

No. 93.

An Act

Authorizing the Governor to incorporate the Hollidaysburg and Bedford turnpike road company; to incorporate a company to make a turnpike road from the borough of Blairsville, in Indiana county, to Mount Pleasant, in Westmoreland county; to incorporate a company for making a turnpike road from the Millford and Owego turnpike, at or near Wilsonville, in Pike county, to the Bethany and Dingman's Choice turnpike road, at or near Charles Kimble's mills, in Wayne county; and to incorporate the Germantown and Wissahickon turnpike road company.

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 same,* That for the purpose of making a turnpike road, beginning at the basin at Hollidaysburg, in Huntingdon county,

Commissioners.

through Newry to Bedford, in Bedford county, Christian Garber, Michael Mosey, Daniel Wisegarver, Peter Schell, Nicholas Lyons, Charles M'Dowell, Walter Brown, George M'Coy and Robert M'Namara, be and that they are hereby appointed commissioners, to do and perform the duties hereinafter mentioned, that is to say, they shall procure a book and therein enter as follows: "We, whose names are hereunto subscribed, do promise to pay the president and managers of the Hollidaysburg and Bedford turnpike road company, the sum of fifty dollars for every share by us subscribed, in such manner and proportions, and at such times and places, as shall be determined on by the said president and managers, in pursuance of an act entitled An act authorizing the Governor to incorporate the Hollidaysburg and Bedford turnpike road company: witness our hands, the day of Anno Domini, one thousand eight hundred and thirty- ." And shall give at least

Form of subscription.
\$50 a share.

30 days notice.

thirty days notice, in all the newspapers published in Huntingdon and Bedford counties, of the time and place when and where the said book shall be opened, to receive subscriptions of stock of the said company; at which time and place two or more of the said commissioners shall attend, and receive subscriptions from all persons of lawful age who shall offer to subscribe in said book, which shall be kept open for the purpose aforesaid at least six hours in each juridical day, for the space of six days, or until the book shall have subscribed therein five hundred shares; and the said commissioners may adjourn from time to time, and transfer the book from place to place, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the said commissioners shall give such notice as the occasion may require.

Book to be kept open until 500 shares are subscribed.

SECTION 2. When twenty or more persons shall have subscribed two hundred or more shares, and the said commissioners or a majority of them shall have certified, under their hands and seals, to the Governor, the names of the subscribers, and the number of shares subscribed by each, it may be lawful for the Governor, by letters patent, under his hand and seal of the State, to create and erect the subscribers, and also all those who may afterwards subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of "The Hollidaysburg and Bedford Turnpike Road company;" and by the said name the said subscribers shall have perpetual succession, and 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 intention 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 work; 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.

When 200 shares are subscribed, letters patent may issue.

Style & title.

Privileges & liabilities.

SECTION 3. The stockholders, or any two of them named in the letters patent, shall, as soon as conveniently may be after issuing of the same, give notice in all the newspapers published in the counties of Huntingdon and Bedford, of a time and place, to be by them appointed, not less than twenty days from the time of the first notice; at which time and place the said subscribers, or as many of them as may be then present, shall proceed to organize said company, and shall choose, by a majority of the said subscribers, by ballot, in person, 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 from thence until the next annual election, and until such other officers shall be chosen and organized agreeably to the provisions of this act; and in case of the death, removal or resignation of any president or manager, the board of managers may and shall choose another to supply the vacancy until the next annual election of said company. They may make and have one common seal, and the same may break, alter or renew at their pleasure; and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this State, as shall be necessary for the well-ordering of the affairs of the corporation: *Provided*, That each subscriber shall be entitled to one vote for every share of stock by him or her held, not exceeding five; but no share or number of shares above five shall entitle the holder thereof to a vote at any election or meeting of said company: *And provided also*, That no person

Organization of company.

Proviso.

2d Proviso.

3d Proviso.

shall be entitled to hold the office of president, manager or treasurer of the said company, who is not a stockholder thereof: *And provided also*, That no stockholder, whether the original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the share or shares by him or her held at the time of such election or meeting, shall have been fully paid and discharged.

Duties of the treasurer.

SECTION 4. If any treasurer elected by virtue of this act, shall die, resign, or refuse to act, or neglect to give security for the faithful discharge of the duties of his office, as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon him and perform all duties of said office, it shall be the duty of the said managers for the time being, to appoint some suitable person treasurer, which person so appointed, shall hold the office to which he shall have been appointed, until the next election by the stockholders, on his giving the requisite security, and until a successor shall be duly elected and give the security required.

Annual elections.

SECTION 5. The stockholders shall meet on the first Monday in July in each year, at such place as shall be fixed by the by-laws of said company for the purpose of choosing in manner aforesaid, such officers for the year ensuing the term of service of those previously elected.

Certificates of stock.

SECTION 6. The said president and managers shall make out certificates of stock, signed by the president and countersigned by the treasurer, and sealed with their corporate seal, and deliver one such certificate to each subscriber for any share or number of shares by him or her held, on his or her paying to the treasurer on each share so held, the sum of five dollars, which certificate shall be transferable in person or by attorney on the books of said company, only subject to the sum due or to become due on the share or shares so transferred.

Power to enter on lands, &c.

SECTION 7. It shall and may be lawful for the said president and managers, their superintendents, surveyors, engineers, 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 for that purpose to examine the ground and the quarries of stone and gravel, and other materials that may be necessary in making and constructing the said road, and to survey, lay down, ascertain, mark and fix such route for said road, as in the best of their judgment and skill will combine shortness of distance, with the most eligible ground within the points aforesaid.

President & managers full power to appoint persons to construct, &c.

SECTION 8. The said president and managers, five of whom shall for all purposes be a quorum, shall keep minutes of all their proceedings, fairly entered in a book to be kept for that purpose, and shall have full power and authority to appoint, agree or contract with such engineer, superintendents, artists, laborers, and other persons as they may think necessary, to

make and construct said road, and collect the toll herein after authorized, and to fix their compensation, to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares, in order to carry on their work, to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence by a quorum of the managers, and attested by their secretary, and to do and to transact all other acts, matters or things as by the by-laws, orders and regulations of the said company shall be entrusted to them.

SECTION 9. If any stockholder whether original subscribers or assignee, after thirty days notice in two newspapers, printed in each of the boroughs of Huntingdon and Bedford, if there be two published, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment, and if the same and additional penalty shall become equal to the sums before paid in part, on account of such share, the same may be forfeited by and to the said company, and may be sold by them for such price as may be obtained therefor, or in default of payment of any stockholder of such instalments as aforesaid, for the space of sixty days as aforesaid, the president and managers may, at their election, cause suit to be brought in the same manner as debts of like amount are now recoverable, for the recovery of the same, together with the penalty aforesaid.

Penalty on neglect of payment.

SECTION 10. It may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen and laborers, their tools and instruments, carts, wagons, and other carriages and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice of their intentions to the occupiers thereof, and doing as little damage thereto as possible, and making amends for damages, upon a reasonable and equitable agreement by the parties, or if they cannot agree thereupon, a just and equitable assessment to be made upon oath or affirmation by three disinterested freeholders, or any two of them, to be mutually chosen, or if either party, upon due notice, shall neglect or refuse to join the choice, then to be chosen by a justice of the peace of the county wherein the said land lays, who shall not be interested therein, and upon the tender of the assessed value, to dig, take and carry away any timber, stone, sand, earth or other materials necessary or suitable for making said road.

May enter on lands to procure materials, &c.

SECTION 11. The said president and managers shall keep fair and just accounts, as well of all moneys received by them, as of those paid out and expended in the prosecution of the

Presid't and managers to keep fair and just accounts.

Submit books annually to stockholders. work, and shall at least once in every year submit their books and accounts to a general meeting of the stockholders; and whenever it shall be ascertained that the capital stock of the said company is not sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the president and managers at a stated or special meeting, convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as they shall deem sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares in like manner, and under like penalties as are provided by this act in the case of the original subscriptions.

If necessary, may increase number of shares.

Power to erect bridges.

SECTION 12. The said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said route, wherever the same shall be found necessary, and shall cause a road to be laid out not exceeding fifty feet in width, and shall cause at least twelve feet of said width to be made an artificial road of wood, stone, gravel or other proper and convenient materials, such as the nature of the ground may require, and will afford to be constructed in such manner as will admit an even surface, and in no place in said road shall there be an elevation of more than three degrees from a horizontal line; and shall forever thereafter maintain and keep the same in good order and repair: *Provided*, That it shall and may be lawful for the president and managers, whenever they may deem it necessary, to cut, deaden and prostrate the timber on each or either side of the said road, within a distance not exceeding fifty feet from the centre of the said road, they making just and equitable compensation to the owners.

Proviso.

When five miles or more finished, Governor shall license gates to be erected.

SECTION 13. Whenever, and as often as the said company shall have finished five miles or more of road, the president thereof may give notice to the Governor, who shall thereupon forthwith appoint three skillful, judicious and disinterested persons to view and examine the same, and report on oath or affirmation to him, whether the said road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the Governor shall, by license under his hand and seal of the State, permit and suffer the said company to erect and fix, such and so many gates or turnpikes upon and across the said road as will be necessary and sufficient to collect from all persons the sum, otherwise than on foot, the same tolls which are hereinafter authorized and granted: *Provided*, That all persons attending funerals, military parades, or trainings, or divine worship on the Sabbath day, shall at all times be exempted from payment of any toll on said road.

When finished may appoint toll gatherers.

SECTION 14. That the said company having perfected the said road, or such part thereof, from time to time as aforesaid, and the same being examined, approved and licensed, as aforesaid, it shall and may be lawful for them to appoint, such and

so many toll gatherers as they shall think proper, to collect and receive, of and from all and every person and persons using the said road, the tolls and rates hereinafter mentioned, and stop any persons riding or leading any horse, or driving any cattle, hogs, or sheep, or driving any coach, coaches, sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, from passing through the said turnpikes or gates, until they shall have respectively paid the same: that is to say, for every five miles in length of the said road, completed and licensed as aforesaid, the following sum of money, and so in proportion, for any lesser or greater distance actually travelled, or for any greater or less number of sheep, hogs, or cattle, to wit: for every score of hogs, six cents; for every score of sheep, six cents; for every score of cattle, twelve cents and one half; for every horse and his rider, or led horse, three cents; for every sulkey, chair, or chaise, with one horse and two wheels, six cents, and with two horses, nine cents; for every chariot, coach, phaeton, or chaise, with four wheels and two horses, twelve and one half cents; for either of the carriages last mentioned, with four horses, twenty cents; for every other carriage of pleasure, under whatsoever name it may go, the like sums according to the number of wheels and horses drawing the same; for every sled, two cents for each horse drawing the same; for every cart or wagon, the wheels of which do not exceed the breadth of four inches, six cents for each horse drawing the same; for every cart or wagon, the wheels of which shall exceed in breadth four inches, and not exceeding seven inches, three cents for each horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than seven inches, and not more than ten inches, or being of the breadth of seven inches, shall roll more than ten inches, two cents for each horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than ten inches and not exceeding twelve inches, or being ten inches shall roll more than fifteen inches, one cent for each horse drawing the same; for every cart or wagon the breadth of the wheels of which shall be more than twelve inches, one cent for each horse drawing the same; and all carriages, as aforesaid, which shall be drawn by oxen in the whole, or partly by oxen and partly by horses, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse; and if any person or persons shall represent to the said company, or any of their officers, that he, she or they have travelled a less distance than he, she or they have actually travelled along the said road, with intent to defraud the said company of their toll, or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of the said company, any sum not exceeding eight dollars; and if any toll gatherer shall demand and receive greater or other toll from any person or persons, than such toll gatherer is authorized to demand and receive by virtue of this act, such toll gather-

Rates of toll.

False representations
finable.Penalty on
extortion.

erer shall forfeit and pay the sum of twenty dollars for every such offence, to the supervisors of the highways of the township in which the forfeiture is incurred, for the repairs of the roads in the said township, and for the payment of which the said company shall be responsible: *Provided always*, That it shall and may be lawful for the said company, by their by-laws, to regulate the burden on carriages to be drawn along the said road, in such manner as shall be found, from experience, to be most conducive to the public convenience and the advantage of said company.

SECTION 15. If the said company do not commence making the said road within seven years after the passage of this act, and complete the same within ten years thereafter, then this act shall be void.

SECTION 16. William P. Sterrett of Indiana county, Samuel Wallace, John Bell, William T. Baldrige, George Lehmer, John Kaylor, William T. Nichols, John Stouffer, Robert Hibshman, James Kanaan and John Graff of Westmoreland 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 Monday of September next, procure two books or more, 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 Blairsville and Mount Pleasant 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 the borough of Blairsville, in Indiana county, to the town of Mount Pleasant, in Westmoreland county: Witness our hands the _____ day _____ in the year of our Lord one thousand eight hundred and _____."

And thereupon shall give notice in two or more 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 stock; and the said books shall be kept open respectively for the purposes aforesaid, at least six hours in every juridical day, for the space of six days, or until the said books shall have two hundred shares therein subscribed; and if at the expiration of the said six days, the books aforesaid shall not have the said number of two hundred shares therein subscribed, the commissioners respectively may adjourn from

Proviso.

When road is to commence & be finished

Commissioner's

Form of subscription.

20 days notice to be given.

Books to be kept open until 200 shares are subscribed.

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 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 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.

SECTION 17. When twenty persons or more shall have subscribed one 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 Blairsville and Mount Pleasant 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 and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 18. 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 pre-

Proviso.

When letters patent may issue.

Style and tit.e.

Organization of company.

Proviso. sident, 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 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.

Power to enter on lands, &c.

SECTION 19. 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, making Pleasant Unity a point of said road and generally, they shall have like powers, authorities, and privileges necessary for carrying on and completing 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 Stoystown and Greensburg turnpike road, in and by an act of Assembly of this Commonwealth, passed the ninth day of March, Anno Domini, eighteen hundred and fourteen.

Powers similar to Stoystown and Greensburg turnp. road.

Road not less than 40 nor more than 50 feet in width.

SECTION 20. 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, 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 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: *Provided*, That if in the opinion of the

Proviso.

said president and managers, any part of the ground on the route of said road shall be so hard and compact, as to make a good road without any covering of wood, gravel, stone, slate or other hard substance, the said president and managers are hereby authorized to construct such part of said road without any such covering, and shall keep the said road in perfect order and repair.

SECTION 21. The election for president, treasurer and managers of said company, shall be held annually, on the second Monday of January. Annual elections.

SECTION 22. Benjamin Kimble, Buckley Beardslee, Enos Woodward, Jonathan Brink, Russels Daniels, David Bishop, and John Roberts, 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 Wilsonville and Indian Orchard 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 the Milford and Owego turnpike at or near Wilsonville, in Pike county, to the Bethany and Dingman's Choice turnpike road, at or near Charles Kimble's mills, 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 in two or more of the public papers printed nearest the route of the said road, for twenty days at least, of the times and places when and where the said book shall be open 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 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 three hundred shares therein subscribed, and if at the expiration of the said six days, the books aforesaid, shall not have the said number of three 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 three hundred, the same shall be

Commissioners.

Form of subscription.

\$25 a share.

Notice to be given.

Books to be kept open until 300 shares are subscribed.

Proviso. 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.

When letters patent may issue. SECTION 23. When twenty persons or more shall have subscribed one 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 Wilsonville and Indian Orchard turnpike 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 land, 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.

Style & title.

Privileges & liabilities.

Organization of company. SECTION 24. 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 of this Commonwealth, as shall be necessary for the well ordering the affairs of said company: *Provided always*, That Proviso. 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.

SECTION 25. 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, 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. Power to enter on lands.

SECTION 26. 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 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 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. Width.

SECTION 27. If the said company shall not proceed to carry on the said work within two years after passing this act, or shall not within four years thereafter complete the same, When to commence and finish.

ording 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.

Governor authorized to incorporate the Germantown and Wissahickon turnpike road comp'y.

SECTION 28. The Governor is hereby authorized to incorporate the Germantown and Wissahickon turnpike road company, whenever the commissioners hereinafter named, or a majority of them, shall certify under their hands and seals, that one hundred and fifty shares of said stock is subscribed for: the said road shall be located from a point at or near where the Philadelphia, Germantown and Norristown rail road intersects the Germantown and Perkiomen turnpike road, to a point at or near the mouth of Paper-mill creek; and the company hereby incorporated, shall be subject to the same provisions and restrictions so far as the same are applicable to this company, as the law passed the eighteenth day of March, one thousand eight hundred and thirty-four, for the incorporation of the Wissahickon turnpike road; and the following persons are hereby appointed commissioners to carry into effect the provisions of this act: John Green, John M. Bockius, Benjamin Lehman, junior, Joseph Hergesheimer, John Bowman, John Shafer, Jacob S. Wunder, Jacob Crhall, Enoch Rittenhouse, Samuel Harvey, Samuel Nevins, Peter Rittenhouse, William Botton, John Wister, Charles Engle: *Provided*, That the capital stock of said company shall not exceed three hundred shares.

Proviso.

JAMES THOMPSON,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and thirty-five.

GEO: WOLF.



No. 94.

An Act

To graduate lands on which money is due and unpaid to the Commonwealth of Pennsylvania.

County commissioners constituted a board of appraisers.

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 same,* That the county commissioners of the several counties of this Commonwealth, shall be a board of appraisers, for the following purpose, viz: it shall be their duty to appraise all lands