

[No. 4.]

AN ACT

To authorize the Governor to incorporate a company for making an artificial road from Butler to New Castle.

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 Jacob Mechling, John Negley, Andrew Comms. Karns, John Bredin, William Stewart, John Gilmore, Maurice Bredin, William Beatty, John L. Maxwell, Jacob Sarber, James Balph, John Dunn, Jesse Dodds, James Sullivan, G. A. Kirkpatrick, William H. Thompson, John Moon, William Forester, Robert Craig, Robert Stewart, John Randolph, Joseph Pollock, John Frazier, John Reynolds, L. L. M'Guffin and J. Crawford, are hereby appointed commissioners to do and perform the several things hereinafter mentioned; that is to say, they shall, on or before the first Monday in June next, procure one or more books, and enter in each of them, as follows: We, whose names are hereunto subscribed, do promise Form of sub- to pay unto the president and managers of the Butler and scription New Castle turnpike road company, the sum of twenty dollars for every share of stock set opposite our respective names, in such manner and proportion, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled "An Act to authorize the governor to incorporate a company for making an artificial road from Butler to New Castle." Witness our hands, the day of _____ in the year of our Lord, one thousand eight hundred and forty _____. And shall thereupon give notice in one or more of the public newspapers printed in Butler and New Castle, for one calendar month, at least, of the times and places, when and where the said books shall be opened to Books open'd receive subscriptions for the stock of the said company; at which respective times and places, some one of the said commissioners shall attend and permit all persons of lawful age, who shall offer to subscribe in the said books, in their own Subscribers name, or in the name of any other person or persons who shall duly authorize the same, for any number of shares in 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 said books, so opened,

Notice of ad-
journalment

shall have eight hundred shares therein subscribed: and if at the expiration of the said six days, the books aforesaid, or either of them, shall not have the respective number of shares aforesaid therein subscribed, the said 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 occasion may require—and when the whole number of shares subscribed in all the said books, shall amount to eight hundred shares, the same shall be closed.

Letters pat'nt

Name

Franchises

SECTION 2. That when twenty or more persons shall have subscribed one hundred or more shares 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 subscription be not full at the time, then also those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, by the name, style and title of "the Butler and New Castle turnpike road company;" and by the said name, the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such a 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 lesser 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 every other matter and thing which a corporation or body politic may lawfully do.

Organization

President,
managers &c

SECTION 3. That 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 Butler and New Castle, aforesaid, 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 said subscribers, by ballot, to be delivered in person, or by proxy, duly authorized, one president and two 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 be chosen; and the said managers so chosen and their successors, shall and may 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 the affairs of the said company, and shall have power to lay out, construct and complete a turnpike road from Butler, by way of Portersville, to New Castle, following as nearly as may be found expedient and practicable, the present location of the public road heretofore located between said points, and shall have like powers, authorities and privileges necessary for completing and carrying on said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines, forfeitures and regulations, as to entering upon land and taking material, as are given by law to the Butler and Mercer turnpike road company, and shall be entitled to like tolls and profits in proportion to the distance, as are given and granted to the president and managers of said Butler and Mercer turnpike road company by the several acts of this commonwealth: *Provided*, That no person in his own right, shall have more than eight votes at any election, or in determining any question arising at any meeting, and that any person shall be entitled to one vote for every share by him held under that number: *And provided further*, That if the said company shall not proceed to carry on the said work within two years after the passing of this act, or shall not within ten years afterwards, 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 and franchises, by this act granted to said company.

SECTION 4. The legislature expressly reserves the right, at any future time, to alter and modify the charter of said company, incorporated in pursuance of this act, in such manner as may be deemed conducive to the public interest.

HENDRICK B. WRIGHT,
Speaker of the House of Representatives.

B. CRISPIN,
Speaker of the Senate.

APPROVED—The twenty-seventh day of January, one thousand eight hundred and forty-three.

DAVID R. PORTER.