

No. 37.

AN ACT

To authorize the Governor to incorporate a company, to make a turnpike road, to connect the Williamsport and Elmira rail road with the Blossburg and Painted Post rail road.

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 James R. Wilson, Curtis Parkhurst, James Ford, Aaron Bloss, and A. C. Bush, of Tioga county, 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 January 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 Blossburg and Astonville 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, to make a turnpike road to connect the Williamsport and Elmira rail road with the Blossburg and Painted Post rail road, and for other purposes.' 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 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 person 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

Commissioners
To procure books
Form of subscription
To give notice of time and place of opening books
Who may subscribe
Time of keeping open the books for subscription

said number of two hundred shares therein subscribed, the Commission-commissioners respectively may adjourn from time to time, and ers may ad-
 transfer the said books from place to place, until the whole journ from
 number of shares shall be subscribed; of which adjournment place to place
 and transfer the commissioners aforesaid shall give such pub- Notice to be
 lic notice as the occasion may require. And when the whole given
 number of shares subscribed shall amount to five hundred, the Proviso
 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 the attending commissioner or Subscribers
 commission-ers, the sum of two dollars for every share to be for stock to
 subscribed, out of which shall be defrayed such incidental pay two dol-
 charges and expenses as may be necessary for taking share lars on each
 subscription, and the remainder shall be paid over to the treasu- Expenses of
 urer of the corporation, as soon as the same shall be organized company to
 and the officers chosen, as hereinafter mentioned. be paid

SECTION 2. When ten persons or more, shall have sub- Number of
 scribed ten shares of the said stock, the said commissioners shares of stock
 respectively may, or when the whole number of shares afore- to be subscri-
 said shall be subscribed, they shall certify, under their hands bed before cer-
 and seals, the names of the subscribers and the number of tifying to the
 shares subscribed by each, to the governor of this common- governor
 wealth; whereupon, it shall and may be lawful for the gov- Letters patent
 ernor, by letters patent, under his hand and the seal of the to issue
 state, to create and erect the subscribers, and if the subscrip-
 tion be not full at the time then those who shall afterwards
 subscribe to the number aforesaid, into one body politic and Name
 corporate, in deed and in law, by the name, style and title of
 the president and managers of the Blossburg and Astonville Powers and
 turnpike road company, and by the said name the subscribers authority
 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 May enlarge
 by new subscriptions, in such manner and form as they shall capital stock
 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 es-
 tates, real and personal, as shall be necessary to them in the
 prosecution of their works; and suing and being sued, and of
 doing all and every matter and thing which a corporation or
 body politic may lawfully do.

SECTION 3. The commissioners aforesaid, as soon as con- Public notice
 veniently may be after the said letters patent shall be sealed to be given of
 and obtained, shall give public notice in two of the public pa- organization
 pers 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 the said company for one year, and until such other officers be chosen, and shall and may make such rules, by-laws, 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 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.

SECTION 4. 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 inclosures, 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 Pittsburg and Butler turnpike road company, in and by an act of assembly of this commonwealth, passed the twenty-fourth day of March, Anno Domini, eighteen hundred and seventeen. And the said Blossburg and Astonville turnpike shall commence at Blossburg, in Tioga county, and terminate at Astonville, in Lycoming county: *Provided*, That no part of this act shall authorize the taking of any property by said company, unless the same be previously paid, or adequate security given to the owner for the payment thereof.

SECTION 5. The president and managers of the said road shall make, or cause the same to be made, not less than forty or more than fifty feet in width, and at least eighteen feet thereof shall be made an artificial road, in the following man-

President,
manager, and
treasurer, to
be elected

By-laws

Proviso

Enter upon
lands, &c.

To take tolls
in proportion
to the distance
as are given
to Pittsburg
and Butler
turnpike

Road to com-
mence at
Blossburg
Proviso

Width of
road

ner, 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 raise or fall more than will form an angle of five degrees with a horizontal line: *Provided*, That if in the opinion of the 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 6. If the said company shall not proceed to carry on the said work within five years after the passage of this act, or shall not within ten 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.

SECTION 7. The election for president, treasurer, and managers of said company shall be held annually, on the second Monday of January.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The thirteenth day of March, eighteen hundred and thirty-nine.

DAVID R. PORTER.

Mode of making it

To be constructed of wood, gravel, stone, &c.

Not to exceed an angle of five degrees

Provided

When work is to be commenced and time of completion

To revert

Election to be held annually