

No. 121.

AN ACT

Authorizing the Governor to incorporate a company for making a turnpike road, from the north end of the bridge over Powel's creek, in Dauphin county, through Halifax, Millersburg, Georgetown and Sunbury, to the south-east end of the Northumberland bridge, in Northumberland county.

SECT. 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 Boyd, William M'Carty, George Brosius, William R. Jones, of Northumberland county, and Jacob Brubaker, Isaac Smith and Jacob Rahn, of Dauphin 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 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 Dauphin and Sunbury turnpike road company, the sum of twenty 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 authorizing the Governor to incorporate a company for making a turnpike road from the north end of the bridge over Powel's creek, in Dauphin county, through Halifax, Millersburg, Georgetown and Sunbury, to the south-east end of the Northumberland bridge, in Northumberland 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 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 authorise the same, for any number of shares of the 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 two hundred and fifty shares

Commissioners appointed to open books, &c.

Form of subscription.

Notice to be given.

Who may subscribe.

Books to be kept open, &c.

therein subscribed; and if at the expiration of the said six days, the books aforesaid, or either of them, shall not have the said number of two hundred and fifty 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 adjournments 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 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.

Extent 1000 shares.

Proviso.

\$2 to be paid on each share.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when twenty persons or more shall have subscribed two hundred and 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, and the sum of two dollars paid on each share, whereupon it shall and may be lawful for the Governor, by letters patent under his hand and 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 Dauphin and Sunbury turnpike road 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 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 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 prose-

When 20 persons take 250 shares charter may issue.

Style.

Privileges, duties, &c.

cution 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.

Public notice
of first elec-
tion and or-
ganization.

Officers.

By-laws, &c.

Provisi.

One vote
each share
up to 8.

Right to en-
ter enclo-
sures, &c.

Invested
with usual
powers.

Same tolls,
&c. as Hano-
ver and Ber-
lin company.

Commrs of
Dauphin may

SECT. 3. *And be it further enacted by the authority aforesaid,* That 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 said subscribers, by ballot, to be delivered in person or by proxy duly authorised, one president, six managers and one treasurer, 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 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 eight 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.

SECT. 4. *And be it further enacted by the authority aforesaid,* That 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 and managers of the Hanover and Berlin turnpike road company.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the commissioners of the county of Dauphin, or a majority of them, are authorised, if by them it shall be deemed expedient, to subscribe for not more than two

hundred shares of stock in said company, and that the commissioners of the county of Northumberland, or a majority of them, are authorised if by them it shall be deemed expedient, to subscribe for not more than two hundred shares of stock in said company, and the commissioners of said counties respectively, shall be entitled according to the number of shares subscribed by them, to the same proportion of votes that other stockholders are by law entitled to.

subscribe
200 shares.
Of Northum-
berland 200.

To have same
proportion of
votes as oth-
er holders.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the president and managers of the said road shall make or cause the same to be made not less than thirty nor more than sixty feet in width, and at least twenty-five 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; 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.

Dimensions,
&c. of road
mentioned.

Ditching.

Materials.

Scale.

Bridges, &c.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if said company shall not proceed to carry on said work within three years after passing this act, or shall not within eight 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.

Commence-
ment and
completion.

FRED'K SMITH, *Speaker*
of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—the fifth day of April, Anno Domini
one thousand eight hundred and thirty.

GEO. WOLF.