

## No. 162.

## AN ACT

To authorize the Governor to incorporate sundry bridge and turnpike road companies, and for other purposes.

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 Charles Ogle, John Witt, John McMullen, John Bell, Jesse Griffith, Samuel Kimmell, Peter Levy, Garret Ream, and Peter Livergood, 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 Monday of July 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 Somerset and Conemaugh turnpike road company, the sum of twenty-five dollars for every share of stock in said company 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 authorize the Governor to incorporate a company for making a turnpike road from the borough of Somerset to the canal basin at Johnstown in Cambria county:' Witness our hands, the            day            in the year of our Lord, one thousand eight hundred and           ," and thereupon shall give notice in two or more of the public papers printed nearest the route of the said road, 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 or names of any other persons 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 six days, or until the said books shall have four hundred shares therein subscribed, and if at the expiration of the said six 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 transfers the commissioners aforesaid shall

Somerset and  
Conemaugh  
turnpike  
road compa-  
ny.  
Stock com'rs.  
appointed.

Form of sub-  
scription.

Shares \$25.

Regulations  
in regard to  
subscribing  
stock.

Whole No. of  
shares 400.

Proviso.  
\$1 to be paid  
down upon  
each share.

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 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 over to the treasurer of the corporation as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

When 20 per-  
sons take 200  
shares char-  
ter may issue.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when twenty persons or more shall have subscribed two hundred 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 each, to the Governor of this Commonwealth, whereupon 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 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 Somerset and Conemaugh 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 the 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 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 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.

Corporate  
style.

Privileges &  
liabilities.

Of the organi-  
zation of the  
corporation.

SECT. 3. *And be it further enacted by the authority aforesaid*, That 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 of the public papers printed nearest the route of the said road, 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, six managers, one treasurer and such other officers as may be necessary to conduct the business of said company for one year, and until such other officers are chosen, and shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States and this Commonwealth, as shall be necessary for the well ordering the affairs of the 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 by him held under that number.

SECT. 4. *And be it further enacted by the authority aforesaid*, That it shall be lawful to and for the said president and managers, their superintendents, surveyors, 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 examine the ground most proper for the purpose as well as the materials in the vicinity that may be necessary in making and constructing the said turnpike road, and to survey, lay down, ascertain, mark and fix such route or track for the said road as in the best of their skill and judgment will combine shortness of distance with the most practicable ground, and generally they shall have like powers, authorities and privileges necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls and profits, in proportion to the distance as are given and granted to the president and managers and company of the Somerset and Bedford turnpike road, in and by an act of Assembly of this Commonwealth, passed the eighteenth day of March, Anno Domini, eighteen hundred and sixteen.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the president and managers of the said road shall make, or cause the same to be made, not less than forty nor more than fifty feet in width, and at least twenty feet thereof shall be made an artificial road in the following manner, to wit: all the timber shall be taken out by the roots and removed from the road, which shall, where the original location is level, or nearly so, be at least two feet higher in the centre than at the sides; it shall be well and sufficiently ditched so as to carry off the water, and to keep the road in its foundation firm and dry, it shall be constructed of firm and substantial materials, composed of wood, gravel, stone, slate, sand or other hard substance, such as the nature of the ground along which the road may pass will admit of. so

Officers.

Proviso.  
Each share to have 1 vote up to 10.

Right of entry upon lands to locate, and for materials.

Co. placed under provisions of act of 18th March, 1816, rel. to Somerset and Bedford road.

Of the width, construction, elevation, &c. of road.

Streams to be bridged. as to secure a solid foundation, a smooth and firm surface and a well made permanent highway, and so nearly level in its progress that it shall in no place rise or fall more than will form an angle of five degrees with a horizontal line, and the said president and managers shall erect permanent bridges, with sufficient stone abutments and piers over all the streams of water crossing the said road, and shall keep the said roads and bridges in perfect order and repair.

2 years allowed to commence and 5 to complete work. **SECT. 6.** *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry on the said work within two years after passing this act, or shall not within five years thereafter complete the same, according to the true intent and meaning of this act, then, or in either of those cases, all and singular the rights, liberties, privileges and franchises hereby granted to said company, shall revert to the Commonwealth.

Time of annual election. **SECT. 7.** *And be it further enacted by the authority aforesaid,* That the election for president, treasurer and managers of said company, shall be held on the third Monday of May next, and on the third Monday of May annually thereafter.

Evansburg and Pierpont turnpike co. **SECT. 8.** *And be it further enacted by the authority aforesaid,* That for the purpose of making an artificial or turnpike road from Evansburg, at the outlet of the Conneaut lake in Crawford county, to the line between the states of Pennsylvania and Ohio, at or near Pierpoint, it shall and may be lawful for the Governor to incorporate a company on the terms and conditions hereinafter mentioned, by the name and style of "The Evansburg and Pierpoint turnpike company."

Stock com'rs appointed. **SECT. 9.** *And be it further enacted by the authority aforesaid,* That Kennard Hamilton, George Shellito, Willis Benedict, John M'Namara, James R. Finley, Jacob Shontz, Rodolphus Dewey, Isaac Paden, Jabez Holcomb, be and they are hereby appointed commissioners, whose duty it shall be, on or before the first day of September next, to open books to receive subscriptions for stock to the said company, the amount of each share of stock to be twenty-five dollars, and to be taken in the same manner and on the same terms, and with the same limitations and provisions as the stock of the Mercer and Meadville turnpike road company's stock is directed to be taken by the act of the twenty-fourth of March, 1817, one thousand eight hundred and seventeen, incorporating said company.

Shares \$25. Subscriptions to be taken under act of 24th March, 1817. **SECT. 10.** *And be it further enacted by the authority aforesaid,* That when twelve persons or more, shall have subscribed one hundred and fifty shares or more, of the said stock, the said commissioners, or a majority of them, shall, under their hands and seals, certify to the Governor the names of the subscribers, and the number of shares subscribed by each, whereupon he shall by letters patent, under his hand

When 12 persons take 150 shares charter may issue.

and the seal of the state, create and erect the subscribers, and those who may thereafter subscribe to the stock, into a body politic and corporate, by the name and style aforesaid, and the said corporation shall, for the purpose of making the said road and of keeping the same, have all the powers and authorities, and be subject to all the restrictions, limitations and provisions which, by the said act of the twenty-fourth of March, one thousand eight hundred and seventeen, are given to and imposed upon the said Mercer and Meadville turnpike road company, except that the said road may, in whole or in part be laid out one hundred feet wide, and the said company may, if necessary, increase the number of shares of stock of the said company, to a sufficient amount to finish the said road, and no more.

Incorporation under same restrictions and provisions as Mercer and Meadville co.

Width of road and increase of capital.

SECT. 11. *And be it further enacted by the authority aforesaid*, That the election for president, treasurer and managers of the Somerset and Cumberland turnpike road company, shall be held annually on the third Tuesday of October, any thing in any former act or acts to the contrary notwithstanding; and the officers elected at the last election shall be continued in office until the third Tuesday of October next.

Somerset and Cumberland turnpike co.

Time of annual election.

SECT. 12. *And be it further enacted by the authority aforesaid*, That as soon as the said president, managers and company shall have perfected the said road for the distance of five miles, and also, when they have completed each succeeding section of five miles, likewise, when the remainder shall be finished, they shall give notice thereof to the Governor, who shall thereupon forthwith appoint three disinterested persons to view and examine the same, and to report to him in writing, whether the said road is executed in a masterly and workmanlike manner, according to the true intent and meaning of the act incorporating the said company, 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 the Commonwealth, permit the said president, managers and company to fix and erect so many gates or turnpikes upon and across the said road as will be necessary and sufficient to enable them to collect the tolls and duties granted by the aforesaid act to the said company, from any persons travelling on said road with horses, cattle, sheep, swine and carriages.

Road may be licensed by 5 mile sect's.

SECT. 13. *And be it further enacted by the authority aforesaid*, That the time allowed in the act entitled "An act authorizing the Governor to incorporate the Washington and Pittsburg turnpike road company," passed the twenty-fifth day of March, one thousand eight hundred and seventeen, for the completion of the said road, and the acts for the extension of the charter of said company, passed the twentieth of March, eighteen hundred and twenty-seven, and the nineteenth of March, eighteen hundred and twenty-nine, and the

Washington and Pittsburg company.



shall give at least twenty days public notice, in one or more newspapers published nearest to the body of the subscribers, of a time and place of holding an election, when and where the subscribers shall proceed between the hours of one and six o'clock, P. M. to elect by ballot one president, three managers and one treasurer, and such other officers as they deem necessary to conduct the business of said company, and shall and may make such by-laws, rules and regulations not inconsistent with the constitution and laws of this Commonwealth, as they shall judge necessary for the well ordering of the affairs of said company: *Provided*, That no person shall have more than five votes at any such election, and that every person shall have one vote for every five dollars subscribed up to that number: *And provided further*, That all future elections shall be held on the third Monday of April, of each and every year, the election to be held at such place as the president and managers may direct.

Of the first election for officers.

President, 3 managers, treasurer, &c.

Proviso. Of the voting privileges.

2d proviso. Time, &c. of annual election.

SECT. 17. *And be it further enacted by the authority aforesaid*, That the said president and managers, superintendents, surveyors, engineers and agents shall be and they are hereby authorized to enter in and upon all enclosures of wood land, in, over or through which the said free road shall pass, or that it shall be thought proper to pass over, and the same to examine and thereon shall create a road, according to the best of their judgment, beginning at the borough of Greensburg aforesaid, and terminating at or near the borough of Somerset aforesaid, which said road shall be opened forty feet wide, at least twenty feet of which shall be made an artificial road of clay, stone, gravel or such other materials as the president and managers shall think proper, so that the same when completed shall not exceed in ascent or descent five degrees from a horizontal line, and when said road shall be completed, shall forever be a free road: *Provided*, That the owners of the land through which the said road shall pass shall have the same remedy as is provided in the general road laws of this Commonwealth.

Right of entry upon lands to locate.

Route of road. Width, materials, and elevation.

Proviso. Remedy of land owners.

SECT. 18. *And be it further enacted by the authority aforesaid*, That the said road shall be kept in repair as public roads now are, which are laid out by order of the courts of Quarter Sessions of the Peace, agreeably to the several acts of Assembly in such cases made and provided.

How road is to be kept in repair.

SECT. 19. *And be it further enacted by the authority aforesaid*, That for the purpose of making a turnpike road, beginning at the line of the state of New York, near where the Stillwater creek crosses the same, in the township of Sugar-grove, in Warren county, through Lottsville, Columbus and Wayne to Union Mills, in Union township, in Erie county, William Miles, J. P. Jolls, Nathaniel Stacy, Hewlet Lotl, John J. Wilson, and James Gray, be, and they are hereby appointed commissioners, to do and perform the duties herein-

Sugar-grove and Union turnpike road company.

Stock com'rs. appointed,

Form of heading to subscription.  
Shares \$25.

Duties of commis'srs.

When 20 persons take 100 shares Governor nor may issue letters patent.

Corporate style.

Privileges & liabilities.

after 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 the president and managers of the Sugargrove and Union turnpike road company the sum of twenty five 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 an act entitled "An act authorizing the Governor to incorporate the Sugargrove and Union 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 all the newspapers published in Warren and Erie counties, of the time and place, when and where the said book shall be opened 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 book shall have subscribers therein four 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.

SECT. 20 *And be it further enacted by the authority aforesaid, 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 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 one body politic and corporate, in deed and in law, by the name, style and title of the Sugargrove and Union turnpike road company," and by the said name the said 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, if such enlargement shall be found necessary to fulfil the intention 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 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.

SECT. 21. *And be it further enacted by the authority aforesaid,* 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 counties of Warren and Erie, 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 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 and shall choose another to supply the vacancy, until the said 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 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 and discharged.

Organization of corporation.

Election of pres. 6 managers, treasurer, &c.

Of the seal, by-laws, &c.

Proviso. Ratio of votes to shares.

2d proviso. Delinquent stockholders debarred from voting.

SECT. 22. *And be it further enacted by the authority aforesaid,* 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 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.

Of the treasurer's office and vacancies therein.

Time and place of hold-annual elec-tion.

SECT. 23. *And be it further enacted by the authority aforesaid,* 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 as aforesaid, for the year ensuing the terms of service of those previously elected.

Of the certificates of stock and mode of transfer.

SECT. 24. *And be it further enacted by the authority aforesaid,* That 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 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 the said company, only subject to the sum due or to become due on the shares so transferred.

Right of entry upon lands to locate and search for materials.

SECT. 25. *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 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 within the points aforesaid.

General powers of the president and managers.

SECT. 26. *And be it further enacted by the authority aforesaid,* That 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 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 matters and things as by the by laws and regulations of the said company shall be entrusted to them.

SECT. 27. *And be it further enacted by the authority aforesaid,* That if any stockholder, whether original subscriber or assignee, after thirty days notice in two newspapers, printed

in the towns of Warren and Erie, if there be two published, 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 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 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.

Of the penalty & liability to forfeiture of delinquent stockholders.

SECT. 28. *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, waggons 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, 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, 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 the county of Warren or Erie, as the case may be, who shall not be interested therein, and upon the tender of the assessed value, to dig, take and carry away any timber, stone, sand or other materials necessary or suitable for making said road.

Right to take materials.

Assessment of damages.

SECT. 29. *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 moneys 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 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 accom-

Annual statement to stockholders.

Of the increase of capital.

plish the work, and to demand and receive the moneys 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.

**SECT. 30.** *And be it further enacted by the authority aforesaid,* That 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 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 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 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,* 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.

Bridges over streams.

Width, materials and elevation of road.

Proviso. Co. authorized to cut timber.

Road to be licensed by five mile sections.

Proviso. Who may pass toll free.

**SECT. 31.** *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 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.

**SECT. 32.** *And be it further enacted by the authority aforesaid,* That 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 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 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," passed the thirty-first day of March one thousand eight hundred and seven.

SECT. 33. *And be it further enacted by the authority aforesaid,* That Harmar Denny, Walter Forward, Robert Watson, William Hays, Aaron Hart, William W. Irwin, William Porter, William Arthurs, James Brown, John D. Davis and Andrew Bayne, 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 November next, procure one or more books, and enter in each of them as follows: "We whose names are hereunto subscribed, do promise to pay unto the president, managers and company of the Pittsburg and Coal Hill turnpike road, the sum of twenty-five dollars for every share of stock 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 of the General Assembly of this Commonwealth, by which said company is incorporated, for the purpose of making an artificial road from the city of Pittsburg, to a point at or near the house of William Arthurs, Esq. in the county of Allegheny: 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 public newspapers, printed in Pittsburg, for one calendar month at least, of the times and places in the said counties, when and where the said books shall be opened to 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 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 the said books so opened shall have fifty 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

Tolls and general powers to be similar to those of Harrisburg & Pittsburg road, under act of 31st March, 1807.

Pittsburg & Coal Hill turnpike road co. Commiss'rs. appointed to receive subscriptions of stock. Form of heading. Shares \$25.

Duties of stock com'rs.

Whole no. of  
shares 300.  
Proviso.

\$1 to be paid  
down upon  
each share.

Charter may  
issue upon  
subscription  
by 20 persons  
of 100 shares.

Corporate  
style.

Privileges  
and liabili-  
ties.

Proviso.  
Banking ope-  
rations for-  
bidden.

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 three hundred shares, the same shall be closed: *Provided always* That every person offering to subscribe in the said books, in his own name or in the name of any other person, shall previously pay to the attending 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 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 and the officers chosen as hereinafter mentioned.

SECT. 34. *And be it further enacted by the authority aforesaid,* 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 seal of the state, to create and erect the subscribers, and if the said 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 president, managers and company of the Pittsburg and Coal Hill turnpike road," 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 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 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 all and every other matter and thing which a corporation or body politic may lawfully do: *Provided, always,* That if the company incorporated by this act, 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.

SECT. 35. *And be it further enacted by the authority aforesaid,* 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 the city of Pittsburg of the organization of the  
 aforesaid, of a time and place by them to be appointed, not less than thirty days from the publication of the first notice, at corporation.  
 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 and six 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, 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 generally have like powers, authorities and privileges necessary 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 like tolls and profits in proportion to the distance as are given and granted to the president, managers and company of the Pittsburg and Greensburg turnpike road by the several acts of this Commonwealth: *Comp. to act generally under provisions of act incorporating Pittsburg and Greensburg company.*  
*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 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. *Proviso. Three years allowed to commence, and 5 to complete road.*

SECT. 36. *And be it further enacted by the authority aforesaid,* That James Patterson, David Hoops, David Towns and, John C. Hunter and John Boles 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 July next, procure at least three books and therein enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers and company for erecting a bridge over Big Beaver creek, opposite the town of Brighton, the sum of twenty-five dollars for every share of stock in the 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, in pursuance of an act of the General Assembly to authorize the Governor of this Commonwealth to incorporate a Company for erecting a bridge over Big Beaver creek, opposite the town of Brighton: Witness our hands the *Bridge across Big Beaver, at Brighton. Stock com'rs. appointed. Form of heading to subscriptions. Shares \$25.*  
 day of \_\_\_\_\_ in the year of our Lord, one thousand eight hundred and thirty \_\_\_\_\_," and shall thereupon give notice in one of the public newspapers printed in the city of

Duties of  
commissioners,  
appointed to  
receive sub-  
scriptions.

Whole num-  
ber of shares  
600.

Proviso.

\$5 to be paid  
upon each  
share at the  
time of sub-  
scribing.

Upon sub-  
scription by  
25 persons of  
100 shares,  
charter may  
issue.

Pittsburg, and two printed in the town of Beaver, and one in New Lisbon, Ohio, and one in Warren, state of Ohio, one calendar month at least, of the times and places where the said books shall be opened to receive subscriptions for the stock of said company, at which respective places some one of the commissioners shall attend and permit all persons who may offer to subscribe in the said books, which shall be for that purpose kept open at least six hours in every juridical day, for at least three juridical days, if three shall be necessary, and on the first day, within the hours aforesaid, any person of the age of twenty-one years shall have the liberty to subscribe in his own name, or in the name of any other person by whom he shall be authorized, for ten shares, on the second day twenty shares, on the third day, one, two or three or any number of shares in the said stock, and if at the expiration of the said three first days the said books shall not have six hundred shares therein subscribed, the said commissioners, respectively, may adjourn from time to time until the said number of shares be subscribed, of which adjournment public notice shall be given at each place, and when the said subscriptions in the said books shall amount to the respective numbers aforesaid, the same shall be respectively closed, but after the said books shall have been opened for the space of two calendar months, and the whole number of shares allotted shall not have been subscribed, the said book or books may be respectively transferred to any place or places and there kept open as aforesaid, public notice being given thereof at the place whence and where to the said books shall be respectively transferred: *Provided always*, That every person offering to subscribe in the said book or books, in his own name or any other name shall previously pay to the attending commissioner or commissioners five dollars for every share to be subscribed, out of which shall be defrayed the expense of attending and taking of such 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 and the officers chosen as is hereinafter mentioned.

SECT. 37. *And be it further enacted by the authority aforesaid*, That when twenty-five persons or more shall have subscribed one hundred shares or more in the said stock, the said commissioners respectively shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each subscriber to the Governor of this Commonwealth, who thereupon shall by letters patent, under his hand and the seal of the state, create and erect the subscribers, (and if the said subscription be not full at that time then also those who shall afterwards subscribe to the numbers aforesaid) into one body politic and corporate, in deed and in law, by the name, style, and title of "The president, mana-

gers, and company for erecting a bridge over Big Beaver creek, opposite the town of Brighton," and by the same 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 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 of this act, and of purchasing, taking and holding, to them and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments, estates, real and personal, as shall be necessary and convenient to them in the prosecution of their work, and the same to sell and dispose of at their pleasure, 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.

Corporate style.

Privileges and liabilities

SECT. 38. *And be it further enacted by the authority aforesaid,* That the nine persons first named in the said letters patent shall as soon as conveniently may be after sealing the same, give public notice of a time and place, by them to be appointed, not less than thirty days, 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, six managers, one treasurer, and such other officers as they shall think necessary to conduct the business of said company for one year, and until other officers shall be chosen, and make such other by-laws, rules, orders and regulations, not inconsistent with the laws of the United States and this Commonwealth as shall be necessary for the well ordering the affairs of said company: *Provided always,* That the holders shall have a vote for every share not exceeding ten, for the second ten shares two votes, and for every ten shares above that number, one vote.

9 persons first named in charter to superintend organization.

Election of president, 6 managers, treasurer, &c.

Proviso. Ratio of votes to shares.

SECT. 39. *And be it further enacted by the authority aforesaid,* That the said stockholders shall meet on the last Monday in April next after the date of their corporation, and on the last Monday of April, in every succeeding year, and at such other times and places as shall be fixed on by the rules and orders of said company to be made as aforesaid, for the purpose of choosing such officers as aforesaid, for the ensuing year.

Of the annual elections.

SECT. 40. *And be it further enacted by the authority aforesaid,* That the president and managers first to be chosen as aforesaid; shall procure certificates, to be written or printed for all the shares of the stock of said company, and shall deliver one of such certificates, signed by the president and countersigned by the treasurer, and sealed with the seal of

Of the certificates of stock.

How transferred.

the corporation, to each person for every share by him subscribed and held, he paying to the treasurer the sum of five dollars in part for each share, which certificate shall be transferable at his pleasure, in person or by his attorney, in presence of the president or treasurer, subject however to the payments 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 the 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.

General duties of the president and managers.

SECT. 41. *And be it further enacted by the authority aforesaid,* That the president and managers, at such times and places, and being convened in such manner as shall be agreed on for transacting business, at such meetings five members shall be 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 present, they shall have full power and authority to agree with and appoint such engineers, superintendants, artists and other officers as they shall think necessary to carry on the said bridge, and to fix their salaries and other wages, to ascertain the times, manner and proportions in which the stockholders shall pay the money due on their respective shares, in order to carry on the work, to draw orders on the treasurer for all moneys, to pay the salaries of persons by them employed, and for the materials and labor done, which orders shall be signed by the president, or in his absence, by a majority of a quorum, and countersigned by the clerk, and to do and transact all other such acts, matters and things as by the by-laws, orders and regulations of the company shall be committed to them.

Of the liability of stockholders for neglect or omission to pay instalments.

SECT. 42. *And be it further enacted by the authority aforesaid,* That if any stockholder, after notice of the time and place appointed for the payment of any proportion or dividend of the said capital stock, shall neglect to pay such proportion at the time appointed, for the space of forty days after the time so appointed, every such stockholder or his assignee shall, in addition to the dividends called for, pay at the rate of five per centum per month for every delay of such payment, and if the same and the additional penalties shall remain unpaid for such space of time that the accumulated penalties shall become equal to the sums before paid on account of such shares, the same shall be forfeited to the said company, and may and shall be sold by them to any other person or persons willing to purchase for such price as can be obtained therefor.

SECT. 43. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the president and

managers aforesaid, or upon their order, their superintendent, engineers and artists of any kind, to enter into and upon lands, tenements and enclosures near to the place where the said bridge is to be built, to examine the ground for the purpose of locating the bridge, building the abutments, and obtaining stone, gravel, sand or earth necessary for building said bridge, and that it shall and may be lawful for the said president and managers, or upon their order, the superintendent, engineers and artists of every kind, to enter with wagons, carts, sleds or sleighs, or beasts of burden or draught of any kind whatsoever, first giving notice to the owners, and doing as little damage as possible, and repairing any breaches of fences they may have any occasion to make, first making amends for any damage which may be done, which damages shall be ascertained by the parties, if they can agree, or if they cannot agree, then by appraisement to be made upon oath or affirmation of three disinterested freeholders of the neighborhood, or any two of them, to be mutually chosen, or if the owner or president and managers, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders, to be appointed by any justice of the peace of the county, not interested on either side, and the said president and managers, after tender of the appraised value to the owner, may enter and dig, take and carry away any stone, gravel, sand or earth most convenient for making or repairing said bridge.

Right to enter enclosures, &c. to locate, and for materials.

Arrangement for settlement of damages.

SECT. 44. *And be it further enacted by the authority aforesaid,* That 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, and of all penalties for delay in the payment thereof, and of the amount of the profits or shares that may be forfeited as aforesaid, and of all voluntary contributions; and also, of all moneys by them expended in the prosecution of the said work, and shall at least once in every year submit such accounts to a general meeting of the stockholders, until the said bridge be completed, and until all the costs, charges and expenses for erecting the same, shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained, and if upon such liquidation or whenever the whole capital stock of the company shall be nearly expended, it shall be found that the capital stock is not sufficient to complete the said bridge, according to the true intent and meaning of this act, it shall and may be lawful for the president, managers and company, at a stated or special meeting to be convened according to the provisions of this act or their 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 moneys subscribed for such shares, in like manner and

President and managers to make annual statement of accounts to stockholders.

When and how the capital stock may be increased.

under the like penalties as are hereinbefore provided for in the original subscription.

**SECT. 45.** *And be it further enacted by the authority aforesaid,* That when a good and complete bridge shall be erected over the said creek, at the place aforesaid, the property of the said bridge shall be vested in the said company, their successors and assigns for ever, and the said company their successors and assigns may demand and receive toll from travellers and others, agreeably to the following rates, to wit: for every coach, landau, chariot, phaeton or other pleasurable carriage with four wheels, drawn by four horses, the sum of seventy-five cents; and for the same carriages with two horses, fifty cents; and for every wagon drawn with four horses, fifty cents; and for every wagon with two horses, thirty-seven cents; for every chaise, riding chair, sulkey, cart or other two wheeled carriage or a sleigh or sled with two horses, twenty-five cents; and for the same with one horse, eighteen cents; for a single horse and rider, six cents; for every led horse or mule, two cents; for every foot passenger, two cents; for every sheep and swine, one cent: *Provided always,* That the said bridge shall in no wise injure, stop or intercept the navigation of the said creek, or prevent boats from crossing or persons from fording the said creek.

Property of  
bridge vested  
in company.

Rates of toll  
allowed.

Proviso.  
Bridge not to  
injure navigation  
or  
fording.

Toll on oxen.

**SECT. 46.** *And be it further enacted by the authority aforesaid,* That in fixing the toll of all carriages drawn in whole or in part by oxen, two oxen shall be estimated equal to one horse.

Penalty on  
extortion.

How appropriate.  
Proviso.  
Time of commencing  
suits.

**SECT. 47.** *And be it further enacted by the authority aforesaid,* That if the said company, their successors, assigns, or whoever shall own or possess the said bridge, shall collect or demand any greater rates or prices for the passing over the said bridge, than what is herein before prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she or they so offending shall for every such offence, forfeit and pay the sum of ten dollars, one moiety thereof, for the use of improving the public highways in the townships annexed thereto, and the other moiety for the use of the person who may sue for the same: *Provided always,* That no suit or action shall be brought, unless it be within thirty days after such offence shall have been committed.

Semi-annual  
declaration of  
dividends.

**SECT. 48.** *And be it further enacted by the authority aforesaid,* That the president, managers and company shall also keep a just and true account of all and every the monies received by the respective collectors of tolls for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof, among all the subscribers to the said company's stock, deducting first therefrom, all contingent costs and charges, and shall on the first Monday in April and October, every year, publish the dividend to be made of the

said clear profits thereof, amongst the stockholders and of the time and place where and when the same shall be paid and shall cause the same to be paid accordingly.

SECT. 49. *And be it further enacted by the authority aforesaid,* That all funeral processions and militia men going to or from training, and all persons going to or from meetings of public worship, shall be privileged to pass over the said bridge without the payment of toll. Persons privileged to pass toll free.

SECT. 50. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to erect the said bridge, within the space of three years after they shall have been incorporated, or shall not within the space of six years from the passage of this act, complete the said bridge, it shall and may be lawful for the Legislature of this Commonwealth, to resume all and singular the rights, liberties and privileges hereby granted to the said company. Three years allowed to commence, and six to complete bridge.

SECT. 51. *And be it further enacted by the authority aforesaid,* That Philip Gerber, Nicholas Seager, George Santee, Christian Bertch and Nicholas Best be, and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned, that is to say; they shall and may on or before the first day of June next, procure at least three books and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay to the president, managers and company for erecting a bridge over the river Lehigh, at Lockport, the sum of twenty-five dollars for every share of stock in said company set opposite to our respective names, in such manner and proportions and at such times as shall be determined by the president and managers, in pursuance of an act authorizing the Governor to incorporate the Lockport Bridge company: Witness our hands the day of one thousand eight hundred and Lehigh bridge at Lockport. Stock commissioners appointed. Form of heading to subscription. Shares \$25.

and ;" and shall thereupon give notice in at least one newspaper printed in said county, and in such other newspapers as they may deem proper, for one calendar month at least, when and where the said books shall be opened to receive subscriptions for the stock of the said company, at which respective times and places some one of the commissioners shall attend and permit all persons of lawful age to subscribe in said books until the number of two hundred and fifty shares shall be subscribed, after which the books shall be closed: *Provided,* That every person offering to subscribe in the said books in his own name, or in the name of any other person, shall previously pay to the attending commissioner or commissioners five dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such 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, and the officers chosen as herein mentioned. Duties of commiss'rs.

Whole number of shares 250. *Provido.* \$5 to be paid down upon each share.

Governor authorized to issue charter upon subscription by 10 persons of 100 shares.

Corporate style.

Privileges, &c.

Proviso. Banking operations forbidden.

2d proviso. Time of commencement and completion of bridge

Six persons first named in letters patent to superintend first election.

SECT. 52. *And be it further enacted by the authority aforesaid,* That when ten or more persons shall have subscribed one hundred or more shares in the said books, and paid five dollars on each and every share, the said commissioners respectively may, and when the whole number of shares shall be subscribed, shall certify under their hands and seals, the names of the subscribers and the number of shares by them subscribed, to the Governor, and thereupon it shall be lawful for the Governor by letters patent under his hand and the seal of the state, to erect and create 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, managers and company for erecting a bridge over the Lehigh river at Lockport, and by the said name the said 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 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, in fee simple, or for any less estate; such real and personal property as shall be necessary and convenient to them in the prosecution of their work, and the same to sell and dispose of at their pleasure, and of suing and being sued, and of doing all and every other thing which a corporation or body politic may lawfully do: *Provided,* That if the company hereby incorporated shall presume to usurp the power of issuing any note or notes in the nature of bank notes, or transact any business in the nature or manner of banking, then, or in either case, the privileges hereby granted shall revert to this commonwealth: *And provided also,* That if the said company shall not commence building the said bridge within three years after the passing of this act, and complete the same within three years thereafter, then the privileges hereby granted shall revert to this Commonwealth.

SECT. 53. *And be it further enacted by the authority aforesaid,* That the six persons first named in the letters patent, as soon as conveniently may be, after sealing the same, shall give notice in at least two newspapers printed in said county, and such other newspapers as they may deem proper, of a time and place, by them to be appointed, not less than thirty days from the time of issuing the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and choose by a majority of votes of the said subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, six 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 may make such by-laws, rules, orders and regulations, not inconsistent with the laws and constitution of this state or of the United States, as shall be necessary for the well ordering of the affairs of the corporation, and generally to have all the powers, authorities and privileges necessary for the commencing, carrying on and completing, maintaining and keeping in repair the said bridge, and shall receive like toll, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures which are given and granted or imposed upon the president, managers and company incorporated to erect a bridge over the river Lehigh at the Water Gap, in the counties of Northampton and Lehigh, passed the twelfth day of March, one thousand eight hundred and twenty-six.

Prest. 6 managers, treasurer, &c.

Powers of officers elect, & liabilities similar to those of the Lehigh Water Gap co. under act of 12th March, 1826.

SECT. 54. *And be it further enacted by the authority aforesaid,* That no work shall be done or expense incurred, during the ensuing year, in constructing the road described in the eighth section of the act for laying out a state road from Kleckner's in Centre county, to Bald Eagle creek near the Great Island, except such portion of the same as lays between the tavern house of Anthony Kleckner, in Logan township, Centre county, and a point at or near the furnace of Kurtz and Hepburn in Lamar township, in said county.

State road from Kleckners in Centre co. to Bald Eagle creek. Operations partially suspended one year.

SECT. 55. *And be it further enacted by the authority aforesaid,* That John Gallagher, of Westmoreland county, John Douglass and Moses Thompson, of Indiana county, be, and they are hereby appointed commissioners to perform the several duties hereinafter mentioned, that is to say, they shall on or before the first day of October next, procure one or more books for taking subscriptions of stock, and shall write therein as follows: "We whose names are hereunto subscribed, do promise to pay to the president, managers, and company for erecting a bridge over the Conemaugh river, at the town of Livermore, in the county of Westmoreland, the sum of twenty-five dollars for every share of stock in said company, set opposite to our respective names, in such manner and proportion, and at such times as shall be determined by the president and managers in pursuance of an act of Assembly to authorize the Governor to incorporate a company to erect a bridge over the Conemaugh river, at or near the town of Livermore, in the county of Westmoreland: Witness our hands the \_\_\_\_\_ day of \_\_\_\_\_ A. D. one thousand eight hundred and \_\_\_\_\_, and shall thereupon give notice in one or more newspapers, printed in the said county of Westmoreland, for at least one month, of the times when, and places where the said books shall be opened to receive subscriptions of stock to the aforesaid company, at

Conemaugh bridge at Livermore. Stock com'rs appointed.

Form of subscription.

Shares \$25.

Time and places of opening books.

which times and places some one or more of the said commissioners shall attend for that purpose, and shall receive subscriptions from all persons of lawful age, who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid, at least six hours in each day, whereof notice as aforesaid shall have been given, or until the said books shall have subscribed therein four hundred shares, and the said commissioners, may adjourn from time to time, until the whole number of shares aforesaid, shall be subscribed.

SECT. 56. *And be it further enacted by the authority aforesaid.* That when twenty or more persons shall have subscribed two hundred shares, the said commissioners or a majority of them, shall certify under their hands and seals to the Governor, the names of the subscribers, and the number of shares subscribed by each, 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 also, all those who may hereafter subscribe, into one body politic and corporate in deed and in law, by the name, style and title of "The president, managers and company, for erecting a bridge over the Conemaugh river, at or near the town of Livermore, in the county of Westmoreland," and by the said name the said 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 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 and 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.

SECT. 57. *And be it further enacted by the authority aforesaid.* That the first five named persons in the letter patent shall as soon as conveniently may be, after the sealing the same, give notice in one newspaper printed in the county of Westmoreland, 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 votes 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 they may think necessary

Who may  
subscribe.

Whole no. of  
shares 400.

When 20  
persons take  
200 shares  
charter may  
issue.

Style of  
corporation.

Privileges &  
liabilities.

Five first  
named sub-  
scribers to  
superintend  
organization.

President,  
6 managers,  
treasurer, &c.

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 and shall 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 and alter or renew at their pleasure, and may make such by laws, rules, orders and regulations not inconsistent with the constitution and the laws of the United States, or of this state, as shall be necessary for the well ordering of the affairs of the corporation: *Provided*, That each person shall be entitled to one vote for every share by him or her held, not exceeding five: but no share or number of shares above five shall entitle the holder thereof, 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 of said company shall have been fully paid and discharged.

Provisional term of service.  
 Vacancies in board.  
 Seal, by-laws, &c.  
 Proviso. Ratio of votes to shares.  
 2d proviso. Delinquent stockholders not to vote.

SECT. 58. *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, or having given the security required, neglect or refuse to take upon him and perform all the duties of his said office, it shall be the duty of the board of 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.

Vacancies in office of treasurer from any cause provided for.

SECT. 59. *And be it further enacted by the authority aforesaid*, That the stockholders shall meet on the Tuesday next following the second Monday in January, in each succeeding year, at such place as shall be fixed on by the rules and orders of the said company of which notice shall be given as aforesaid, for the purpose of choosing such officers as aforesaid for the year ending the term of service of those first elected.

Time and place of annual election.

SECT. 60. *And be it further enacted by the authority aforesaid*, That 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 every share by him held, on his paying to the treasurer on each share

Of the certificates of stock and mode of transfer.

so held, the sum of ten dollars, which certificate shall be transferable, in person or by attorney, on the books of said company, only subject to the sum due or that may hereafter become due and payable.

General duties of the president and board of managers.

SECT. 61. *And be it further enacted by the authority aforesaid,* That the said president and managers, four of whom shall for all purposes be a quorum, shall keep minutes of all the proceedings fairly entered in a book to be kept for that purpose, and shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other persons, as they may think necessary, to erect the said bridge 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 that may be contracted by them, which orders shall be signed by the president, or in his absence, by a quorum of the managers, and attested by the 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.

Liability of delinquent stockholders to payment of penalty or forfeiture of shares.

SECT. 62. *And be it further enacted by the authority aforesaid,* That if any stockholder, whether original subscriber or assignee, after thirty days public notice in one or more newspapers printed in the county of Westmoreland, of the time and place, 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 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 the additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and 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 by any stockholder of any 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: *Provided always,* That the recovery of any such suit, shall in no case exceed the amount of such instalment or instalments (as) may be due on such share, together with the accumulated penalty, at the rate aforesaid, as shall equal the sums before paid on the same share.

Proviso.

SECT. 63. *And be it further enacted by the authority aforesaid,* That it shall and 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 draft and burden to enter in and upon the lands contiguous and near to which the said bridge shall be built, first giving notice of their intention to the owners or occupiers thereof, 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, upon a reasonable and equitable agreement by the parties, or if they cannot agree then upon a just and equitable appraisement to be made upon oath or affirmation, by three disinterested free holders, 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 any justice of the peace of the county of Westmoreland, not interested therein, and upon the tender of the appraised value, to cut down, dig, take and carry away any timber, stone, sand, earth, or other material, necessary or suitable for the building of said bridge.

Right of entry upon contiguous lands for materials.

Mode of ascertaining damages.

SECT. 64. *And be it further enacted by the authority aforesaid,* That the said president, managers and company, shall keep fair and just accounts, as well of all moneys 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 pending the prosecution of said work, 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 bridge, according to the true intent and meaning of this act, it shall and may be lawful for the president, managers and 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 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 the like penalties, as are provided by this act for the original subscription.

President & managers to submit annual statement of affairs to stockholders.

Increase of capital.

SECT. 65. *And be it further enacted by the authority aforesaid,* That when the said bridge is completed as aforesaid, the property of the said bridge shall be vested in the said company as aforesaid, their successors and assigns forever, and it shall and may be lawful for said company, their successors and assigns, to erect a gate; and to demand and receive toll from travellers and others at said bridge, agreeably to the following rates, viz: for every carriage, of whatever description, used for the purpose of trade or agriculture, having four wheels, for each horse drawing the same, six and a fourth cents; for every carriage having two wheels, for each horse drawing the same, five cents; for every carriage of whatever description, used for the purpose

Upon completion, property of bridge vested in company.

Rates of toll allowed.

of personal accommodation or pleasure having four wheels, for each horse drawing the same, twelve and a half cents; for every chair or other two wheeled carriage of pleasure, for each horse drawing the same, twelve and a half cents; for every sleigh or sled, drawn by four horses, twenty five cents; for every sleigh or sled, drawn by three horses twenty cents; for every sleigh or sled, drawn by two horses, eighteen cents and three fourths; for every sleigh or sled, drawn by one horse, twelve and a half cents; for every horse mare or gelding with a rider, six and a fourth cents; for every horse, mare or gelding without a rider four cents; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in the proportion of two oxen for one horse and in all cases, a mule shall be rated the same as a horse, for every score of sheep or swine, twelve and an half cents; for every head of horned or muley cattle, two cents; and in no case shall it be lawful, for the owner or driver of any horse or cattle, to lead or drive, more than twelve head on the said bridge, at the same time: *Provided*, That any person or persons attending funerals, any military company or detachment of this state, or of the United States, persons attending divine worship on the Sabbath day, all persons going to, or returning from any election (or) military training, and students or children attending school, or other seminary of learning, shall at all times be exempt from the payment of any toll.

Proviso.  
Exempts  
from paym't  
of toll.

Penalty on  
crossing  
bridge  
rapidly.

SECT. 66. *And be it further enacted by the authority afore-said*, That if any person or persons, shall wilfully ride, drive or lead any horse or other creature, faster than a walk when crossing said bridge, he, she or they so offending, shall for every such offence, forfeit and pay the sum of five dollars, to be recovered for the use of said company, as fines of the same amount are by law recoverable.

Penalty on  
extortion of  
gate keepers.

SECT. 67. *And be it further enacted by the authority afore-said*, That if any gate keeper for said company, their successors or assigns shall demand, and collect any greater rates or prices, for passing over said bridge than what is hereinbefore authorized, he, she or they so offending, shall for every such offence, forfeit and pay the sum of ten dollars, to be recovered for the use of the person aggrieved, as fines of the same amount are by law recoverable: *Provided*, That such suit or action be brought within twenty days after the offence shall have been committed.

Proviso.  
Time of  
bringing  
action.

Semi-annual  
declaration  
of dividends.

SECT. 68. *And be it further enacted by the authority afore-said*, That the said president, managers and company, shall make and declare a dividend of the profits and increase of said bridge, among all the stockholders, deducting first therefrom all contingent costs and charges, and such propor-

tions of the said income, as they may deem necessary for a growing fund, to provide against decay and for the rebuilding and repairing the said bridge, and shall on the first Monday in May and November, in every year, publish a dividend of the clear profits among the stockholders and of the time when and place where the same shall be paid and shall cause the same to be paid accordingly.

SECT. 69. *And be it further enacted by the authority aforesaid,* That the said president and managers shall at the end of two years next, after the said bridge shall be completed, lay before the General Assembly an abstract of their accounts, showing the whole of the capital expended in the completion of the said bridge, and of the income and profits arising from the tolls received during that period, together with an account of all the incidental costs and charges, in order that the clear yearly income and profits thereof may be ascertained and known, *and it shall be then be made appear from the average profits of the said two years,* that the said clear income and profits thereof, will not bear a dividend of six per centum per annum of the whole capital stock of the said company so expended, then and in that case it shall and may be lawful for the said president, managers and company, to increase the toll herein allowed, so much as will raise the dividend to six per centum per annum; and at the end of every two years thereafter, they shall render to the General Assembly, a like abstract of their accounts for the preceding two years, and if at the end of such period of two years, it shall from such abstract appear, that the clear profits and income of the said company, will bear a dividend of more than ten per centum per annum, then the said tolls shall be so reduced as will reduce the said dividend to ten per centum per annum.

Biennial statement to Legislature.

Tolls to be regulated to produce not less than six nor more than 10 per cent. on capital.

SECT. 70. *And be it further enacted by the authority aforesaid,* That if the company authorized by this act to be incorporated, shall at any time institute a bank or issue any note or notes in the nature of bank notes, or carry on any business in the nature of banking, or if the president and managers, or any other person connected with the said company, shall use or invest any part of the capital stock of said company, in any incorporated bank, then or in either of these cases, all the powers and privileges granted by this act, shall cease and be determined.

Operations in the nature of banking forbidden.

SECT. 71. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry on the work in five years after the passing of this act, or shall not within five years thereafter complete the same according to the true intent and meaning thereof, then and in either of those cases, all and singular, the rights, liberties and franchises hereby granted to the said company, shall revert to this commonwealth.

Time of commencement and completion of work.

Carbondale & Tunkhannock turnpike road co. Commiss'rs. appointed to open books.

Form of heading.

Shares \$25 each.

Who may subscribe.

Whole No. of shares 1000.

Proviso. \$1 to be paid down upon each share at time of subscription.

SECT. 72. *And be it further enacted by the authority aforesaid,* That James Wright, Alfred Hine, Luman Ferry, Nathaniel Stark, George Capewell, Matthew Jackson, Thomas Meredith, E. M. Townsend, 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 Monday of July next, procure two or more books, and enter in each of them as follows, to wit. "We whose names are hereunto subscribed, do promise to pay unto the president, managers and company of the Carbondale and Tunkhannock turnpike road, the sum of twenty-five dollars for every share of the said stock, set opposite to our respective names, in such manner and proportions, and at such times and places as shall be determined by the president and managers of said company, in pursuance of an act of the General Assembly of this commonwealth, authorizing the Governor to incorporate a company, for making an artificial road, from Carbondale in the village of Tunkhannock on the river Susquehanna: Witness our hands the day of \_\_\_\_\_ in the year of our Lord, one thousand eight hundred and \_\_\_\_\_;" and shall thereupon give notice in at least one public newspaper of this Commonwealth, printed in the county of Luzerne, for one calendar month at least of the times and places when and where the said books shall be kept open to receive subscriptions for the stock of said company, at which respective times and places, some one of the said commissioners shall attend and shall permit and suffer 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 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 three days, or until the said books so opened shall have one thousand shares therein subscribed, and if at the expiration of the said three days, the books aforesaid shall not have the aforesaid number of shares therein subscribed, the said commissioners respectively may, from time to time, adjourn and transfer the said books from place to place, until the whole number of shares shall be subscribed, of which adjournments, the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares subscribed in the said books shall amount to one thousand, the same shall be closed: *Provided always,* That any person offering to subscribe in the said books, in his own name or in the name or names of any other person or persons, shall previously pay to the attending commissioner the sum of one dollar for each and every share by him or her so subscribed, out of which shall be defrayed the expenses attending the taking such subscriptions and other incidental

charges, and the remainder shall be paid over to the treasurer of the said corporation, as soon as the same may be organized and the officers chosen, as hereinafter mentioned.

SECT. 73. *And be it further enacted by the authority aforesaid,* That when twenty persons or more, shall have subscribed three hundred shares of the said stock, the said commissioners, or a majority of them, 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 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 subscription be not full at the time, then also those who shall afterwards subscribe to the number aforesaid) into one body politic, in deed and in law, by the name, style and title of "The president, managers and company of the Carbondale and Tunkhannock turnpike road," and by the said name the said 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 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 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: *Provided always,* That if the company hereby authorized to be incorporated, shall at any time issue any note or notes in the nature of bank notes, or carry on any business in the nature of banking, then, or in either of these cases, all and singular the rights, privileges and franchises hereby granted to the said company, shall cease and revert to this Commonwealth.

Upon the certificate of the subscription by 20 persons of 300 shares, charter may issue.

Corporate style.

Privileges & liabilities.

Proviso. Banking privileges forbidden.

SECT. 74. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid, or a majority of them, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give notice in at least one public newspaper printed in the county of Luzerne, 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 subscribers shall proceed to organize the said corporation, and shall choose by ballot, to be delivered in person or by proxy duly authorized, one president and six managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company, for one year, and un-

Stock commissioners to superintend provisional election.

Authority to officers elect.

til such other officers shall be chosen, and shall and may make such by-laws, rules, orders and regulations not inconsistent with the constitution and laws of this commonwealth, as shall be necessary for the well ordering of the affairs of said company, and to procure for said company a common seal, the same, to break, alter and renew at pleasure, as the said company shall think proper: *Provided*, That at all elections and in all other cases in which the stockholders shall be called upon to vote, the said subscribers may vote by ballot, to be delivered in person or by proxy duly authorized, and the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he or she may hold, in the proportions following for each share, not exceeding ten shares, one vote, and for every five shares above ten, one vote.

Proviso.  
Ratio of votes to shares, &c.

Right of entry upon lands to locate, and for materials.

SECT. 75. *And be it further enacted by the authority aforesaid*, That it shall be lawful to and for the said president and managers, their superintendents, surveyors, artists and chain bearers, to enter in and upon all and every the lands, tenements and enclosures, in, through and over which the said turnpike road may be thought proper to pass, and examine the ground most proper for the purpose, as well as the materials in the vicinity, that may be necessary in constructing the said road, and to survey, lay down, ascertain and mark such route or trail, as follows, viz: beginning at the village of Tunkhannock, in the county of Luzerne, and extending up the creek of that name to the south branch thereof; thence up said branch so far as may be useful or proper, to some point in the vicinity of Francis Carey's tavern, on the Clifford and Wilkesbarre turnpike, and thence through the nearest and best gap in the Lackawanna mountain, to the village of Carbondale, and the said company shall have like powers, authorities and privileges, necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to the same tolls and profits, as are given and granted to the president, managers and company, of the Coshecton and Great Bend turnpike road, in an act passed the twenty-ninth day of March, one thousand eight hundred and four: *Provided*, That no toll be demanded or taken from any person passing or repassing from one part of his or her farm to another, or to and from any place of worship and funeral, or from the militia on days of training, or to and from any township, general or special election: *And provided also*, That if the said company shall not proceed to carry on the said work in five years after the passing of this act, or shall not within fifteen years after the passing of this act complete the said road, according to the true intent and meaning of this act, then in either of those cases all and singular the rights,

Route of location.

Company to have the privileges, and be subject to the liabilities granted and imposed to, and on the Coshecton & Great Bend co. by act of 29th March, 1804.

Proviso.  
Who shall pass toll free.

2d proviso.  
5 years allowed to commence work and 15 to complete.

liberties and franchises, hereby granted to the said company, shall revert to this commonwealth.

SECT. 76. *And be it further enacted by the authority aforesaid,* That the annual election for choosing officers shall be held on the third Wednesday in January in each and every year, at the village of Carbondale in said county of Luzerne, or at such other time and place as may be fixed on by the by-laws of said corporation: *Provided always,* That no neglect of holding any annual election shall produce any forfeiture of the aforesaid corporate privileges, but in such case that the officers heretofore elected shall continue in office until others are legally chosen.

Time and place of holding annual elections.

Proviso. Neglect guarded against.

SECT. 77. *And be it further enacted by the authority aforesaid,* That it may and shall be lawful for the president and managers of the free road company, from Abraham Hays' to Walthaur's, in the county of Westmoreland, to open their books and receive an additional subscription of stock to said company not exceeding four hundred shares, at fifty dollars per share, and that as soon as eighty shares shall be subscribed, and five dollars on each share having been actually paid, the president and managers are hereby authorized to proceed in improving the bed of said road with stones or gravel, and when five or more miles shall be made, it may be lawful for the president and managers of said road, to take the like tolls, in proportion to the distance, as are given and granted to the president, managers and stockholders of the Mountpleasant and Robbstown turnpike road company.

Free road from Hays' to Walthaur's in Westmoreland co.

Additional subscription to stock of co. authorized.

Same tolls, &c. as Mount Pleasant and Robbstown co.

SECT. 78. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the supervisors of highways for each district of the township of St. Clair, in the county of Allegheny, on or before the first day of May next, and on or before the first day of May, in each and every year thereafter, to lay off in such sections, and agreeably to such divisions as to them shall seem convenient all the public roads in the said township, and shall give public notice for ten days by advertisements set up in six of the most public places in each district, that proposals will be received for contracts, to keep in repair for the year then following, the said roads, in the sections, and agreeably to the divisions aforesaid, and the said contracts shall provide for the due and faithful performance of the duty of the contractor and contractors respectively, under a penalty to be therein named, which penalty and damages for the non-performance of the contract may be recovered by suit or action in the name of the supervisors of highways for that district of St. Clair township, in which the delinquency may occur.

Allegheny co. St. Clair township.

Certain duties enjoined on supervisors of highways.

SECT. 79. *And be it further enacted by the authority aforesaid,* That any taxable inhabitant of said township shall be at liberty to offer proposals of contract for the repair of any part or section of said roads, and provided he will do the same on as good terms as any other person, shall have the

Any taxable inhabitant may make proposals for repair of roads.

Commission and compensation of supervisors.

preference, and if his contract shall amount to more than his tax, he may employ one or more of his neighbors to assist under his direction, and a certificate of the said contractor for labor so performed shall be settled by the supervisor in taxes, and not otherwise; and the said supervisors shall be entitled to a commission of five per cent. on all moneys by them collected, and one dollar per day for every day they may necessarily spend in performing their duties as supervisors, and their accounts shall be delivered on oath, if required by the auditors of said township.

Sugar loaf & Hale's Eddy turnpike road co.

Commissioners named to open books. Form of subscription.

Shares \$25.

SECT. 80. *And be it further enacted by the authority aforesaid,* That John Mumford, John Stephens, Clark Gardner, Thomas Mumford, Thomas Meredith, D: B. Blanchard, Jirah Mumford, Squire Whitaker, Thomas Car, 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 September next, procure one or more books, and enter therein as follows: "We whose names are hereunto subscribed, promise to pay to the president, managers, and company of the Sugarloaf and Hale's Eddy turnpike road company the sum of twenty-five dollars for each and every share of stock in said company set opposite to our respective names, in such manner and in such proportions and at such times and places as shall be determined by the president and managers of said company, in pursuance of an act of the General Assembly, entitled An act to enable the Governor to incorporate a company to make a turnpike road from the Belmont and Oghquaga turnpike road, near Sugarloaf mountain, and near gate numbered one, and thence by the nearest and best route through Sterucca settlement, to the state line near Hale's Eddy;" and shall thereupon give public notice in two public newspapers printed nearest the route of said road, four weeks at least, 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 of the said commissioners shall attend and shall 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, if they be authorized so to do, for any number of shares in the said stock, and the said books may be kept open until the said books shall have six hundred shares of stock subscribed therein: *Provided always,* That every person offering to subscribe in the said books in his own name, or in the name of any other person, shall before he shall be permitted to subscribe, pay to the attending commissioners the sum of one dollar for each and every share of stock to be subscribed, out of which shall be defrayed the expenses attending the taking such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the

Whole No. of shares 600.

Proviso. One dollar to be paid down upon each share.

same shall be organized, and the officers chosen as hereinafter mentioned,

SECT. 81. *And be it further enacted by the authority aforesaid,* That when ten or more persons have subscribed two hundred shares of said stock, the commissioners aforesaid or a majority of them, 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 seal of the state, to create and erect the subscribers into one body politic and corporate in deed and in law, by the name, style and title of "The president, managers and company of the Sugarloaf and Hale's Eddy turnpike road," 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 manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intentions 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 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: *Provided,* That nothing contained in this act shall be construed to authorize the said corporation to issue notes in the nature of bank notes, or to endorse notes in their corporate capacity or to make discounts or to receive deposits after the manner of any bank or banks, and in case the said company shall at any time violate the provisions of this section, all and every their chartered privileges shall cease and determine.

SECT. 82. *And be it further enacted by the authority aforesaid,* That the said commissioners or a majority of them, as soon as conveniently may be, after the said letters patent shall be obtained, shall give notice in two or more newspapers printed nearest the route of said road, of the time and place by them to be appointed, not less than ten days from the publication of the first notice, at which time and place, the subscribers shall proceed to organize the said corporation, and shall elect by a majority of votes of the said subscribers, one president, twelve managers, one treasurer and such other officers as they shall think necessary to conduct the affairs of the said company, until the first Wednesday of January then next ensuing, on which day and annually thereafter on said day, the said company shall hold their elections for officers, at the village of Belmont, in the county

When 10 persons take 100 shares, charter may issue.

Corporate style.

Privileges & liabilities.

Proviso. Not to enjoy banking privileges.

Of the first election for officers.

President, 12 managers, treasurer, &c.

Time and place of holding annual elections.

By-laws,  
seal, &c.

Proviso.  
Of the voting  
privilege.

of Wayne, and the said company when so organized, shall have power to make such by-laws, rules and regulations not inconsistent with the constitution and laws of the United States or of the constitution and laws of this state, as shall be necessary for the well ordering the affairs of said company, and to procure for said company, a common seal, and the same to break, alter or renew as often as the said company shall think proper: *Provided*, That said subscribers may vote by ballot, to be delivered in person or by proxy, duly authorized, but no person shall have more than ten votes in his own right at any election for officers, or determining any question which may arise at any meeting of the said company, whatever number of shares he or she may be entitled to, and that each person shall be entitled to one vote for every share by him or her held under that number.

Right of entry  
to locate, and  
for materials.

Route of lo-  
cation.

SECT. 83. *And be it further enacted by the authority aforesaid*, That it shall be lawful to and for the said president and managers, their superintendents, surveyors, artists and chain bearers to enter in and upon all and every the lands, tenements and enclosures, in, through and over which the said turnpike road may be thought proper to pass, and examine the ground most proper for the purpose, as well as the materials in the vicinity that may be necessary in constructing the said road, and to survey, lay down, ascertain and mark such route or trail as follows: Beginning at or near Sugarloaf mountain and near gate number one, on the Belmont and Oghquaga turnpike road, and thence on the nearest and best route through Sterucca settlement to the state line near Hale's Eddy, and the said company shall have like powers, authorities and privileges necessary for constructing, carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and 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 Co-shecton and Great Bend turnpike road, in and by an act of Assembly, passed the twenty-ninth day of March, eighteen hundred and four.

Time allowed  
to commence  
and complete  
work.

SECT. 84. *And be it further enacted by the authority aforesaid*, That if the said company shall not commence the work on said road within three years after passing this act, or shall not within seven years thereafter complete the same according to the true intent and meaning of this act, then the privileges and franchises hereby granted shall revert to the Commonwealth.

Kensington  
Screw Dock  
company;  
stock com'rs:  
appointed.

SECT. 85. *And be it further enacted by the authority aforesaid*, That James Mott, Western C. Donaldson, Samuel C. Bunting, Thomas W. Morgan, Jacob T. Bunting, William Fennell, junr. Thomas S. Richards, Thomas M. Coffin and Jonathan Palmer be, and they are hereby appointed com-

missioners, to do and perform the several things hereinafter mentioned, that is to say, they or any two of them shall procure a sufficient number of books, and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and directors of the Kensington Screw Dock company, the sum of one hundred dollars for every share by us subscribed, in such manner and proportions and at such times and places, within the city and county of Philadelphia, as shall be determined on by the said president and directors, in pursuance of an act authorizing the Governor to incorporate the Kensington Screw Dock company: Witness our hands the \_\_\_\_\_ day of

Form of heading to subscription books. Shares \$100.

A. D. one thousand eight hundred and thirty-three;" shall give notice in at least two of the daily newspapers printed in the city of Philadelphia for at least two weeks, of the time when, and the places where, some one or more of the aforementioned commissioners will attend and receive subscriptions from all persons of lawful age, who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid, at least six hours in every juridical day, for the space of three days or until there shall have been subscribed in the said books six hundred and eighty shares; but no subscription shall be valid until the person so subscribing shall have paid to the said commissioners, at the time of making such subscription, the sum of ten dollars on each share, and the said commissioners may adjourn from day to day and from time to time, until the whole number of shares aforesaid shall have been subscribed.

\$10 to be paid upon each share at time of subscribing.

SECT. 86. *And be it further enacted by the authority aforesaid,* That whenever four hundred and fifty shares shall have been actually subscribed, and ten dollars for each share shall have been paid to the said commissioners, the said commissioners shall certify the same under oath or affirmation to the Governor of this Commonwealth, and on the receipt of such certificate the Governor shall, by letters patent under his hand and the seal of the Commonwealth, create and erect the subscribers, if the subscription be not full at the time then those that may afterwards subscribe to the number of shares aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of "The Kensington Screw Dock company," and by the same name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, may make and establish a common seal, and the same alter, break or renew at pleasure, and shall be capable of taking or holding their capital stock and the increase or profits thereof, and of purchasing and holding to them and their successors and assigns, in fee simple or for any lesser estate, such real and personal estate as shall be necessary to them in the prosecution of their business, and of suing and being sued, and of doing all and every

Charter may issue upon certificate of subscription of 450 shares:

Style of corporation.

Privileges and liabilities

Proviso.  
Value of real  
estate limited

other matter and thing which a corporation or body politic may of right do: *Provided*, That the real estate which it shall be lawful for the said company to hold, in their own right or in trust or otherwise, shall not exceed at any time sixty-eight thousand dollars.

Of the organi-  
zation of  
company.

SECT. 87. *And be it further enacted by the authority aforesaid*, That said named commissioners or a majority of them, shall as soon as conveniently may be, after the said letters patent shall have been obtained, give at least ten days previous notice in the newspapers herein before mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize said company, and to choose by a majority of votes of the said subscribers, to be delivered in person or by proxy, five directors, who shall appoint from their number a president, that a majority of the directors shall be a quorum, who may appoint such officers or agents under them, and make such by-laws, rules, orders and regulations, as are not inconsistent with the constitution and laws of the United States, or of this state, and that may be necessary for the well governing the affairs of the company.

General  
meetings of  
stockholders.

SECT. 88. *And be it further enacted by the authority aforesaid*, That the board of directors or any number of stockholders being together, the proprietors of not less than one third of the whole stock, shall have the power for all the purposes relative to the corporation, to call a general meeting of the stockholders, giving at least five days notice in two daily newspapers as aforesaid.

Semi-annual  
declaration of  
dividends.

SECT. 89. *And be it further enacted by the authority aforesaid*, That dividends of so much of the profits of the institution, as shall appear advisable to the directors, shall be declared twice in every year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom.

Time of hold-  
ing annual  
election of  
directors.

SECT. 90. *And be it further enacted by the authority aforesaid*, That the stockholders shall meet on the first Monday of May, in every year, at such places as may be fixed upon by the by-laws, of which due notice as before provided for meetings of stockholders, shall be given and choose by a majority of votes present, directors for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year and until others are chosen and at such other times as they may be summoned by the directors, in such manner and form as shall be prescribed by the by-laws, at which annual or special meeting they shall have full power and authority to make, alter or repeal by a majority of the votes in manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform every other corporate act: and the number of votes to which each stockholder shall be entitled, shall be one for each

share of stock he may hold, whether it appears absolutely and *bona fide* in his own right, or in that of his wife or for his or her sole use or benefit or as executor or administrator, trustee, guardian or in the right and for the use and benefit of some corporation, society or copartnership, of which he or she may be a member.

Each share to have one vote.

SECT. 91. *And be it further enacted by the authority aforesaid,* That the said president and directors shall meet at such times and places, as shall be found most convenient for the transacting their business, and in the absence of the president, may appoint a chairman, and shall keep minutes of their transactions fairly entered in a book, and they shall have power and authority to ascertain the times, manner and proportion in which the said stockholders shall pay the moneys due on their respective shares, to draw orders on the treasurer for the same, which shall be signed by the president, or in his absence by a majority of the directors present, and generally do all such other acts, matters and things as by this act and the by-laws and regulations of the company, they shall be authorized to do, and in case of death, resignation or removal from the state, of any president, treasurer or other officer, his place shall be filled by the board of directors, until the next annual election, provided that the said company shall have no privilege of building, repairing or equipping vessels or furnishing labour or materials for the same, or of being engaged or interested in the conducting of any manufactory whatever.

General duties of the president and directors.

SECT. 92. *And be it further enacted by the authority aforesaid,* That the president and directors first chosen shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of said corporation to each person, for such stock by him subscribed and held, which certificate of stock shall be transferable at his pleasure, in person or by his attorney, duly authorized, in presence of the president or treasurer, each of whom shall keep a book for that purpose, subject however to all payments due, or 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 the transfer of stock, shall be a member of the said corporation, and shall stand in the place of the former holder of the certificate, and be entitled to the same privileges, and subject to the same penalties, forfeitures, and liabilities in the company.

Certificates of stock to be issued to each holder.

Of transfers.

SECT. 93. *And be it further enacted by the authority aforesaid,* That whenever the dividends arising from the profits of the said company shall exceed twelve per cent. per annum on the capital stock actually paid in; then one half of the said

Half of profits over 12 per cent. to go to education fund.

surplus shall be paid into the state treasury, for the purpose of forming a general education fund.

SECT. 94. *And be it further enacted by the authority aforesaid,* That if the said company shall not have purchased and have in operation a screw dock within twelve months from the date of this charter, then said charter shall be null and void.

SECT. 95. *And be it further enacted by the authority aforesaid,* That this act shall continue in force for the term of ten years and no longer, and the Legislature reserve the right to annul the charter hereby granted at any time, whenever the said company shall misuse or abuse any of the privileges hereby granted.

SECT. 96. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, the capital stock of the Philadelphia Marine rail way company shall be divided into seven hundred shares, of one hundred dollars each.

SECT. 97. *And be it further enacted by the authority aforesaid,* That J. B. Anthony, James Armstrong, Joseph J. Wallis, William Wilson, Jeremiah Tallman, William Piatt, junior, Hugh Donly, Henry Hughes, and William F. Packer, 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 September next, procure one or more books, and enter therein as follows:

“We whose names are hereunto subscribed, promise to pay to the president, managers and company of the Lycoming bridge and turnpike road company, the sum of twenty-five dollars for each and every share of stock in said company set opposite to our respective names, in such manner, and in such proportions, and at such times and places as shall be determined by the president and managers of said company, in pursuance of an act of the General Assembly to enable the Governor to incorporate a company to make a toll bridge over the west branch of the Susquehanna, at or near Williamsport, in Lycoming county, and a good sufficient toll or turnpike road, extending from the southern end of said bridge to the line of Lycoming and Union counties, or as far in that direction as the said company shall deem expedient;” and shall thereupon give public notice in two public newspapers, printed in the county of Lycoming, four weeks at least, 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 of the said commissioners shall attend, and shall permit and suffer all persons of lawful ages, who shall offer to subscribe in said books in their own names or in the name or names of any other person, if they be authorized so to do, for any number of shares in the said stock, and the said books may be kept open until the

said books shall have two thousand shares of stock subscribed therein: *Provided always*, That every person offering to subscribe in the said books in his own name, or in the name of any other person, shall, before he shall be permitted to subscribe, pay to the attending commissioners the sum of one dollar for each and every share of stock to be subscribed, out of which shall be defrayed the expenses attending the taking such 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, and the officers chosen as hereinafter mentioned.

SECT. 98. *And be it further enacted by the authority aforesaid*, That when ten or more persons have subscribed three hundred shares of said stock, the commissioners aforesaid or a majority of them, 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 seal of the state, to create and erect the subscribers into one body politic and corporate, in deed and in law, by the name, style and title of "The Lycoming Bridge and 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 manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intentions 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 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: *Provided*, That nothing contained in this act shall be construed to authorize the said corporation to issue notes in the nature of bank notes, or to indorse notes in their corporate capacity, or to make discounts, or to receive deposits after the manner of any bank or banks, and in case the said company shall at any time violate the provisions of this section, all and every their chartered privileges shall cease and determine.

SECT. 99. *And be it further enacted by the authority aforesaid*, That the said commissioners, or a majority of them, as soon as conveniently may be after the said letters patent shall be obtained, shall give notice in two newspapers in Lycoming county, of the time and place by them to be appointed, not less than ten days from the publication of the first notice, at which time and place the subscribers shall proceed

Whole No. of shares 2000.

Proviso.

\$1 to be paid down upon each share subscribed.

When 10 persons subscribe 300 shares, letters patent may issue.

Style of corporation.

Privileges, &c.

Proviso. Company to have no banking powers.

Stock com'rs. to superintend organization.

Of the annual election.

By-laws, seal, &c.

Proviso. Each share up to 10 to have one vote.

General powers of the president and managers.

Right of entry upon lands, &c.

Mode of ascertaining damages.

to organize the said corporation, and shall elect, by a majority of votes of the said subscribers, one president, twelve managers, one treasurer, and such other officers as they shall think necessary to conduct the affairs of the said company, until the third Monday of December then next ensuing, on which day and annually thereafter on said day, the said company shall hold their elections for officers, and the said company when so organized shall have power to make such by-laws, rules and regulations, not inconsistent with the constitution and laws of the United States or of the constitution and laws of this state, as shall be necessary for the well ordering the affairs of said company, and to procure for said company a common seal, and the same to break, alter or renew as often as the said company shall think proper: *Provided*, The said subscribers may vote by ballot, to be delivered in person or by proxy duly authorized, but no person shall have more than ten votes in his own right, at any election for officers, or determining any question which may arise at any meeting of the said company, whatever number of shares he or she may be entitled to, and that each person shall be entitled to one vote for every share by him or her held under that number.

SECT. 100. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said president and managers, seven of whom shall for all purposes be a quorum, to agree with and appoint such engineers, superintendents, artists and other persons as they may think necessary, to survey, locate and construct the said bridge and turnpike, and to collect the tolls hereinafter authorized, fix the compensation of their agents, and 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.

SECT. 101. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the president and managers by and with their superintendents, engineers, artists, workmen and labourers, their tools and instruments, carts, waggons and other carriages and beasts of draft or burden, to enter in and upon the lands contiguous to which the said bridge and toll or turnpike road, shall be built, first giving notice of their intention to the owners or occupiers thereof and doing as little damage thereto as possible, repairing any breaches they make in the enclosures thereof, and making amends for any damages that may be done to any improvements thereon, upon a reasonable and equitable agreement by the parties, or if they cannot agree, then upon a just and equitable appraisement to be made 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 any justice of the peace of the county of Lycoming, not interested in the result,

and upon tender of the appraised value to cut down, dig and take and carry away any timber, stone, sand, earth, or other materials, suitable and necessary for the said bridge and road.

SECT. 102. *And be it further enacted by the authority aforesaid,* That the said president and managers, shall keep fair Annual and just accounts of all monies laid out and expended by them in the construction of the said work, submit their statement of accounts. books and accounts to a general meeting of the stockholders for examination and approval at least once in every year.

SECT. 103. *And be it further enacted by the authority aforesaid,* That when the said bridge and road or either of them is completed, the property thereof shall be vested in the said company, their successors and assignees forever, and it shall and may be lawful for the said company their successors and assignees to erect gates on said bridge and road and demand and receive by their agents tolls from travelers and others passing said gates agreeably to the following rates, viz: For passing said bridge, every carriage of whatever description having four wheels and used for the purpose of trade or agriculture, shall pay twelve and a half cents for each horse drawing the same, every carriage having two wheels and employed as aforesaid, shall pay twelve and a half cents, for each horse drawing the same; every carriage of whatever description, used for the purpose of personal accommodation or pleasure and having four wheels, shall be taxed twenty five cents for each horse drawing the same; every dearborn wagon drawn by one horse, shall be taxed twenty-five cents; every chair or other two wheeled pleasure carriage shall pay twenty five-cents, for each horse drawing the same; for every sleigh or sled drawn by four horses, fifty cents shall be the toll; for every sleigh or sled drawn by three horses, forty-four cents; for every sleigh or sled drawn by two horses thirty-seven and an half cents; for every sleigh or sled drawn by one horse twenty cents; for every horse, mare or gelding, with a rider, the toll shall be twelve and a half cents; for every horse, mare or gelding without a rider six and one-fourth cents: for every score of sheep or swine twenty-five cents; for every head of horned or muley cattle, four cents; and for every foot passenger, four cents: oxen and mules drawing wagons, carriages or other vehicles, to be rated the same as horses, and in no case shall it be lawful for any owner or driver of horses or cattle, to lead or drive more than twenty head on the bridge at any one time: *Pro-* Upon completion of works, property vested in co. Rates of toll established. *vided,* That any person or persons attending funerals or any elections, any military company or detachment of this state or of the United States, persons attending public worship on the Sabbath day and students or children attending any school or other seminary of learning, shall at all times be *Proviso.* Of free passengers.

exempt from the payment of tolls for passing the said bridge.

Penalty on crossing bridge rapidly.

SECT. 104. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully ride, drive or lead, or cause to be rode, drove, led or driven, any horse or other creature faster than a walk, when crossing said bridge, he, she or they so offending shall forfeit and pay a sum not less than five dollars for every such offence, to be recovered as fines of like amount, are by law recoverable.

Road may be licensed by 2 mile sections.

SECT. 105. *And be it further enacted by the authority aforesaid,* That the president and managers of the said company be, and they are hereby authorized, as soon as the said road or any part thereof, not less than two miles shall be completed, to erect toll gates thereon, and demand and receive from travellers and others passing along said road, such tolls and profits as are given and granted by the president, managers and company of the Susquehanna and York borough turnpike road, and generally have like powers, authorities and privileges granted to, and be subject to all the duties, qualifications, restrictions, penalties and forfeitures imposed on that company by an act of Assembly, passed the nineteenth day of March, one thousand eight hundred and four.

Provisions of act of 19th March, 1804, partially adopted.

Penalty on extortion of gate keepers.

SECT. 106. *And be it further enacted by the authority aforesaid,* That if any gate keeper for said company, their successors or assigns, shall demand and collect any greater rates or prices for passing over said bridge or along said road, than what is herein before authorized, he, she or they so offending, shall for every such offence, forfeit and pay the sum of ten dollars for the use of the person aggrieved, to be recovered as fines of like amount are by law recoverable: *Provided,* That such suit or action be brought within twenty days after the commission of such offence.

Proviso.

Half of profits over 12 per cent. appropriated to education fund.

SECT. 107. *And be it further enacted by the authority aforesaid,* That whenever the nett profits of any of the companies incorporated by this act, shall exceed twelve per cent. upon the capital actually paid in, then one half of said surplus shall be paid into the state treasury for the purposes of education.

3 years allowed to commence works, and 7 to complete them.

SECT. 108. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed in the construction of the said bridge and road within three years after the passing of this act, or shall not within seven years thereafter complete the same, according to the true intent and meaning of this act, then, and in either of these cases, all and singular the rights, liberties and franchises relating to said bridge and turnpike company and by this act granted, shall revert to the Commonwealth.

SECT. 109. *And be it further enacted by the authority aforesaid,* That the said president, managers and company shall at the end of every year after the said bridge and road

shall have been completed, lay before the General Assembly of this Commonwealth, an abstract of their accounts, shewing the whole amount expended in the construction thereof, and of the income and profits arising from the tolls received during that period, together with an account of all incidental costs and charges, in order that the clear yearly income and profits of said bridge and road may be ascertained and known, and if it shall then be made appear that the said clear income and profits thereof will not bear a dividend of six per centum per annum on the whole costs and charges thereof, then and in that case it shall and may be lawful for the said president, directors and company, to increase the tolls herein allowed so much as will raise the dividend to six per cent per annum on the amount expended in constructing the aforesaid works, and at the end of two years thereafter, they shall render to the General Assembly a like abstract of the accounts of said works for the preceding two years, and if at the end of such period of two years it shall appear that the clear profits and income of the said works will bear a dividend of more than eight per cent. per annum, then the said tolls shall be so reduced as will reduce the dividend to eight per centum per annum.

After completion, annual abstract of accounts to be made to Legislature.

Tolls to be regulated so as to produce not less than 6, nor more than 8 per cent. per annum.

SECT. 110. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the president, managers and company for erecting a bridge over the Allegheny river, at the place where the Susquehanna and Waterford turnpike road crosses the same, and they, or a majority of them, shall have full power to locate the said bridge at any point not exceeding one half mile from the place where said turnpike crosses said river; and it shall be the duty of the president, managers and company of the Susquehanna and Waterford turnpike road company, immediately on the erection of said bridge, to connect therewith the said Susquehanna and Waterford turnpike road: *Provided,* That the steam boat navigation of said Allegheny river shall in no wise be obstructed by the erection of said bridge.

Location of bridge over Allegheny at crossing of Susquehanna & Waterford turnpike.

Proviso.

SECT. 111. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the president, managers and company aforesaid, to erect a toll house or other necessary buildings on any land or enclosure near said bridge, and in case of dispute between the owner or owners of said land, and the said president, managers and company, as to compensation for the same, the same shall be settled according to the provisions of the ninth section of an act of Assembly, passed the twenty-ninth day of March, A. D. eighteen hundred and twenty-three, to which this is a further supplement.

Erection of toll house authorized.

Damages under act of 29th March, 1823.

SECT. 112. *And be it further enacted by the authority aforesaid,* That in addition to the persons named as commissioners in the first section of the act aforesaid, for the purposes

Additional commiss'rs. appointed.

mentioned in said act, the following named persons shall also be commissioners for said purposes, viz: John D. Wood, Alexander M'Calmont and John Galbraith, Esq. of the town of Franklin, and Robert L. Potter and Samuel Forbett, Esq. of the town of Meadville.

Regulations  
relative to the  
elections of  
the Lacka-  
wanna and  
Susquehanna  
rail road co.

SECT. 113. *And be it further enacted by the authority aforesaid,* That the secretary of the Lackawanna and Susquehanna rail road company, be, and he is hereby authorized to fix the place of holding the annual and special elections and meetings of the said company, when the by-laws shall not have determined the same, and the judges of the elections shall be chosen by a majority of the stockholders present, either in person or by proxy, and so much of any law as is hereby altered or supplied, be and the same is hereby repealed.

SAM'L. ANDERSON,

*Speaker of the House of Representatives.*

THO'S. RINGLAND,

*Speaker of the Senate.*

APPROVED—The eighth day of April, A. D. one thousand eight hundred and thirty-three.

GEO. WOLF,

No. 163.

AN ACT

To incorporate the trustees of the Evangelical Lutheran Congregation of St. Paul's church, in Lower Merion township, in the county of Montgomery, Commonwealth of Pennsylvania; and the Lutheran and German Reformed church in the village of Hempfield, in the county of Lancaster.

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 the members of the church aforesaid, be, and the same are hereby created and erected into one body politic and corporate in deed and in law, by the name, style and title of "The Evangelical Lutheran Congregation of St. Paul's church," and by the same name have perpetual succession, and be able to sue and be sued, implead and be impleaded, and shall be able and capable to take and hold lands and tenements, goods and chattels, real, personal and

St. Paul's  
church,  
Merion.

Style of  
corporation.

Privileges  
and liabilities.