

No. 396.

AN ACT

To incorporate the Lancaster and Marietta 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 from the city of Lancaster to the borough of Marietta, in the county of Lancaster, Christopher Hager, Samuel Johnson, F. A. Muhlenberg, Jacob Gamber, Israel Carpenter, John Denlinger, Henry G. Long, James Mehaffy, junior, John F. Long, David Rinehart, John Ream, David Hartman, Andrew Mehaffy, William B. Fordney, John Shenk and Jacob Grosh, of the county of Lancaster, 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 June next, procure two books, and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay the Lancaster and Marietta turnpike road company, the sum of twenty-five dollars for every share of stock 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 incorporate the Lancaster and Marietta turnpike road company." Witness our hands the*

Commissioners.

Form of subscription.

Notice.

Open books.

Who may subscribe.

Proviso.

day of _____ in the year of our Lord, one thousand eight hundred and forty- _____; and thereupon shall give notice in two or more public papers printed in the city and county of Lancaster, for twenty days at least, of the times and places when and where the said books shall be opened to receive subscriptions for the stock of said company, at which times and places at least 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 or 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 one thousand shares therein subscribed; and if at the expiration of the said six days the books aforesaid shall not have the said number of one thousand 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 transfer the commissioners aforesaid, or a majority of them, shall give such public notice as the occasion may require; and when the whole number of shares subscribed shall amount to one thousand, 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 2. When twenty persons or more shall have subscribed four 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 the governor shall, by letters patent under his hand and seal of state, create and erect the subscribers, and if the said 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 Lancaster and Marietta turnpike road company;" and by the said name the said subscribers shall have perpetual succession and all privileges and franchises incident to a corporation, and shall be capable of taking and holding the 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, 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: *Provided*, That nothing herein contained shall be so construed as to authorize the said company to take private property, without requiring the said company to make compensation to the owners thereof, or give adequate security therefor, before such property shall be taken.

Governor to grant letters patent.

Style.
Privileges.

Proviso.

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 two or more public papers printed in the county of Lancaster, 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, seven managers, one treasurer and such other officers as may be necessary to conduct the business of said company until the first Monday in November next, and until such other officers shall be chosen; and shall and may make such by-laws, 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 five 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; and it shall be the duty of the said president and managers, as soon as they are elected, to proceed forthwith to lay out the track of the said road from the city of Lancaster to the borough of Marietta, which track is to be upon the route or road formerly known as the Anderson's Ferry, Waterford and New Haven turnpike road; upon which last named road the president and managers of the said Lancaster and Marietta turnpike road company are to locate, build, erect and found and cause to be made their road; and the same may be used by them, with its appurtenances, in making said road in the breadth and length thereof as formerly used by the said Anderson's Ferry, Water-

Organization of company.
Elect officers.

Proviso.

Votes.

Duty of board.

Powers, privileges and restrictions.

ford and New Haven turnpike road; and the president and managers of said company are authorized to erect such toll gates as may be necessary for the proper collection of tolls, and generally have like powers, authorities and privileges necessary to carry on and complete the said turnpike road, and to be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls, in proportion to the distance, as are given and granted to the president, managers and company of the Lancaster and Susquehanna turnpike road, by the laws of this commonwealth, and generally to do and exercise all the powers and authorities, as fully and absolutely as if the said laws herein referred to were hereby enacted.

Proceedings against delinquent stockholders.

SECTION 4. That if any stockholder, whether original subscriber or assignee, after thirty days' notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, shall neglect to pay such proportion for the space of thirty 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 five per centum per month for every delay of such payment, and if the same and the said additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall have become equal to the sums before paid in part and on account of such share, then the same may be forfeited by and to the said company at any public meeting of the managers thereof, and may be sold by them to any person or persons willing to purchase the same, for such price or prices as can be obtained for the same, or in default of payment by any stockholder of any such instalment as aforesaid, the said president and managers may at their election cause suit to be entered and brought in any court, or before any alderman or justice of the peace having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided always*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election or any general or special meeting of said company, unless the whole sum due and payable as aforesaid, on the share or shares by him held at the time of such election, or general or special meeting of the said company, shall have been fully paid and discharged as aforesaid.

Proviso.

When to receive toll.

SECTION 5. It shall and may be lawful for said company as soon as five miles of said road shall be completed, and so in succession for every five miles, to erect a gate thereon, and so receive toll according to the rate established by the said recited act, notwithstanding any law to the contrary: *Provided*, That if the company shall not proceed to carry on the said work within three years, and complete the road within six years, according to the true intent and meaning of this act, then and in either of those cases, all and singular the rights, liberties and franchises hereby granted to said company shall revert to the commonwealth.

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Reservation.

SECTION 6. The legislature hereby reserves the right to alter, amend, or annul this charter, whenever in their opinion the same shall become injurious to the citizens of this commonwealth; in such manner, however, as to do no injustice to the corporators thereof.

WILLIAM F. PACKER,
Speaker of the House of Representatives.
WM. WILLIAMSON,
Speaker of the Senate.

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

FRS. R. SHUNK.