

heretofore granted to the Westmoreland Bank of Pennsylvania: *Provided*, That a list of the trustees who shall have accepted of said trust, shall be filed in the office of the prothonotary of Westmoreland county immediately thereafter. Proviso.

FRED'K SMITH, *Speaker*
of the House of Representatives.

DANIEL STURGEON,
Speaker of the Senate.

APPROVED—the tenth day of March, A. D. one thousand eight hundred and thirty.

GEO. WOLF.

No. 48.

AN ACT

Authorising the Governor to incorporate the Shippenville and Emlenton turnpike road company.

SECT. 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 William Crawford, Andrew M'Caslin, James F. Agnew, Benjamin Junkin, William Best, Thomas Thompson and Richard Shippen, be and they are hereby appointed commissioners, to do and perform the duties hereinafter mentioned, that is to say, they shall on or before the first day of August next, procure one or more books and enter therein as follows, viz: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Shippenville and Emlenton turnpike road company, the sum of fifteen dollars, for every share of stock in said company set opposite our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act entitled "An act authorising the Governor to incorporate the Shippenville and Emlenton turnpike road company." Witness our hands the day of Anno Domini one thousand eight hundred and ,” and shall thereupon give such public notice in one or more public newspapers printed in the county of Venango,

Commissioners to open books, &c.

Form of subscription.

Regulations
relative to
taking stock.

as they shall think necessary, of the times and places when and where the said books shall be opened to receive subscriptions for the stock of said company, at which times and places some one or more 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 names or in the name or names of any other person or persons who shall duly authorise the same, for any number of shares in the said stock, and the said books shall be kept open for the purpose aforesaid, at least six hours in each juridical day, for the space of six days, if necessary, or until three hundred shares of stock have been subscribed therein; and if at the expiration of the said six days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the said books elsewhere, 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 in the books shall amount to the number aforesaid, and four dollars on each share shall be paid, the same shall be closed.

When 200
shares are
taken to be
incorporated

Title.

Privileges
& liabilities.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when twenty persons or more shall have subscribed two hundred or more shares, the commissioners or a majority of them shall certify under their hands, the names of the subscribers, the sums of money actually paid in on subscription, and the number of shares subscribed by each, to the Governor, whereupon he shall, by letters patent under his hand and seal of the state, create and erect the subscribers into one body politic and corporate, in deed and in law, by the name and style of "The Shippenville and Emlenton turnpike road company," and by the same 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 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 this act, and of purchasing, taking and holding to them, and to their successors and assigns, and of selling, transferring and conveying in fee simple or for any less estate, all such lands, tenements and 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.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the commissioners or a majority of them, shall as soon as conveniently may be after the said letters patent shall be obtained, give notice as aforesaid, of the time and place by them appointed for the said subscribers to meet, in order to organize the said corporation, and to choose by a majority of votes of the said subscribers, by ballot, either in person or by proxy duly authorised, one president, ten managers, one treasurer, and such other officers as shall be deemed necessary to conduct the business of the said company, until the first Monday of July, then next ensuing, and until like officers shall be chosen, on which day, and annually thereafter on said day, the company shall hold their election for officers, and the said company, when so organized, may make such by-laws, rules, and regulations, as do not contravene the laws and constitution of the United States, or of this commonwealth, and may be necessary for the well governing of the affairs of the said company, and may make and have a common seal, the same may break, alter, or renew at their pleasure: *Provided,* That each person shall be entitled to one vote for every share of stock by him or her held, not exceeding fifteen, but no share or number of shares above fifteen shall entitle the holder to a vote 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, or be entitled to a dividend of the profits 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 or discharged.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the president and managers shall procure certificates for all the shares of the 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, her, or them subscribed and held, he, she, or they paying fifteen dollars for each share by him, her or them subscribed, which certificate shall be transferable in person or by attorney duly authorised, in the presence of the president and treasurer, 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 the corporation, and for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock, and of all estates and emoluments of the company, and to vote at elections and meetings as aforesaid.

First officers.

Annual elections.

By-laws, &c.

Seal.

Proviso.

Ratio of votes.

2d proviso.

No delinquent to vote.

Certificates of stock.

Mode of transfer.

Vacancy in
treasurer's
office how
supplied.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if any treasurer elected by virtue of this act, shall die, resign, or refuse 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, and having given the security required, shall neglect or refuse to take upon him, and perform all the duties of his 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.

Right of en-
tering upon
lands.

SECT. 6. *And be it further enacted by the authority aforesaid,* That 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 and through, and over which the said intended turnpike road may be thought proper to pass, and for that purpose to examine the 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 between the towns of Shippenville and Emlenton, in the county of Venango.

Location.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the said president and managers, five of whom for all purposes shall 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 authorised, 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 and things as by the by-laws, orders and regulations of the said company shall be entrusted to them.

Managers'
duties.

SECT. 8. *And be it further enacted by the authority aforesaid,* That if any stockholder, whether original subscriber or

assignee, after thirty days notice in a newspaper printed in the county of Venango, of the time and place appointed for the payment of any instalment or proportion of the said 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 instalments 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 can be obtained therefor, or in default of payment of any stockholder of any such instalment as aforesaid, for the space of sixty days as aforesaid, the said president and managers may, at their election, cause suit to be brought before a justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid.

Penalty on delay in paying instalments.

How recovered.

SECT. 9. *And be it further enacted by the authority aforesaid,* That 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 and burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice of their intention to the occupiers thereof, and doing as little damage thereto as possible, and making amends for damages upon a reasonable and equitable agreement of the parties, or if they cannot agree, then upon 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 Venango county, who shall not be interested therein, and upon the tender of the value thus assessed, to dig, take and carry away any timber, stone, sand, earth or other materials suitable or necessary for making said road.

Settlement of damages.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the said president and managers shall keep fair and just accounts as well of all monies received by them, as of those paid, 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; 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 and

Annual statement to be submitted by managers.

Increase of
stock.

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 the like penalties as are provided by this act in the case of the original subscriptions.

Bridges.

Dimensions,
materials,
&c.

Scale.

Proviso.

Cutting tim-
ber.

On comple-
tion of five
miles, view-
ers to be ap-
pointed.

Tolls.

Proviso.

Exempts.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the 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 found necessary, and shall cause a road to be laid out not exceeding sixty 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 and suitable 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 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; 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 also,* That it shall and may be lawful for the said president and managers, whenever they may deem it necessary, to cut and prostrate the timber on each or either side of the said road, within a distance not exceeding fifty feet from the centre of the said road.

SECT. 12. *And be it further enacted by the authority aforesaid,* 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 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 upon and across the said road, as will be necessary and sufficient to collect from all persons travelling the same otherwise than on foot, the tolls hereinafter authorised and granted: *Provided,* That all persons attending funerals, military parades or trainings, or divine worship, shall at all times be exempt from the payment of any toll on said road.

SECT. 13. *And be it further enacted by the authority aforesaid,* That for collecting and receiving tolls, and for every at-

tempt 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 travelling 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 authorising 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," passed the thirty-first day of March, one thousand eight hundred and seven.

Company invested with powers granted in a former act.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the commissioners of Venango county shall be at liberty to subscribe stock in the books of said company, which stock so taken shall be the exclusive property of said county, and paid for by orders drawn by the commissioners on their county treasurer.

Commissioners of Venango may take stock.

SECT. 15. *And be it further enacted by the authority aforesaid,* That if the said company do not commence making the said road within five years after the passing of this act, and complete the same within seven years thereafter, then this act shall be void.

Time of commencement and completion.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the company hereby authorised to be incorporated shall not at any time do, perform or engage in any other business than such as shall properly belong to the functions of a turnpike road company.

Company not to engage in other business.

FRED'K SMITH, *Speaker*
of the House of Representatives.

DANIEL STURGEON,
Speaker of the Senate.

APPROVED—the tenth day of March, A. D. one thousand eight hundred and thirty.

GEO. WOLF.