

No. 23.

AN ACT

To enable the Governor to incorporate a company to make a turnpike road from Bethany, to intersect the Clarksville and Honesdale turnpike, near Benjamin Jenkins', in Canaan township.

Commiss'rs.
appointed.

Form of sub-
scription.

Notice of the
opening of
the books.

To be kept
open, till 200
shares be sub-
scribed.
Proviso.

\$1 to be paid
on each share
at the time of
subscribing.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the sam^e, That Nathaniel B. Eldred, Hiram G. Chase, Benjamin Jenkins, John Belknap, and Henry Jennings, 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 December 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 Bethany and Canaan turnpike road company, the sum of twenty dollars for each and every share of stock in said company set opposite to our respective names, in such manner and in such proportion, and at such times and places, as shall be determined by the president and managers of said company. 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 the 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 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 same shall be organized and the officers chosen, as hereinafter mentioned.*

SECTION 2. When ten or more persons have subscribed fifty 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 sub-

scribed 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 Bethany and Canaan 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 and 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.

When 50 shares are subscribed, the comm'rs. to certify the same to the Governor. Letters patent to issue. Style of corporation.

Proviso. Corporation to have no banking privileges.

SECTION 3. 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, six managers, one treasurer, and such other officers as they shall think necessary to conduct the affairs of the said company, until the first Wednesday in January then next ensuing, on which day, and annually thereafter on said day, the said company shall hold their elections for officers, at the borough of Bethany, in the county 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*, The said subscribers may vote by ballot, to be delivered in person, or by proxy, duly authorized; but no person shall have more

Comm'rs. to give notice of the first election of officers

Subsequent elections to be held the first Wednesday in January.

Proviso.

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.

Power to enter upon lands, &c.

Track of the road described.

Co. to have the powers of the Coshecton and G. Bend turnpike road company.

If the work be not commenced within 3 yrs. and completed in 7 thereafter, powers granted to cease.

SECTION 4. It shall be lawful 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 track, as follows: beginning at the borough of Bethany, and thence on the nearest and best route, to intersect the Clarksville and Honesdale turnpike, near Benjamin Jenkins'; 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 Coshecton and Great Bend turnpike road, in and by an act of Assembly, passed the twenty-ninth day of March, eighteen hundred and four.

SECTION 5. 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.

WM. PATTERSON,

Speaker of the House of Representatives.

THO'S. RINGLAND,

Speaker of the Senate.

APPROVED—The first day of February, one thousand eight hundred and thirty-four.

GEO: WOLF.