

[No. 74.]

AN ACT

Authorizing the Governor to incorporate the Bedford and Cumberland 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 borough of Bedford, in the county of Bedford, through Cumberland Valley to the Maryland State line, in the direction towards Cumberland, Humphry Dillon, Daniel Shuck, James Rea, David Patterson, John R. Anderson, George M'Coy, George Bortz, Daniel Washabaugh, and Nicholas Lyons, be and they are hereby appointed commissioners to do and perform the duties herein mentioned, that is to say, they shall procure a book and therein enter as follows: "We whose names are hereto subscribed, do promise to pay the president and managers of the Bedford and Cumberland 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 Bedford and Cumberland turnpike road company." Witness our hands the day of Anno Domini one thousand eight hundred and forty ;" and shall give at least thirty days notice in the newspapers published in Bedford and in Cumberland, 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 six hours in each judicial 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.

Letters pa-
tent

Name

Privileges &
franchises

SECTION 2. When twenty or more persons shall have subscribed one hundred 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 Bedford and Cumberland Turnpike Road company," and by the said name the 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, 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.

Organization

Officers

Seal

By-laws

Proviso

SECTION 3. The stockholders, or any two of them named in the letters patent, shall as soon as conveniently may be after issuing the same, give notice in the papers aforesaid of the 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 as may be then present, shall proceed to organize said company, and shall choose by a majority of said stockholders by ballot in person, one president, six managers, and one treasurer, and such other officers as may be necessary to conduct the business of said company for one year, or 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 fill the vacancy until the next annual election of said company. They may make and have one common seal, and the same alter or renew at their pleasure; and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution or 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 held, not exceeding five; but no share

or number of shares above five, shall entitle the holder to a vote at any election or meeting of said company : *And provided also*, That no person shall be entitled to hold the office of president or manager of said company who is not a stockholder thereof.

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 *Vacancy* 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, who shall hold the office until the next election by the stockholders, on his giving the required security, and until a successor shall be duly elected and qualified.

SECTION 5. The stockholders shall meet on the first Mon- Annual meet- day in March, in each year, at such place as shall be fixed by ing the by-laws of said company, for the purpose of choosing, in manner aforesaid, such officers for the ensuing year as may be required agreeably to the provisions of the third section.

SECTION 6. The said president and managers shall make out certificates of stock, signed by the president and counter- Certificates signed by the treasurer, and sealed with their corporate seal, and deliver one such certificate to each subscriber for any share or number of shares he or they may hold, on the payment to the treasurer on each share the sum of five dollars, which certificate shall be transferable in person or by attorney, on the books of said company, subject to the sum due or to become due thereon.

SECTION 7. It shall and may be lawful for the said president and managers, their superintendent, surveyor, et cetera, Power to exa- to enter in and upon all and every the lands, tenements, and mine enclosures, in, through, and over which the said intended road may be thought proper to pass, and for that purpose to examine the ground and quarries of stone and gravel, and other materials that may be necessary in constructing said road ; and survey, ascertain, mark, and fix the route of said road by the nearest and best route, from the borough of Bedford to the Maryland State line, in the direction towards Cumberland, in Allegheny county, Maryland.

SECTION 8. The said president and managers, any five of whom shall for all purposes be a quorum, shall keep minutes Quorum of all their proceedings entered in a book to be kept for that purpose ; and shall have full power to appoint, agree or con-

LAWS OF PENNSYLVANIA,

tract with such surveyor, engineer, superintendent, artists, laborers and other persons as they may think necessary to make and construct said road, and to collect the tolls hereinafter authorized, 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 works, to draw orders on the treasurer to be signed by the president and attested by the secretary; and to do and perform all other acts, matters and things as by the by-laws, orders and regulations shall be entrusted to them.

Penalty for
neglect to
pay instal-
ments

SECTION 9. If any stockholder, whether original subscriber or assignee, after thirty days notice in one newspaper printed in Bedford, and one in Cumberland, Maryland, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay the same for the space of sixty days after the time appointed for payment, shall in addition to the instalment so called for, pay one per cent. per month for delay of payment; and if the same and additional penalties 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 can be obtained therefor; or in default of payment of any stockholder of said instalments as aforesaid for the space of sixty days, 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.

Power to take
materials

SECTION 10. It may be lawful for the 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 intention to the occupier thereof, and doing as little damage thereto as possible, and making amends for damages upon equitable terms with the person or persons, 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 in the choice, then to be chosen by a justice of the peace of the county who shall not be interested therein, and upon the tender of the assessed value to take, dig and carry away any timber, stone, sand, earth or other materials necessary or suitable for making said road.

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 **Accounts** 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 found that the capital stock of 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 think sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares in like manner and like penalties as are provided by this act in case of original subscriptions.

SECTION 12. The president and managers shall have power to erect good and sufficient bridges over all the streams of **Bridges** water crossed by said road whenever the same shall be found necessary; and shall cause a road to be laid out not exceed **Roads** ing fifty feet in width, and shall cause at least twelve feet of said road 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 an horizontal line, and shall forever thereafter maintain and keep the same in good order and repair.

SECTION 13. Whenever and as often as said company shall have finished five miles or more of road, the president thereof may give notice to the governor, who shall appoint three skilful, judicious and disinterested persons to view and examine the same, and report under 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 state **License to** permit and suffer the said company to erect and fix such or so many gates or turnpikes upon and across the said road as will be necessary and sufficient to collect from all persons otherwise than on foot, the same tolls as are provided by the one hundred and eleventh section of the act of assembly, passed **Tolls** the tenth day of April, eighteen hundred and thirty-five, entitled "An Act authorizing the governor to incorporate the Holidaysburg and Bedford turnpike road company," under the same regulations, penalties and forfeitures as are therein provided: *Provided*, That all persons attending funerals, military parades, or trainings, or divine worship, shall at all times **Provide** be exempted from payment of tolls on said road.

Limitations SECTION 14. 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.

HENDRICK B. WRIGHT,
Speaker of the House of Representatives.

B. CRISPIN,
Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and forty-three.

DAVID R. PORTER.

[No. 75.]

AN ACT

To incorporate the Kensington Gas 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 Abraham Helffenstein, Charles Doran, Peter Rambo, Samuel H. Gillingham, Andrew Manderson, jr. Hugh Clark, Jacob Weisman, Daniel Murphy, Samuel T. Bodine, Peter Fisher, — Fuller, Joseph Hall, Benjamin Moore, Thomas Quinton, Dr. Isaac Kline, John Burtis, John S. ~~Commissioners~~ ~~Painters~~ Samuel Grice, John Haines, Michael Day, Abraham R. Eyre, Jacob P. Donaldson, John Taylor, George Landell, Isaac Boileau, George W. Vaughan and William O. Kline of the Kensington district, or any ten of them, 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 in June next, procure a book, which shall be opened at some convenient place in said district, in which they shall enter as follows: “We whose names are hereunto subscribed, do promise to pay to the treasurer of the Kensington gas company, the sum of ten dollars, for each and every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined on by the board of directors, in pursuance of an act of the general assembly of this

Form of subscription