

No. 119.

AN ACT

To authorize the Governor to incorporate a company for making a turnpike road from a suitable point on the Somerset and Bedford turnpike road, to the Maryland line, in the direction of Cumberland, and a company to make a turnpike road from the Philadelphia and Great Bend turnpike, at or near the house of Jeremiah Clark, to the river Susquehanna, in Exeter township.

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, George Chorpenning, Frederick Gebhart, George Weller, Jacob G. Miller, John Breubaker, Jacob Kimmel, James Platt and Henry Fuller, 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 Cumberland 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 a suitable point of the Somerset and Bedford turnpike, to the Maryland line, in a direction to Cumberland, and a company to make a turnpike road from the Philadelphia and Great Bend turnpike, at or near the house of Jeremiah Clark, to the river Susquehanna, in Exeter township.’ 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 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 said stock; and the said books shall be kept open re-

Commissioners to open books, &c. for the Somerset and Cumberland road company.

Form of subscription. \$25 per share

Directions for stock commissioners.

spectively 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 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 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.

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 Cumberland 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

Whole no.
400 shares.

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

When 20 per-
sons take 200
shares charter
may issue.

Style of cor-
poration.

Privileges and
liabilities.

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 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 or 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 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 the United States and 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 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.

Stock commissioners to give notice of first election.

Authority to officers elected.

Proviso. No. of votes to each stockholder.

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, eighteen hundred and sixteen.

Right of agents of co. to enter enclosures to locate, &c.

Placed on the same footing with Somerset and Bedford 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

Width of road—

Manner of construction, &c.

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, when 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 substances, 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 with sufficient stone 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.

Of the road bridges.

Time of commencement and completion.

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

Commissioners named to open books, &c, for the Abington and Exeter company.

SECT. 7. *And be it further enacted by the authority aforesaid,* That George M. Hollenback, John L. Butler, Samuel Sutton, John Harding, Isaac Harding, Jeremiah Clark, William Clark, and Asaph Twitchel, of Luzerne county, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say, they or any two of them shall, on or before the first day of July next procure a book and enter as follows: ‘We

Form of heading to subscription. \$50 per share.

whose names are hereunto subscribed, do promise to pay to the president and managers of the Abington and Exeter turnpike road company the sum of fifty 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 a suitable point on the Somerset and Bedford turnpike road to the Maryland line in the direction of Cumberland, and a company to make a turnpike road from the Philadelphia and Great Bend turnpike, at or near the house of Jeremiah Clark, to the river Susquehanna in Exeter township.’ 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
 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 per-
 sons 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 authorize the same, for any num-
 ber 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 three hundred shares therein
 subscribed: and if at the expiration of the said six days, the
 book aforesaid shall not have the said number of three hun-
 dred 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 transfer the com-
 missioners aforesaid shall give such public notice as the
 occasion may require, and when the whole number of shares
 subscribed shall amount to three 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 commis-
 sioners 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.

SECT. 8. *And be it further enacted by the authority afore-
 said*, That when twenty persons or more shall have subscri-
 bed one hundred shares of the said stock, the said commis-
 sioners 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 Abing-
 ton and Exeter turnpike road company;” and by the said
 name, the said subscribers shall have perpetual succession,
 and all the privileges and franchises incident to a corpora-
 tion, and shall be capable of taking and holding the said

Duty of the
commission-
ers.

Whole num-
ber 300
shares.

Proviso.
One dollar to
be paid on
each share, at
time of sub-
scribing.

When 20 per-
sons take 100
shares charter
may issue.

Style of cor-
poration.

Privileges and liabilities.

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 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.

Duty of commissioners relative to first election.

SECT. 9. *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 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 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.

President, 6 managers, Treasurer, &c.
By-laws.

Proviso.
Ratio of votes to shares.

Right of company's agents to enter enclosures, &c.

SECT. 10. *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, qual-

Same authority, &c. as granted to the Coshecton and Great Bend company.

ifications, 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, eighteen hundred and four.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the said 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 from a horizontal line; and the said president and managers shall erect permanent 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.

Particular mode of making road pointed out.

SECT. 12. *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 the passing of 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.

Time allowed for commencement and completion.

JOHN LAPORTE,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

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

GEO. WOLF.