notice in one or more newspapers printed in the borough of Mercer, of a time and place by them to be appointed, not less than thirty 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, & one secretary to conduct the business of said company for one year, & from thence until the next annual election, and until their successors shall be chosen and organized agreeably to the provisions of this act, and in case of the death, removal out of the county of Mercer, or resignation of any president or manager, treasurer or secretary of the board of managers, may & shall choose another stockholder to supply the vacancy until the next annual election of said company; and the said president and managers so to be chosen, and their successors may and shall make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, or of the United States, as shall be necessary for the well ordering of the affairs of the said company, and generally shall have like powers, authorities and privileges, and be subject to all the duties, qualifications, restrictions, penalties, fines & forfeitures, and be entitled to like tolls and profits in proportion to the distance, as are given and granted to the president, managers and company of the Butler and Mercer Turnpike road, by the several acts of this commonwealth: *Provided*, That if the said company shall not proceed to carry on the said work in three years after the passage of this act, or shall not within five years thereafter complete the said road, according to the true intent and meaning of this act, then in either of those cases it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, privileges, liberties & franchises by this act granted to said company: *And provided further*, That after said company is duly incorporated and organized according to law, the president & managers shall proceed to locate said road, and a majority shall have power to fix the western termination thereof, at any point on the Shenango river at or near the Great Bend in the town of Shenango, or within one mile below the same. Powers, pri-
vileges and
penalties.
Proviso.
2d Proviso

Clearfield & Sinnamahoning Turnpike Co. Commissioners to procure books. SECTION 80. That W. J. B. Andrews, Smith Mead, Erasmus Morey, Ebenezer Winslow, James Mix, John Shaw, John R. Bloom, A. B. Reed, Christopher Kratzer, William L. Moore, Thomas Hemphill, Jacob Coleman, be, and they are hereby appointed commissioners to do & perform the duties hereinafter mentioned, that is to say, they shall procure a book and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Clearfield & Sinnamahoning Turnpike Road company, the sum of twenty-five dollars for every share of stock by us subscribed, in such manner & proportions, and at such times and places as shall be determined by the president & managers; Witness our hands the _____ day of _____, Anno Domini one thousand eight hundred & thirty-_____;" and shall at least give thirty days notice in all the newspapers published in the county of Clearfield, of the time and place when & where the said books shall be opened to receive subscriptions of stock of the said company, at which time & place some one or more of the said commissioners shall attend, & 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 four hundred or more shares, and the said commissioners may adjourn from time to time, & transfer the book from place to place until the whole number of shares aforesaid shall be subscribed, of which adjournment & transfer the said commissioners shall give such notice as the occasion may require.

Form of subscription, SECTION 81. That when twenty or more persons shall have subscribed one hundred or more shares, and the said commissioners, or a majority of them, shall have certified under their hands and seals to the Governor the names of the subscribers & the number of shares subscribed by each, it shall and may be lawful for the Governor, by letters patent, under his hand & seal of the state, to create & erect the subscribers, and also all those who may afterwards subscribe, into one body politic & corporate, in deed and in law, by the name, style & title of "The Clearfield & Sinnamahoning Turnpike Road company," and by the said name the said subscribers shall have perpetual succession and the privileges & franchises incident to a corporation, & shall be capable of taking & holding their capital stock, & the increase & profits thereof, & enlarging the same from time to time by new subscriptions, in such manner & form as they shall think proper, if such enlargement shall be found necessary to fulfil the intention of this act, and of

Who may subscribe.

Number of shares.

Letters patent.

Name, style and title.

Privileges.

purchasing, taking and holding to them and their successors & assigns, and of selling, transferring & conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments, and estate real & personal, as shall be necessary to them in the prosecution of their work, & of suing and being sued, & of doing all & every other matter & thing which a corporation or body politic may lawfully do.

SECTION 82. That the stockholders, or any two of them named in the letters patent, shall as soon as conveniently may be after the issuing of the same, give notice in all the newspapers published in the county of Clearfield, of the time & place to be by them appointed, not less than twenty days from the time of the notice, at which time & place the said subscribers, or as many of them as may be then present, shall proceed to organize the said company, & 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, & such other officers as may be necessary to conduct the business of said company for one year, & from thence until the next annual election, & until such other officers shall be chosen & organized agreeably to the provisions of this act, and in case of the death, removal, or resignation of any president or manager, the board of managers may and shall choose another to supply the vacancy until the said next annual election of said company, they may make & have one common seal, & the same may break, alter or renew at their pleasure, & may make such by-laws, rules, orders & regulations, not inconsistent with the constitution and laws of this state, as shall be necessary for the well ordering of the affairs of the corporation: *Provided*, That each subscriber shall be entitled to one vote for every share of stock by him or her held, not exceeding fifty, but no share or number of shares above that number shall entitle the holder to more than two votes at any election or meeting of said company: *And provided also*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the share or shares by him or her held at the time of such election or meeting shall have been fully paid & discharged.

SECTION 83. 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 & 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, & until a successor shall be duly elected & give the security required.

Annual election. SECTION 84. That the stockholders shall meet on the first Monday in July in each succeeding year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing, in manner aforesaid, such officers aforesaid as for the year ensuing the terms of service of those previously elected.

Certificates of stock. SECTION 85. That the president & managers shall make out certificates of stock, signed by the president & countersigned by the treasurer, and sealed with their common corporate seal, & 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 in the books of the said company, only subject to the sum due or to become due on the share so transferred.

Authority to enter upon lands to examine the ground. SECTION 86. That it shall & may be lawful for the president & managers, their superintendents, surveyors, engineers, artists & chain bearers, to enter in & upon all & every the lands, tenements & enclosures, in, through, & over which the said intended turnpike road may be thought proper to pass, and for that purpose to examine the ground, & the quarries of stone & gravel, & other materials that may be necessary in making & constructing the said road from the town of Clearfield, to intersect the Milesburg & Smithport Turnpike road at some point east of the Sinnamahoning creek, & to survey, lay down, ascertain, mark & fix such route for said road as in the best of their judgment & skill will combine shortness of distance with the most eligible ground within the points aforesaid; and likewise with authority to construct a bridge, if they should deem it expedient, over the west branch of the Susquehanna river, with like powers, authority & privileges for erecting said bridge, & be subject to all the duties, qualifications, restrictions, fines, penalties & forfeitures, & be entitled to take like tolls for crossing of said bridge as are given or granted in the act incorporating the Clearfield Bridge company, passed the seventeenth day of January, one thousand eight hundred & thirty-one.

Authority to construct a bridge over the W. B. Susquehanna river. SECTION 87. That the said president & managers, five of whom shall for all purposes be a quorum, shall keep minutes

Quorum.

of all their proceedings, fairly entered in a book to be kept for that purpose, and shall have full power & authority Powers. to appoint, agree or contract with such engineers, superintendents, artists, laborers and other persons, as they may think necessary, to make & construct said road, & collect the tolls hereinafter authorized, & to fix their compensation, to ascertain the times, manner & 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, & attested by their secretary, & to do & transact all other acts, matters and things as by the by-laws, orders & regulations of the said company shall be entrusted to them.

SECTION 88. That if any stockholder, whether original subscriber or assignee, after thirty days notice in two news-papers printed in the county of Clearfield, of the time & place appointed for the payment of any instalment or portion 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, & if the same & 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, & may be sold by them for such prices 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 & 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 89. That it may be lawful for the said president & managers, by & with their superintendents, engineers, artists, workmen & laborers, their tools & instruments, carts, wagons & other carriages & beasts of draught or burden, to enter in & upon the lands contiguous & 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, & making amends for damages upon a reasonable & equitable agreement by the parties, or if they cannot agree, then upon a just & equitable assessment, to be made upon oath or affirmation by three disinterested freeholders, or any two of them, to be mutually assessed. Damages to be paid and how to be assessed.

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 Clearfield, who shall not be interested therein, & upon the tender of the assessed value, to dig, take & carry away any timber, stone, sand or other materials necessary or suitable for making said road.

Just accounts
to be kept.

SECTION 90. That the said president & managers shall keep fair and just accounts, as well of all monies received by them as of those paid, laid out & expended in the prosecution of said work, and shall at least once in every year submit their books & 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 & meaning of this act, it shall & 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, & to demand & receive the monies subscribed for such additional shares, in like manner and under the like penalties as are provided by this act in the case of the original subscriptions.

Number of
shares may
be increased.

Bridges.

SECTION 91. That the said president & managers shall have power to erect good & sufficient bridges over all the streams of water crossed by said route, whenever the same shall be found necessary, and shall cause a road to be laid out, not exceeding thirty feet in width, and shall cause at least sixteen feet of said width to be made an artificial road, of wood, stone, gravel or other proper & convenient materials, such as the nature of the ground may require & will afford to be constructed, in such manner as will admit an even surface, and in such places where the road shall not be made of stone, to rise towards the centre by a gradual arch to the height of eighteen inches, & in no place in said road shall there be an elevation of more than five degrees from a horizontal line & shall forever thereafter maintain and keep the same in good order & repair: *Provided*, That it shall & may be lawful for the president & managers, whenever they shall deem it necessary, to cut, deaden & prostrate the timber on each or either side of the said road, within a distance not exceeding fifty feet from the centre of said road.

Proviso.

Governor to
appoint
viewers.

SECTION 92. That whenever and as often as the said company shall have finished five miles or more of said road, the president thereof may give notice to the Governor, who shall thereupon forthwith appoint three 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 & workmanlike manner, according to the true intent & 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 & suffer said company to erect & fix such & so many gates or turnpikes upon 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*, 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.

SECTION 93. That for the 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 every increase, diminution and application of tolls, the erection of index posts, and for injuring and defacing the same, for the regulating of the traveling on the said road and the limitations of actions, and for the recovery and application of fines & penalties for offences against this act, the said company shall have all the powers, authorities, rights & privileges, & be subject to all the penalties which are given & granted to the Bellefonte & Philipsburg Turnpike Road company. In certain matters to have like powers &c. as the Bellefonte & Philipsburg Turnpike Co.

SECTION 94. That George Rose, Junr., Oliver Paxon, Willow Thomas Lloyd, John Lloyd, Nathaniel B. Boileau, Joseph B. Yerkes, Robert Radcliff, Jacob Fretz, George H. Pawling, Asa Comly, Gove Mitchell & Isaac Warner, of Montgomery county, and Andrew Yerkes, Thomas Boans, Hugh Mearns, James Horner, William Hart, Robert Darragh, Thomas Dixey, Daniel Longstreth, Isaac Parry, Isaac Janet, Thomas Stackhouse, Edward Yerkes, John Davis, William M. White, John Jamison, Jacob H. Rogers, William D. Ruckman, Joel Worthington & Elijah Updyke, of Bucks county, be, and they are hereby appointed commissioners to do & perform the several things hereinafter mentioned, that is to say; they shall on or before the first day of November 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 Willow Grove & Hart's Villa Turnpike Road company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner & proportions, & at such times as shall be determined by the president & managers of said company, in pursuance of an act of the general assembly of this commonwealth, incorporating a company to Commissioners to procure books. Form of subscription.

construct a turnpike road from the village of the Willow Grove, in Montgomery county, to Hart's Villa, in Bucks county; Witness our hands the day of _____, in the year of our Lord one thousand eight hundred & thirty-____; and thereupon shall give notice in two papers printed in the counties of Montgomery & Bucks, for twenty-one 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 time and places one of the said commissioners shall attend, & permit & 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 person who shall duly authorize the same, for any number of shares of said stock; and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day for the space of three days, or until the said books shall have four hundred shares therein subscribed; and if at the expiration of the said three days the books aforesaid shall not have the said number of four hundred shares therein subscribed, the commissioners respectively may adjourn from time to time, & transfer the said books from place to place until the whole number of shares shall be subscribed, of which adjournment & 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 four 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 five dollars for every share to be subscribed, out of which shall be defrayed such incidental charges & 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 & the officers chosen as hereinafter mentioned.

SECTION 95. When twenty persons or more shall have subscribed two hundred shares of the said stock, 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 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 & corporate, in deed and in law, by the name, style

Who may
subscribe.

Number of
shares.

Proviso.

Letters pa-
tent.

and title of "The President & Managers of the Willow Name, style Grove & Hart's Villa Turnpike Road company," and by the said name the said 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, & 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 & assigns, and of selling, transferring and conveying in fee simple or for any less estate, all such lands, tenements, hereditaments, & 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. Privileges.

SECTION 96. The commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed & obtained, shall give public notice in two or more public papers printed in the counties of Montgomery and Bucks, of a time and place by them to be appointed, not less than twenty-one days from the time of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, & shall choose by a majority of votes of the subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, ten managers, one treasurer, and such other officers as may be necessary to conduct the business of said company until the first Monday in November then next ensuing, and until such officers shall be chosen, and shall and may make such by-laws, orders and regulations, not inconsistent with the constitution and laws of this commonwealth or of the United States, 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. Organizati'n

SECTION 97. 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 & form as shall be prescribed by their by-laws, at which annual or special meetings they shall have full power and authority to make, order Annual elec- tion.

or repeal by a majority of votes, in manner aforesaid, all such by-laws, rules, orders & regulations made as aforesaid, & do and perform any other corporate act.

Certificates
of stock.

SECTION 98. 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 & countersigned by the treasurer, & 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 & 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 of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

Of transfer.

Penalty for
neglecting
to pay instal-
ments.

SECTION 99. If after thirty days notice in two or more of the public newspapers printed in the counties of Montgomery & Bucks, of the time & 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 dividend 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 dividends so called for, pay after the rate of five 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 & 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.

Meetings.

Quorum.

Minutes.

Powers.

SECTION 100. The said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met six 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 & authority to appoint all such surveyors, engineers, superintendents, and other artists & officers as they shall deem necessary to carry on their intended works, and fix their salaries & wages, to ascertain the times when, and the manner & 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 & 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 & things as by this act, and the by-laws, rules, orders & regulations of the company shall be committed to them.

SECTION 101. The said road shall be located & constructed Location. from the north end of the Cheltenham & Willow Grove Turnpike road, in the village of the Willow Grove, in the county of Montgomery, in and upon the bed of the old York road, through Hatboro' to Hart's Villa, in Bucks county.

SECTION 102. The president and managers & company Dimensions shall cause a road to be laid out of not less than fifty feet, in and mode of such a manner as that the present buildings on said road be constructing not injured, and at least twenty feet thereof to be made an ar- the road. tificial road, bedded with wood, stone, gravel or any 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 near as the materials will admit of, an even surface, & 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 after maintain and keep the same in good and perfect order, and the said president & managers and company shall have power to erect permanent bridges over all the waters crossing the said road.

SECTION 103. So soon as the said president, managers and Governor to company, shall have perfected the said road from Willow appoint Grove, the distance of two miles, and also when they shall viewers. have completed the remainder of the distance to Hart's Villa, 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 License. of the commonwealth, permit and suffer the said president, managers & company, to erect and fix so many gates and turnpikes upon and across the said road, as will be necessary

Proviso.

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 & 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.

Mode of estimating damages.

SECTION 104. Whenever it shall be necessary for the president, managers and company of the said turnpike road company, to enter in & upon and occupy for the purpose of making said turnpike road, any land upon which the same may be located, if the owner or owners of the said lands shall refuse to permit such entry & occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury that may be done to said land by such entry and occupation, it shall and may be lawful for the parties to appoint six suitable and disinterested persons to estimate such damages, who shall, or a majority of whom, under oath or affirmation, fairly and impartially estimate the same, and who shall reside in the proper county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said turnpike road company, but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment, within twenty days after requisition for that purpose upon him, or if such owner shall be feme covert, under age, non compos mentis, out of the state or unknown, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, at the costs and charges of the said corporation, to appoint six disinterested men of said county to view, examine & survey the said lands, tenements or hereditaments, and estimate the injury or damage, if any, that in their apprehension will be sustained as aforesaid by reason of said turnpike road, and report the same under their oaths or affirmations to the said court, which report being confirmed by the said court judgment shall be entered thereon, and the said viewers shall be entitled to the like fees for their services as are allowed by law to viewers of public roads and highways, to be paid by the said company; and it shall be the duty of the said appraisers, in estimating such injury or damage, to take into consideration the advantages that will be derived to the owner or owners of the said lands from the said turnpike road: *Provided*, That either party may appeal to the court, within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases,

Proviso.

and upon the coming in of such report and the confirmation thereof, or upon final judgment or appeal *therefrom*; and the said company shall pay such owner the sums in such report or judgment specified in full, compensation for the injury sustained as aforesaid, and the said company and those who act under them, shall be acquitted and freed from all responsibility for and on account of such damage or injury: *Provided* 2d. Proviso. *further*, That upon payment or tender of payment by the said company, of the sum specified in the report of the said viewers or appraisers to the owner of said land, the said president and managers, their agents or contractors, for making or repairing the said road, may immediately take and use the same without awaiting the issue of proceedings as hereinbefore prescribed.

SECTION 105. In addition to the power hereinbefore granted, the said company shall generally have like powers, authority and privilege for carrying on & completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to take like tolls and profits in proportion to the distance, as are given or granted to the president and managers of the Doylestown & Willow Grove Turnpike Road company, in the eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth sections of the act entitled "An act to incorporate the president and managers of the Doylestown and Willow Grove Turnpike Road company," passed the fourteenth day of February, in the year of our Lord one thousand eight hundred & thirty-eight. Powers and penalties.

SECTION 106. That William Crawford, Esq., of Venango county, James McMahan of Venango township, Butler county, John Jack, Hugh Conway, William T. Jameson, turnpike Co. Robert Campbell, Robert Hays, Charles Hilliard, of Butler county, and Jacob Meichling, John Pollock, John Welsh, George W. Smith, George Miller, George W. Reed, & John N. Purviance, of the borough of Butler, be, and they are hereby appointed commissioners to do & perform the several things hereinafter mentioned, that is to say; they shall on or before the first day of November 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 Butler and Emlinton Turnpike Road company, the sum 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, by which said road is incorporated, for the purpose of constructing Commissioners to procure books.

Form of subscription.

a turnpike road from the borough of Butler to Emlinton in Venango county; Witness our hands the day of _____ in the year of our Lord one thousand eight hundred & thirty-____;” and thereupon shall give notice in one or more papers printed in the county of Butler & Venango, for twenty-one days at least, of the time & places when and where the said books shall be opened to receive subscriptions for the stock of the said company, at which time 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 person who shall duly authorize the same, for any number of shares of said stock, and the said books shall be kept open, respectively, for the purpose aforesaid, at least six hours in every juridical day for the space of three days, or until the said books shall have four hundred shares therein subscribed; and if at the expiration of the said three days, the books aforesaid shall not have the said number of four 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 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 four 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 five dollars for every share to be subscribed, out of which shall be defrayed such incidental charges & 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.

Who may
subscribe.

Number of
shares.

Proviso.

Letters pa-
tent.

SECTION 107. When twenty persons or more shall have subscribed two hundred shares of the said stock, said commissioners, respectively, may, or when the whole number of shares aforesaid shall be subscribed, they shall certify under their hands & 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 state, to create & 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 & title of "The President and Managers of the Butler Name, style and Emlinton Turnpike Road company;" and by the said name and title. name the said subscribers shall have perpetual succession, and all privileges & franchises incident to a corporation, Privileges. 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 & holding to them, their successors and assigns, & of selling, transferring & conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments & estate, real and personal, as shall be necessary to them in the prosecution of their works, & of suing and being sued, and of doing all and every other matter & thing which a corporation or body politic may lawfully do.

SECTION 108. The commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice in one or more public papers printed in the counties of Butler & Venango, of a time and place by them to be appointed, not less than twenty-one days from the time 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, ten managers, one treasurer, and such other officers as may be necessary to conduct the business of said company until the first Monday in November then next ensuing, and until such officers shall be chosen, and shall and may make such by-laws, orders and regulations, not inconsistent with the constitution and laws of this commonwealth or of the United States, as shall be necessary for the well ordering the affairs of said company : *Organizati'n* *Proviso.*
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. 109. The said company shall meet on the first Annual election 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

laws, rules, orders and regulations, made as aforesaid, & do & perform any other corporate act.

Certificates of stock. **Seal.** **Of transfer.** SECTION 110. 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 of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

Penalty for neglecting to pay instalments. SECTION 111. If after thirty days notice in one or more of the public newspapers printed in the counties of Butler and Venango, 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 dividend 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 dividends so called for, pay after the rate of five 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 & 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.

Forfeiture.

Meetings. **Quorum.** **Minutes.** **Powers.** SECTION 112. The said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met six 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 authority to appoint all such surveyors, engineers, superintendents & 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 & 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 & things as by this act and the by-laws, rules, orders & regulations of the company shall be committed to them.

SECTION 113. The said road shall be located & constructed from Emlinton in Venango county, by the nearest and best route, to intersect the Roseburg & Mercer Turnpike road, at or near James M'Mahan's in Venango township, Butler county, thence by the nearest and best route through North Washington, in Parker township, to the borough of Putler in Butler county. Location.

SECTION 114. The president and managers and company shall cause a road to be laid out of not less than fifty feet, in such a manner as that the present buildings, on said road be not injured, and at least twenty feet thereof to be made an artificial road, bedded with wood, stone, gravel or any 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 near as the materials will admit of, an even surface, and so nearly level in its progress as that it shall in no place rise or fall more than will form an angle of five degrees with a horizontal line, and shall forever after maintain and keep the same in good and perfect order, and the said president and managers & company, shall have power to erect permanent bridges over all the waters crossing the said road. Dimension and mode of constructing road, &c.

SECTION 115. So soon as the said president, managers & company shall have perfected the said road from the borough of Butler the distance of five miles, and also when they shall have completed the remainder of the distance to Emlinton, they shall give notice thereof to the Governor of the commonwealth, who shall thereupon forthwith nominate & 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 & 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 Governor to appoint viewers. License.

seal of the commonwealth, permit & suffer the said president, managers & company to erect & fix so many gates and turnpikes upon and across the said road as will be necessary & sufficient to collect the toll and duties herein-after granted to the said company, from all persons traveling on the same with horses, cattle, carts & 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 & in returning therefrom.

Proviso.

Mode of
estimating
damages.

SECTION 116. Whenever it shall be necessary for the president, managers and company of the said Turnpike Road company, to enter in and upon & occupy, for the purpose of making said turnpike road, any land upon which the same may be located, if the owner or owners of the said lands shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury that may be done to said land by such entry and occupation, it shall and may be lawful for the parties to appoint six suitable & disinterested persons to estimate such damages, who shall, or a majority of whom, under oath or affirmation, fairly and impartially estimate the same, & who shall reside in the proper county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said turnpike road company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment within twenty days after requisition for that purpose upon him, or if such owner shall be feme covert, under age, non compos mentis, out of the state or unknown, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, at the costs & charges of the said corporation, to appoint six disinterested men of said county to view, examine and survey the said lands, tenements or hereditaments, and estimate the injury or damage, if any, that in their apprehension will be sustained as aforesaid, by reason of said turnpike road, and report the same under their oaths or affirmations to the said court, which report being confirmed by the said court, judgment shall be entered thereon, and the said viewers shall be entitled to the like fees for their services as are allowed by law to viewers of public roads & highways, to be paid by the said company, and it shall be the duty of the said appraisers in estimating such injury or damage, to take into consideration the advantages that will be derived to the owner or owners of the said lands from the said turnpike road: *Provided*, That either party may appeal to the court,

Proviso.

within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases, and upon the coming in of such report and the confirmation thereof, or upon final judgment or appeal therefrom; and the said company shall pay such owner the sums in such report or judgment specified, in full compensation for the injury sustained as aforesaid, and the said company and those who act under them, shall be acquitted and freed from all responsibility for and on account of such damage or injury: *Provided further*, That upon payment, or tender of payment, by the said company of the sum specified in the report of the said viewers or appraisers to the owner of said land, the said president & managers, their agents or contractors for making or repairing the said road, may immediately take and use the same without awaiting the issue of proceeding as hereinbefore prescribed. 2d Proviso.

SECTION 117. In addition to the power hereinbefore granted, the said company shall generally have like powers, authority and privilege for carrying on & completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines & forfeitures, and be entitled to like tolls and profits in proportion to the distance, as the Doylestown & Willow Grove Turnpike Road company, in the eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth & nineteenth sections of the act entitled "An act to incorporate the President & Managers of the Doylestown & Willow Grove Turnpike Road company," passed the fourteenth day of February, in the year of our Lord one thousand eight hundred & thirty-eight. Have like powers with penalties as the Willow Grove turnpike Co.

LEWIS DEWART,

Speaker of the House of Representatives,

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and thirty-eight.

JOS. RIFNER.