

No. 204.

AN ACT

To authorize the Governor to incorporate a company for making a turnpike road from Honesdale to the Delaware river, at or near the mouth of the Great Equinunk creek, in Wayne 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 Paul S. Preston, Charles Forbes, Thomas T.*

Commissioners appointed to open books.

Form of subscription.

Shares \$25 each.

Hayes, Asa Kimble, Alexander Calder and Ephraim W. Hamlin, 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 September 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 Honesdale and Great Equinunk 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 Honesdale to the Delaware river, at or near the mouth of the Great Equinunk creek, in Wayne county.' Witness our hands, the day of _____, in the year of our Lord one thousand eight hundred and _____;" and thereupon shall give notice

Duties of commissioners.

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 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 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 shall not have the said number of eight hundred shares subscribed, the commissioners respectively may adjourn from time to time, and transfer the said books from

Whole no. 800 shares.

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 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 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 one hundred and fifty 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, and the sum of two dollars on each and every share paid 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 Honesdale and Great Equinunk 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 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.

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

Proviso.

\$1 to be paid upon each share at the time of subscription.

Upon subscription by 20 persons of 150 shares, and payment of \$2 upon each, letters patent may issue.

Style of corporation.

Privileges and liabilities.

Organization. Time and place of meeting.

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 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.

Proviso.
Each share
entitled to one
vote up to 10.

Right of entry
to locate and
to search for
materials.

Company in-
vested with
the same gen-
eral privile-
ges and sub-
ject to the
same restric-
tions as the
Coshecton &
Great Bend
turnpike co.
Proviso.
Recovery of
costs of suits,
with penal-
ties.

Description of
road required
to be made.

SECT. 4. *And be it further enacted by the authority afore-
said*, 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 sur-
vey, 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 man-
agers and company of the Coshecton and Great Bend turn-
pike road, in and by an act of assembly of this common-
wealth, passed the twenty-ninth day of March, Anno Domini
eighteen hundred and four: *Provided*, That whenever the
president and managers shall sue for and recover the penalty
or penalties prescribed by law against any person or persons
evading or attempting to evade the payment of tolls on the
said road, they shall also recover their costs of suit.

SECT. 5. *And be it further enacted by the authority afore-
said*, 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 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 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, 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.

Of the
bridges.

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 five years after the 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.

Five years allowed to commence and five to complete work.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the election for president, treasurer and managers of the Somerset and Bedford turnpike road company, shall be held annually on the first Monday of January, any thing in any former act or acts, to the contrary notwithstanding, and the officers elected at the last election, shall be continued in office until the first Monday of January next.

Somerset and Bedford turnpike co. election day changed.

JOHN LAPORTE,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The seventh day of May, Anno Domini, eighteen hundred and thirty-two.

GEO. WOLF.