

der the existing laws, and the said sale shall be adjudged by said court to have been made for a full and adequate consideration: *And provided also*, That the said executor shall first give such security as required by the said existing laws for the proper application of the proceeds of said sale.

John D. Thomas, trustee to perform certain duties.

SECTION 2. That John D. Thomas, trustee of Sophia H. E. Ash, duly appointed by the court of common pleas of Philadelphia county, in the place of Hosea J. Levis dismissed, be and he is hereby vested with the same powers and authorities as were vested in the said Hosea J. Levis, as trustee of the said Sophia H. E. Ash, by the third section of an act entitled, to empower the orphans' court of the city and county of Philadelphia, to make partition of certain real estate among the devisees of Francis Gurney, and for the sale of certain other real estate and for other purposes, passed the fourteenth day March, one thousand eight hundred and thirty-seven, and that he have full power, with the consent of the said Sophia H. E. Ash, and under the direction of the court of common pleas of the county of Philadelphia, to invest the proceeds of any sale or sales in real-estate, or upon real security.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventeenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 55.]

A N - A C T

To authorize the Governor to incorporate a company, to make a turnpike road from the borough of Honesdale, in Wayne county, to intersect the Milford and Owego turnpike road in said county, at or near the house of William R. McLaury, and for other purposes.

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 William R. McLaury, Thomas H. R. Tracy, Lucius Collins, Aaron Writer, and Thomas J. Hub-

bell, of Wayne county, are hereby appointed commissioners ^{Commission-}
 to do and perform the several things hereinafter mentioned, ^{ers,}
 that is to say, they shall on or before the first Monday of
 July next, procure two books or more, and in each of them ^{duties of.}
 enter as follows: "We whose names are hereunto sub-
 scribed, do promise to pay to the president and managers of
 the Honesdale and Cherry Ridge 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 deter-
 mined by the president and managers of said company, in
 pursuance of an act of the General Assembly of this common-
 wealth, entitled "An act to authorize the Governor to incor-
 porate a company to make a turnpike road from the borough
 of Honesdale, in Wayne county, to intersect the Milford and
 Owego turnpike road, in said county, at or near the house of
 William R. McLaure." Witness our hands the day
 of in the year of our Lord, one thousand eight hun-
 dred and And thereupon shall give notice in one
 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 ^{Subscriptions-}
 times and places one of the said commissioners shall attend, ^{to stock,}
 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 ^{Of the num-}
 days or until the said books shall have two hundred shares ^{ber of 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 time to time, and transfer the said ^{Adjourn-}
 books from place to place, until the whole number of shares ^{ments.}
 shall be subscribed, of which adjournment and transfer the com-
 missioners aforesaid shall give such public notice, as the oc-
 casion 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 ^{One dollar to}
 previously pay the attending commissioner or commissioners ^{be paid on}
 the sum of one dollar for every share to be subscribed; out ^{each share.}
 of which shall be defrayed such incidental charges and ex-
 penses as may be necessary for taking subscription, and the
 remainder shall be paid over to the treasurer of the corpora-
 tion, as soon as the same shall be organized, and the officers
 chosen as hereinafter mentioned.

SECTION 2. When ten or more persons shall have subscribed 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, to the governor of this commonwealth; whereupon it may and shall 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 Cherry Ridge Turnpike Road Company," and by the same 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 estates, 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 other matter and thing which a corporation or body politic may lawfully do.

Governor to issue letters patent.

Name of corporation.

Powers of.

Election of officers.

Votes of stockholders.

SECTION 3. The commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice, in one 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, one secretary, 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 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 held by him 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 enclosures, in, through, and over which the said intended turnpike road may be thought proper to pass, and to 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 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 company, in and by an act of assembly of this commonwealth, passed the twenty-ninth day of March, Anno Domini, one thousand eight hundred and four; and the said Honesdale and Cherry Ridge turnpike, shall commence at the borough of Honesdale, in the county of Wayne, and terminate at the Milford and Owego turnpike road, in said county, at or near the house of Wm. R. M'Laury: *Provided*, That whenever the president and managers shall sue for and recover the penalty and penalties, prescribed by law, against any person or persons evading, or attempting to evade, the the payment of tolls on the said road, they shall also recover the cost of suit: *Provided further*, That no part of this act shall authorize the taking of any property, by said company, unless the same be previously paid for, or adequate security given to the payment thereof.

Officers may enter upon lands.
Survey route?
Same powers as Coshecton and Great Bend turnpike
Route designated.
Penalties and costs.
Property taken to be paid for.

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 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, 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 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 and smooth firm surface, and a well made permanent highway, and so level in progress that it shall, in no place, raise nor fall more than will form an angle of five degrees with a horizontal line; and the said president and managers shall

How turnpike road to be made.

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

Limitation of time. SECTION 6. If the said company shall not proceed to carry on the said work within one year after the passage of this act, or shall, 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 of annual elections. SECTION 7. The election of president, treasurer, secretary, and managers of said company shall be held annually, on the second Monday of January.

Roads in Westmoreland laid out but not opened when null. SECTION 8. That from and after the passage of this act, any public road or highway in the county of Westmoreland, having been laid out by order of the court, and not opened and used for public travel within seven years after the laying out of the same, then, in that case, the original location, so far as not opened and used as above, shall be null and void, and so much of the act of assembly to which this is a supplement, pertaining to the county of Westmoreland, in relation to the limitation of roads laid out, and not opened and occupied for public travel as above, within the time aforesaid, is hereby repealed.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty.

DAVID R. PORTER.