

SECT. 2. *And be it further enacted by the authority aforesaid,* That hereafter it shall not be lawful for any justice of the peace or alderman, to receive fees or money, as agent or counsellor, or to act as an attorney at law, in any case which has been or shall be removed from before him, by appeal or certiorari into any court in this commonwealth.

Justices or aldermen not to act as attorney in cases removed from before them.

SECT. 3. *And be it further enacted by the authority aforesaid,* That hereafter it shall not be lawful, for any register of wills in this commonwealth, to practice as an attorney, solicitor or counsellor, in the orphans' court of the county, wherein he is or shall be register of wills, or for any clerk of any orphans' court, to practice or act as an attorney, solicitor or agent, in the court of which he is or shall be clerk.

Register of wills or clerk of orphans' court not to act as attorney in such court.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-fifth day March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 114.

AN ACT

To incorporate a company to make a turnpike road from Bethany to Honesdale.

Commissioners to open books. One may act.

Form of subscription, \$20 per share.

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 Nathaniel B. Eldred, James Manning, Thomas Spangenburg, Randal Wilmot, Charles Forbes, and Paul S. Preston, be, and they are hereby, appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they, or one of them, shall, on or before the first day of July next, procure a book and enter as follows:—"We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Bethany and Honesdale turnpike road company, the sum of twenty dollars for every share of stock in said company set opposite our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers of said company, in pursuance of an act of the

general assembly of this commonwealth, entitled 'An act to incorporate a company to make a turnpike road from Bethany to Honesdale.' 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 papers printed nearest the route of the said road, for twenty days at least, of the time and places, when and where, the said book 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 book, 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 said stock; and the said book 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 book shall have two hundred shares therein subscribed; and if, at the expiration of the said six days, the book aforesaid shall not have the said number of two hundred shares therein subscribed, the commissioners may adjourn from time to time, and transfer the said book from place to place, until the whole number of shares shall be subscribed, of which adjournment 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 two 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.

Notice.

Who may subscribe.

Whole No. of shares 200.

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

SECT. 2. *And be it further enacted by the authority aforesaid*, That when twenty persons or more shall have subscribed seventy-five shares of the said stock, the said commissioners 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 Bethany and Honesdale turnpike road company;" and by the said name the

When 20 persons take 75 shares Governor to incorporate.

Style.

Privileges,
liabilities, &c.
of corpora-
tion.

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 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.

Organization
of company.

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 authorised, 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 be 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 of this commonwealth, as shall be necessary for the well ordering the affairs of 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.

Officers.

Of the by-
laws.

Proviso.
One vote each
share up to
ten.

General pow-
ers of presi-
dent and
managers.

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, authori-

ties 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 toll and profits, in proportion to the distance, as are given and granted to the president, and managers, and company, of the Coshecton and Great Bend turnpike road, in and by an act of assembly of this commonwealth, passed the twenty-ninth day of March, Anno Domini, eighteen hundred and four.

Placed on footing of Coshecton & Great Bend company.

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 eighteen 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 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 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 bridges with sufficient abutments and piers, over all the streams of water crossing the said road, and shall keep the said road and bridges in perfect order and repair.

Duty of president and managers relative to the width, construction, &c, of road.

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, shall revert to the commonwealth.

To commence in 2 years and complete in 5.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-fifth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.