

road equidistant from the city of Pittsburg and the town of Greensburg, and that no stockholder residing in the county of Allegheny, or the county of Westmoreland, shall be permitted to vote by proxy.

SECTION 4. The provisions of this act shall not go into effect until they are accepted by a majority of the stockholders, at the annual meeting which shall be held next after the passage hereof. Provisions—  
how accepted

WM. A. CRABB,  
*Speaker of the House of Representatives.*

JN. H. EWING,  
*Speaker of the Senate.*

APPROVED—The seventeenth day of April, one thousand eight hundred and forty-one.

DAVID R. PORTER.

[No. 94.]

## A N A C T

To Incorporate the President, Managers and Company of the Union 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 James M'Girk and William Bagshaw, of the county of Centre, and Josiah W. Smith, Alexander B. Reed, and John Stikes, of the county of Clearfield, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they or any two of them, shall, on or before the first day of August next, procure two books, and in each of them enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Union 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 an act to incorporate the president and managers of the Union turnpike road company. Witness our hands the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord, one thousand eight hundred and forty —, and thereupon

Com'ission'rs  
Form of sub-  
scription  
Notice

Who may subscribe	shall give notice in one public paper printed in the county of Clearfield, 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 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 names of any other persons or any turnpike road company or township or other corporation, who shall duly authorize the same, for any number of shares of stock, and the said books shall be kept open respectively for the purposes aforesaid, at least six hours in every juridical day for the space of five days, or until the said books shall have one hundred shares therein subscribed. And if at the expiration of the said five days the books aforesaid shall not have the said number of one hundred shares therein subscribed the commissioners, respectively, may adjourn, from time to time, and transfer the said books from place to place, until the whole 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 one hundred, the same shall be closed. <i>Provided always</i> , That every person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners the sum of one dollar for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, and the remainder shall be paid to the treasurer of the corporation as soon as the same shall be organized, and the officers chosen as hereinafter mentioned
Number of shares	
Proviso	
Letters patent	SECTION 2. When ten persons or more shall have subscribed fifty shares of the said stock, the said commissioners, or any two of them, 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 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 Union 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
Name	
Privileges & franchises	

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

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 one public paper printed in the county of Clearfield, of a time and place by them to be appointed, not less than fifteen 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, two managers and one treasurer, and such other officers as may be necessary to conduct the business of said company, until the last Monday in May, then 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 twelve votes at any election, or in determining any question arising at such meeting, whatsoever 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. *And provided also*, That no stockholder, whether the original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the share or shares by him or her held at the time of such election shall have been fully paid and discharged.

SECTION 4. The stockholders of the said company shall meet on the last Monday of May, 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 and form as shall be determined by the managers, in such manner and form as shall be prescribed by their by-laws, at which annual or special meeting they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner as aforesaid, all such by-laws, rules, orders and regulations made as aforesaid, and to do and perform any other corporate act.

SECTION 5. The said president and managers shall make

Certificate of stock out certificates of stock, signed by the president and countersigned by the treasurer and sealed with their corporate seal, and deliver one 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 one dollar, which certificate shall be transferable in person or by attorney on the books of the said company, only subject to the sum due, or to become due, on the share or shares so transferred.

Transferable

To enter on lands

Materials, &c

SECTION 6. It shall be lawful for the said president and managers, their superintendents, surveyors, engineers, artists and chain bearers, to enter in and upon all and every the lands, tenements and enclosures in, through and over which the said intended turnpike road may be thought proper to pass, and for that purpose to examine the ground and quarries of stone and gravel and other materials that may be necessary in making and constructing the said road, and to survey, lay down, ascertain, mark and fix such route for said road as in the best of their judgment and skill will combine shortness of distance with the most eligible ground, beginning at or near the seven mile stone on the Phillipsburg and Susquehanna turnpike road, thence to the Snow Shoe and Luthersburg turnpike road in a direction to the town of Clearfield, or from any other point or points on either of the said roads.

Quorum

Artists, &c

Orders on treasurer

SECTION 7. The said president and managers, two 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 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 majority 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 neglect to pay instalment

SECTION 8. If any stockholder, whether original subscriber or assignee, after twenty days notice in one newspaper, printed in Clearfield 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 thirty days after the time appointed for the payment thereof, any 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 sum be-

fore 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 by any stockholder of such instalment as aforesaid, for the space of sixty days 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 penalties aforesaid.

SECTION 9. It may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen, 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 of 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 land lies, 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: *Provided*, That no part of this act shall authorize the taking of any property by said company, unless the same be previously paid for, or adequate security given to the owners for the payment thereof.

SECTION 10. The said president and managers shall keep fair and just accounts, as well of all moneys received by them as of those paid out and expended in the prosecution of the work; and shall, at least once in every year, submit their books and 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 an extent as they shall deem sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares, in like manner and under like penalties, as are provided by this act in the case of the original subscriptions.

SECTION 11. The said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said route, whenever the same shall be

Width of road, &c	found necessary, and shall cause a road to be laid out not exceeding fifty feet in width, and shall cause at least eighteen 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 so nearly level in its progress, that it shall in no place raise or fall more than will form an angle of four and a half degrees from a horizontal line: <i>Provided</i> , That if in the opinion of the said president and managers, any part of the ground on the route of said road, shall be so hard and compact as to make a good road, without any covering of wood, gravel, stone, slate, or other hard substance, the said president and managers are hereby authorized to construct such part of said road without any such covering, and shall forever thereafter maintain and keep the same in good order and repair.
Proviso	
Viewers	<b>SECTION 12.</b> Whenever the said company shall have finished the 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, 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 this 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 as are hereinafter authorized and granted.
License	
Tolls	<b>SECTION 13.</b> 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 toll and rates hereinafter mentioned, and to stop any person riding, leading, or driving any horses, cattle, hogs, sheep, coach, coaches, sulkey, chair, chaise, phaeton, cart, wagon, train, sleigh, sled, or any other carriage of burden or pleasure from passing through the said turnpikes, until they shall respectively have paid the same, that is to say: for every four miles in length of the said road completed and licensed as aforesaid the following sums of money, and so in proportion for any lesser distance, or for any greater or lesser number of sheep, hogs or cattle to wit: for every score of hogs, six cents; for every score of sheep, six cents; for every score of cattle, twelve cents; for every horse and his rider, or led horse, five cents; for every sulkey, chair or chaise, with one horse and two wheels, eight cents, and with two horses, ten cents; for every chariot, coach, phaeton, or dearborn, with

one horse, and four wheels, ten cents; for every coach, chariot, phaeton or chaise, with two horses and four wheels, fifteen cents; for either of the carriages last mentioned, with four horses, twenty-five cents; for every other carriage of pleasure, under whatever name it may go, the like sums, according to the number of wheels and horses drawing the same; for every stage wagon with two horses, twelve cents, and for every such wagon with four horses, twenty cents; for every sleigh, four cents for each horse drawing the same, and for every sled, three cents for each horse drawing the same; and for every cart or wagon whose wheels shall not exceed four inches, six and a quarter cents for each horse drawing the same; and for every cart or wagon whose wheels shall exceed four inches and not exceed seven inches, four cents for every horse drawing the same; for every cart or wagon the breadth of whose wheels shall be more than seven inches, three cents for every horse drawing the same. And if any person or persons shall represent to the said company, or any of their officers, that he, 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 tolls 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 and receive greater toll from any person or persons than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of five 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: *Provided*, That the said company shall pay annually into the treasury of the Commonwealth, a tax of eight per centum on all dividends which may exceed six per centum on the capital stock actually paid in.

Penalty for  
evading pay-  
ment

Proviso

Tax

SECTION 14. If the said company shall neglect to keep the said road in good travelling order and repair for the space of thirty days, and information thereof shall be given to any justice of the peace of the neighborhood, within the county where the repairs 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 keeper of the gate or turnpike nearest thereto within the said county, and the said justice shall at such time and place, on the oaths or affirmations of the said persons, inquire

Proceedings  
against com-  
pany

whether the said road or any part thereof, is in such good travelling 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 turnpike or gates, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good travelling order and repair as aforesaid; and if the same shall not be so put in good travelling 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 justice shall certify and send a copy of the inquisition aforesaid to the judges of the said court, and the said judges 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 high ways for neglect of their duty; and if the person or persons entrusted by the said company as aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give judgment according to the nature and aggravation of the neglect, as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties; and the fines and penalties so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing the public roads within such township.

**Defraud company** riding in, or driving any sulkey, chair or chaise, phaeton, cart, wagon, 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 gates or private bars, or along or over any private passage, way, or other ground near to, or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company and avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall with such intent take off, or cause to be taken off any horse, mare, or gelding, or other cattle from any sulkey, chair or chaise, phaeton, cart, wagon, 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 and any of the ways or manners offending, shall for every such offence respectively forfeit and pay to the president and managers of the Union 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. Penalty

SECTION 16. If the said company shall not proceed to carry on the said work within three years after the passage of this act, or shall not within six years afterwards complete the same according to the true intent and meaning of this act, then and in either of those cases, all and singular, the rights, liberties, privileges and franchises hereby granted shall revert to the Commonwealth. Time for com-  
mencement &  
completion  
limited

WM. A. CRABB,

*Speaker of the House of Representatives.*

JN. H. EWING,

*Speaker of the Senate.*

APPROVED—The seventeenth day of April, one thousand eight hundred and forty-one.

DAVID R. PORTER.

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[No. 95.]

## A N A C T

To Incorporate the Western Mutual Insurance Company, of Chester county.

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 James Hodgson, Mark A. Hodgson, Esquire, Allen Gawthrop, William Jackson, Esquire, James Miller, William H. Gibson, Amos Pugh, Joseph Kent, George Palmer, Isaac Stubbs, Ezra Gray, Thomas Wood, Benjamin Kent, Joseph Jefferis, Esquire, Joseph Ramsey and Gideon Pierce, together with such other persons as may from time to time be associated with them in the manner hereinafter provided, shall be and they hereby are created and made a body politic and corporate, by the name, style and title of the Western Mutual Insurance Company, of Chester county, and they and Corporators