

No. 122.

AN ACT

To incorporate a company for making a turnpike road from Dillsburg, in York county, to Berlin, in Adams 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,*

Commissioners appointed.

That William Diven, Michael Bower, Daniel Bailey, Martin Carl, Daniel Ahl, and Henry Wirt, of York county, Noah Myers, Michael Geiselman, George Brown, Joseph Carl, Joseph Miller, and Tobias Kepner, of Adams county, Abraham Williams, Jacob Slonecker, Robert Bryson, and Michael Hoover, junior, of Cumberland 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 or more 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 Dillsburg and Berlin 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 authorise the Governor to incorporate a company for making a turnpike road from Dillsburg in York county, to Berlin in Adams county: Witness our hands, the

Form of subscription.

§50 each share.

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 or more 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 six hundred shares therein subscribed, and if at the expiration of the said six days, the books aforesaid or either of them, shall not

20 days public notice.

have the said number of six hundred 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 six 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 previously pay to the attending commissioner or commissioners, the sum of one dollar 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.

Whole number 600 shares.

Proviso.

\$1 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 three 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, and the sum of one dollar 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 Dillsburg and Berlin 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 lesser 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.

When 20 persons take 300 shares, charter may issue.

Style.

Rights, immunities, &c.

- 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 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 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 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 superintendants, 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 and managers of the Hanover and Berlin turnpike road company.
- SECT. 5.** *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 fifty, nor more than sixty 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; it shall when
- Notice of organization.
- Election of officers for first year.
- By-laws, &c.
- Proviso.
- One vote each share up to eight.
- Right to enter inclosures, &c.
- Regulations of Hanover and Berlin road applied to this company.
- Dimensions of road and description of materials to be used in construction.

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 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.

Scale.

Bridges, &c.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if said company shall not proceed to carry on said work within four 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.

Time of commencement 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.

No. 123.

AN ACT

Authorising the Secretary of the Land Office to issue patents to certain actual settlers, residing north and west of the rivers Ohio and Allegheny, and Conewango creek.

WHEREAS, It has been represented to the legislature, that a number of actual settlers have purchased from Henry Baldwin and Stephen Barlow, warrants for cer-