

designate, on the outside, the office or offices, and on the inside, the name of the person voted for to fill such office or offices.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The second day of July, Anno Domini, eighteen hundred and thirty-nine.

DAVID R. PORTER.

No. 194.

AN ACT

To incorporate the President and Managers of the Uniontown and New Alexandria Turnpike Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That Henry W. Beason, Andrew Stewart, Samuel Evans, John Fuller, William B. Roberts, Jacob Murphy, John Boyd, Alexander Johnston, Hiram Gibhart, Henry D. Overhalt, William Davidson, Thomas Boyd, Alonzo L. Little, John Foster, of Fayette county, Jesse Lippencath, John Hitchman, Samuel Shupe, Thomas Hunt, Jacob Christman, Abraham Weaver, James Keenan, John Taylor, Thomas M. Johnston, James Moorhead, George Maclin, Benjamin Hill, John Snyder, Jacob Teustman, of Westmoreland county, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say, they shall, on or before the first day of May next, procure two books, and in each of them enter therein as follows: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Uniontown and New Alexandria 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, entitled,

Commissioners

Form of sub-
scription

"An act to incorporate the president and managers of the Uniontown and New Alexandria turnpike road company."
Witness our hands the _____ day of

_____ in the year of our Lord one thousand eight hundred and _____ ; and thereupon shall give notice

Notice

in the year of our Lord one thousand eight hundred and _____ ; and thereupon shall give notice in two or more public, papers printed in the counties of Fayette and Westmoreland, for twenty days at least of the time and places, when and where the said books shall be opened to receive subscriptions for the stock of the said company, at which times and places one of the said commissioners shall attend, and permit and suffer all persons of lawful age, who shall offer to subscribe in said books in their own names, or in the name of any other persons, who may duly authorize the same, for any number of shares of stock, and the said books shall be kept open respectively, for the purposes aforesaid, at least six hours in every juridical day, for the space of six days or until the said books shall have fifteen hundred shares therein subscribed; and if at the expiration of the said six days, the books aforesaid, shall not have the said number of fifteen 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 fifteen hundred, the same shall be closed. *Provided always*, That every person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners, the sum of two dollars for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking said subscription, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized and the officers chosen, as hereinafter mentioned.

Who may subscribe

1500 shares
Proviso

Payment of expenses

Letters patent when to issue

Name, style and title

SECTION 2. When twenty persons or more, shall have subscribed one thousand shares of the said stock, the said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall, certify under their hands and seals, the names of the subscribers and the number of shares subscribed by them, 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 and erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of the president and managers of the Uniontown and

New Alexandria 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, and the increase and profits thereof, and of enlarging the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them, and their successors and assigns, and of selling, transferring and conveying, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all, and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. The commissioners aforesaid, as soon as conveniently may be, after the said letters patent shall be sealed and obtained, shall give public notice in two or more public papers printed in the counties of Fayette and Westmoreland, of a time and place, by them to be appointed, not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the subscribers, by ballot, to be delivered in person or by proxy duly authorized, one president, seven managers, one treasurer, and such other officers as may be necessary to conduct the business of said company, until the first Monday of November next, and until such other officers shall be chosen; and shall and may make such by-laws, orders and regulations, not inconsistent with the constitution and laws of the United States and of this commonwealth, as shall be necessary for the well ordering the affairs of said company. *Provided* always, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share held by him under that number.

SECTION 4. The said company shall meet on the first Monday of November, in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such other officers, as aforesaid, for the ensuing year, in manner aforesaid; and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner as aforesaid, all

Privileges and franchises

Organization of company

Election of president and managers

Provide

No. of votes

Annual meeting of company to choose officers

such by-laws, rules, orders and regulations, made as aforesaid, and to do and perform any other corporate act.

Certificates of stock how to be issued
Transferable

SECTION 5. The president and managers first to be chosen, as aforesaid, shall procure certificates, to be written or printed, for all the shares of the said stock of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer and sealed with the common seal of the said corporation, to each person for every share by him subscribed and held, which certificate shall be transferable at his pleasure, in person or by attorney, in the presence of the president or treasurer, subject however, to all payments due and to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of said corporation, and for every certificate by him held shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote, as aforesaid, at the meeting thereof.

Penalty for neglect to pay instalments

SECTION 6. If after thirty days notice in two of the public newspapers printed in the counties of Fayette and Westmoreland, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay any such proportion or instalment at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee, shall, in addition to the instalments so called for, pay at the rate of two per cent per month for the delay of such payment, and if the same and the said additional penalty, shall remain unpaid for such space of time as that the accumulated penalties shall become equal to the sums before paid, in part and on account of such shares, the same shall be forfeited to the said company, and may and shall be sold to any person or persons willing to purchase, for such price as can be obtained for the same.

President and managers, duties of, and powers

SECTION 7. The said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met five members shall form a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers, as they shall deem necessary to carry on their intended works, and fix their salaries and wages, to ascertain the times when, and the manner and proportion in which the stockholders shall pay the moneys due on their respective shares, in order to carry on the work, to draw orders on the treasurer for moneys neces-

sary 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 minutes, and shall be signed by the president, or in his absence, by a majority of a quorum and countersigned by their secretary, and generally to do all such other acts, matters and things, as by this act and the by-laws, rules, orders and regulations of the company shall be committed to them.

SECTION 8. It shall be lawful for the said president and managers to cause a road to be laid out, commencing at Uniontown, in Fayette county, by the way of Connellsville, and Mount Pleasant and Greensburg to New Alexandria, in Westmoreland county, forty feet wide and at least eighteen feet thereof to be made an artificial road, bedded with wood, stone, gravel or other hard substance, well compacted together and of sufficient depth to secure a solid foundation to the same, and the said road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm, and as nearly as the materials will admit of, an even surface, rising towards the middle by a gradual arch, and so nearly level in its progress as that it shall in no place rise or fall more than will form an angle of four degrees with an horizontal line, and shall forever hereafter maintain and keep the same in good and perfect order and repair.

SECTION 9. It shall be lawful to and for the said president and managers, by and with their superintendents, engineers, artists, workmen, and laborers with their tools and instruments, carts, wagons, wains and other carriages, and beasts of draft or burden, to enter upon the lands, in, over, contiguous and near to which the route and track of the said intended road shall pass, first giving notice of their intention to the owners thereof or their representatives, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done to any improvements thereon, and also for the value of the materials, by appraisements to be made in the manner hereinafter directed, or upon reasonable agreement if they can agree, if they cannot agree then upon an appraisement to be made, upon oath or affirmation, by three disinterested and reputable freeholders to be mutually chosen, whose award or the award of any two of them shall be final, and if either the president and managers or the said owners, shall, upon due notice, neglect or refuse to join in the choice, then it shall and may be lawful for any justice of the peace of the county where the said damage may be done, not interested on either side, to appoint the said freeholders, and upon tender of the value so appraised, as aforesaid, it shall and may be lawful for the said president

Commencement, termination and width of road

Authority to enter upon lands

Mode of assessing and payment of damages

and managers, or for any person or persons, by his or their direction, to dig, take, and carry away any stone, gravel, sand or earth, then being most conveniently situated, for making or repairing the said road.

SECTION 10. So soon as the said president, managers and company, shall have perfected the said road from Uniontown the distance of five miles, and also, when they shall have completed the remainder of the distance to New Alexandria, they shall give notice thereof to the governor of the commonwealth, who shall thereupon forthwith nominate and appoint three disinterested persons to view and examine the same, and report to him, in writing, whether the said road is so far executed in a masterly and workmanlike manner, according to the true intent and meaning of this act, and if their report shall, in either case be in the affirmative, then the governor shall, by license under his hand and the lesser seal of this commonwealth, permit and suffer the said president, and managers and company, to erect and fix so many gates and turnpikes, upon and across the said road, as will be necessary and sufficient to collect the toll and duties hereinafter granted to the said company, from all persons travelling on the same with horses, cattle, carts and carriages. *Provided*, That all persons attending funerals or places of worship, their horses and carriages, shall be exempt from the payment of tolls in going to and in returning therefrom.

SECTION 11. When the said company is licensed in manner aforesaid, it shall and may be lawful for them to appoint such, and so many, toll gatherers as they shall think proper, to collect and receive of, and from, all and every person and persons using the said road, the same tolls and rates as are charged on the Somerset and Mount Pleasant turnpike. And if any person or persons shall represent to the said company, or any of their officers, that he or she, or they, have travelled a less distance than he, she, or they have actually travelled along said road, with intent to defraud said company of its toll, or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of said company the sum of five dollars. And if any toll gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded, shall have travelled along said turnpike road, or shall demand or receive greater toll from any person or persons than such toll gatherer is authorized to demand and receive by virtue of this act, such toll gatherers shall forfeit and pay the sum of ten dollars, for every such offence, to the supervisors of the township in which the forfeiture is incurred, to be expended in repairing township roads, and for the payment of which the said company shall be responsible.

When five miles are completed Governor to appoint viewers

When license may issue

Proviso

Toll gatherers and their duties

Penalty for fraud on company

Penalty for taking too much toll

SECTION 12. All such carriages, as aforesaid, to be drawn by oxen in the whole, or partly by horses and partly by oxen, two oxen shall be estimated as equal to one horse, in charging all the aforesaid tolls, and every mule as equal to one horse. How tolls to be charged

SECTION 13. If the said company shall neglect to keep the said road in good and perfect order, for the space of ten days, and information thereof shall be given to any justice of the peace of the neighborhood, within the county where the repair ought to be made, such justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time, in said precept to be mentioned, at the place in said road which shall be complained, of which meeting notice shall be given to the keepers of the gate or turnpikes nearest thereto, within the said county; and the said justice shall, at such time and place, on the oaths or affirmations of the said persons, inquire whether the said road, or any part thereof, is in such good and perfect order and repair, as aforesaid, and shall cause an inquisition to be made, under the hands of himself and a majority of the said persons; and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates, between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such gate or turnpikes, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair, as aforesaid; and if the same shall not be so put in good and perfect order and repair before the next general court of quarter sessions of the peace, to be held for the county in which the defect is proved to be, the aforesaid justices shall certify and send a copy of the inquisition, aforesaid, to the justices of the said court, and the said justices shall thereupon cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company, with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed thereon as in cases of supervisors of the highways for the neglect of their duty; and if the person or persons entrusted by the said company, aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give judgment according to the nature and aggravation of the neglect, as according to right and justice would be proper in the case of supervisors of the highways, neglecting their duties, and the fines and penalties so to be imposed, shall be recovered in the same manner as fines for misdemeanor are Neglect to keep road in repair, proceedings how instituted

usually recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied in repairing the public roads within such township.

SECTION 14. If any person or persons, whosoever, owning, riding in, or driving any sulkey, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, riding or leading any horse, mule, mare or gelding, or driving any hogs, sheep, or other cattle, shall therewith pass through any private gates or bars, or along or over any private gates or bars, or along or over any private passage way, or other ground near to, or adjoining any turnpike or gate, erected or which shall be erected in pursuance of this act, with an intention to defraud the company, and avoid the payment of the toll, or duty for passing through such gate or turnpike; or if any person or persons shall with such intent take off, or cause to be taken off, any horse, mule, mare or gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons, in all or every, or any of the ways and manners aforesaid offending, shall, for every such offence, respectively forfeit and pay to the president and managers and company of the Uniontown and New Alexandria turnpike road, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations as debts of a similar amount are by law sued for and recovered. *Provided always,* That if any person or persons shall be prosecuted under this section of this act, and the said prosecution shall not be sustained on the part of the prosecutors; then, and in that case, the person or persons prosecuted, as aforesaid, shall receive from the company the sum of ten dollars, in lieu of damages arising from delay, and a vexatious prosecution recoverable as other fines under this act.

SECTION 15. The president and managers of the said company shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the subscribers to the said undertaking on account of the several subscriptions, and of all penalties for the delay of payment thereof, and of the amount of profits on the shares which may be forfeited, as aforesaid, and also all moneys by them expended in the prosecution of their work, and shall once, at least, in every year, submit such accounts to a general meeting of the stockholders until the said road shall be complete, and until all costs, charges and expenses of

Penalty for defrauding company in avoiding payment of toll

How recovered

Provido

President, &c to keep just accounts

To be submitted annually to stockholders

effecting the same, shall be fully paid^d and discharged, and the aggregate amount of such expenses shall be liquidated and ascertained.

SECTION 16. The said president and managers and company shall also keep a just and true account of all and every, of the moneys received by their several and respective collectors of tolls, at the several and respective gates or turnpikes on the said road, from the beginning to the end thereof, and shall make and declare a dividend, and when such dividends shall exceed twelve per cent. per annum, then one half of the surplus exceeding twelve per cent. to be paid into the state treasury for the benefit of the education fund, which abstract shall be verified by the oath or affirmation of the president or treasurer of said company, of the clear profits and income thereof, all contingent costs and charges being first deducted among all the subscribers to the said company's stock, and shall, on the first Monday in November and May, in every year, publish the half-yearly dividend made of the said clear profits among the stockholders, and of the time and place, when and where, the same will be paid, and shall cause the same to be paid accordingly.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The second day of July, eighteen hundred and thirty-nine.

DAVID R. PORTER.