

## No. 68.

## AN ACT

To incorporate a company for making a turnpike road from the Milford and Owego turnpike, about two miles west of Appollos Davis', upon Cherry Ridge, in Wayne county, through Wagener's Gap, to the Carbondale and Blakely turnpike road, near Decker's mill, in Luzerne county.

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 James Seymour, John H. Bulen and Conrad Swingler, of Wayne county, 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 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 Cherry Ridge and Lackawana turnpike road company, the sum of twenty 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 incorporate a company for making a turnpike road from the Milford and Owego turnpike, about two miles west of Appollos Davis', upon Cherry Ridge, in Wayne county, through Wagener's Gap, to the Carbondale and Blakely turnpike road, near Decker's mill, in Luzerne county.' Witness our hands the      day of      in the year of our Lord one thousand eight hundred and      ;" and thereupon shall give notice in two or more of the public newspapers printed nearest the route of said road, for twenty days 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, 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 authorise the same, for any number of shares of 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 shall have eight hundred shares therein subscribed; and if at the expiration of the said six days, the books aforesaid, or either of them, shall not have the said number of

Commission-  
ers named to  
open books.

Form of sub-  
scription.  
\$20 per share.

Notice.

Who may  
subscribe.

Whole No.  
800 shares.

eight 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 adjournments and transfers, the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares subscribed, shall amount to eight 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 two dollars 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.

Proviso.

\$2 to be paid on each share at time of subscribing.

When 20 persons take 200 shares charter may issue.

Incorporation

Style.

Privileges, liabilities, &c.

*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, and the sum of two dollars paid on each share; 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 if the subscription shall not be 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 Cherry Ridge and Lackawana turnpike road 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 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.

*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 ob-

tained, shall give public notice in two of the public newspapers 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 said subscribers, by ballot, to be delivered in person or by proxy duly authorised, one president, six managers, one treasurer, and such other officers as they may deem necessary to conduct the business of the said company for one year, and until such other officers 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 the affairs of the said company: *Provided always*, That no person shall have more than fifteen votes at any one election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that every person shall be entitled to one vote for every share by him held under that number.

Organization of corporation.

Officers. President six managers, treasurer, &c.

Proviso.

One vote each share under fifteen.

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, authority 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 of the Belmont and Easton turnpike road company.

Right to enter enclosures, to locate and for materials.

Placed on footing of company of the Belmont and Easton turnpike.

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 sixty 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; it 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

Dimensions.

Materials, &c. of road.

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 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, over all the streams of water crossing the said road, and shall keep the said road and bridges in perfect order and repair.

Scale.

Bridges.

Time of commencement and completion.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if said company shall not proceed to carry on the said work within two years after passing this act, or shall not within six 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, shall revert to the commonwealth.

FREDK. SMITH,

*Speaker of the House of Representatives.*

WM. G. HAWKINS,

*Speaker of the Senate.*

APPROVED—The second day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.



## No. 69.

## AN ACT

Authorising the election and appointment of an additional constable in Earl township, and repealing a law authorising the election and appointment of an additional constable, in Warwick township, Lancaster county.

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*

Electors of Earl annually to elect four persons, from whom court is to appoint 2 constables:

*same,* That the electors of the township of Earl, in the county of Lancaster, shall, annually hereafter, at the place where they meet for the election of township officers, on the day appointed for the election of constables in the several townships in this commonwealth, elect four respectable citizens of said township, two of whom shall reside in the village of