

CHAPTER LXVI.

An ACT to enable the governor to incorporate a company to make an artificial road, from the court-house in the borough of Lewistown, to Alexander Reed's, in Kishacoquillas valley.

SECT. I. BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That William P. Maclay, Andrew Kiser, John Alexander, Robert Means, William Brown, junior, James Melligan, John McDowell, Richard Hope, and James Potter, 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 November next, procure one or more books, and in each of them enter as follows : " We whose names are hereunto subscribed, do promise to pay to the president, managers, and company of the Lewistown and Kishacoquillas turnpike road, the sum of fifty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion as shall be determined by the said managers, in pursuance of an act of the general assembly of this commonwealth, entitled, " An act to enable the governor to incorporate a company to make an artificial road from the court house in the borough of Lewistown, to Alexander Reed's in Kishacoquillas valley : " Witness our hands, the day of

Commissioners appointed to open books of subscription on or before the 1st of November next.

Form of entries.

Notice to be given of the time and place of opening books.

Books how long to be kept open.

Commissioners may adjourn from time to time.

Proviso.

1 dollar to be paid on each share at subscribing.

in the year of our Lord, one thousand eight hundred and ;" and shall give notice in four of the public newspapers, one in Huntingdon, one in Harrisburg, one in Lewistown, and one in Bellefont, for one month at least, of the times when, and places where, the said books will be open to receive subscriptions of stock for the said company, at which times and places 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, which shall be kept open for the purpose, at least six hours in every juridical day, for the space of four days, if four days shall be necessary ; and if at the expiration of the four first days, the said books shall not have four hundred shares therein subscribed, the said commissioners may adjourn from time to time until the said number of shares shall be subscribed, of which adjournment public notice shall be given in at least two public newspapers, and when the said subscriptions in the said books shall amount to the number aforesaid, or so many shares as may be considered necessary for the completion of said road, 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, one dollar for every share subscribed, out of which shall be defrayed the expense attending the taking such subscriptions,

and other incidental charges, and the remainder to remain in the commissioners' hands for the use of the corporation, and as soon as the same shall be organized, and the officers chosen as hereinafter mentioned, then to be paid over to the treasurer of the said company.

SECT. II. *And be it further enacted by the authority aforesaid,* That when the whole number of shares, or such number as the commissioners may deem necessary for the completion thereof as aforesaid, shall be subscribed, the said commissioners 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, whereupon he shall, by letters patent under his hand and the seal of the state, create and erect the subscribers into one body, politic and corporate, in deed and in law, by the name, style, and title of, "The Lewistown and Kishacoquillas Turnpike Company," 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 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 estates, 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.

When governor may issue letters patent.

Style of corporation.

Privileges and franchises.

SECT. III. *And be it further enacted by the authority aforesaid,* That the commissioners hereinbefore named, shall, as soon as conveniently may be, give thirty days notice in three public newspapers, one of which to be in the German language, of the time and place by them appointed for the said subscribers to meet in order to organize the said corporation, and to choose by a majority of votes of the said subscribers, by ballot to be delivered in person, or by proxy duly authorized, one president, six managers, and one treasurer, and such other officers as shall be deemed necessary to conduct the business of the said company until the second Monday of November next, and until like officers shall be chosen; 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 the affairs of the said company; and generally 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 en-

Thirty days notice to be given of the time and place of organizing the company.

What officers to be chosen.

May make by-laws.

Corporation to have like powers and privileges and be under similar restrictions to those of

the Susquehanna and York borough turnpike company.

Work to be commenced within three, and be completed within seven years.

The company incorporated under this act, in case of a certain event to be merged in the company incorporated for making a turnpike road from Harrisburg to Pittsburg.

Consolidated company, their privileges. Proviso relative to tolls.

Consolidated company to be liable for contracts entered into by this act, &c. Provisions of the original act not to be defeated. Second proviso.

titled to like tolls and profits as are given and granted to the president, managers and company, of the Susquehanna and York borough turnpike road, by an act of assembly, passed the nineteenth of March, one thousand eight hundred and four; *provided* that if the company shall not proceed to carry on the said work in three years after the passing of this act, or shall not within seven years afterwards, complete the said road according to the true intent and meaning of this act, then in either of these cases, all and singular the rights, liberties privileges and franchises, hereby granted to the said company, shall revert to this commonwealth.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if the company to be incorporated for making an artificial road from Harrisburg to Pittsburg, by the law passed March twenty-fourth one thousand eight hundred and twelve, shall make the road contemplated by this act a section of the general road, then and in that case, as soon as the company shall be incorporated in pursuance of the said act of March twenty-fourth, one thousand eight hundred and twelve, and shall proceed to carry on the road contemplated to be completed by the said act, the company to be incorporated by this act, shall be incorporated with, and the subscribers thereto shall constitute a part of the company to be incorporated by virtue of the above recited act, and shall cease to act or be known by any other name, character or capacity, and the said company so consolidated, shall have and enjoy all the privileges, rights and benefits, provided in and by the said act above recited; *provided*, that the tolls on so much of the said road as shall be completed under this act, shall continue to be divided if any dividend shall be declared, to the original subscribers under this act, until a portion of the road, equal to what shall have been made by the company under this act, shall be completed by the consolidated company, for which they shall be entitled to receive toll; and the said consolidated company shall be liable to all the engagements and contracts, and to adjust and settle all the unsettled accounts of the company which may be incorporated under this act: but nothing herein shall operate, or be construed to impair or defeat any of the provisions of the original act; *and provided also*, that until the said consolidation the said company shall continue an entire separate body politic.

JOHN TOD, *Speaker*  
*of the House of Representatives.*

P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-fifth day of February, one thousand eight hundred and thirteen.

SIMON SNYDER.