

## No. 128.

## AN ACT

To legitimate Sarah Kimble, daughter of Jonathan Zarber.

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 Sarah Kimble, the illegitimate daughter of Jonathan Zarber, of the county of Somerset, be considered as the lawful child of the said Jonathan, and by the name of Sarah Kimble, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and that she and her heirs shall be able and capable in law, to take, hold, inherit, pass and transmit all and every estate, real and personal, of whatever kind or nature soever may be at the death of her father, as fully and effectually, to all intents and purposes, as if the said Sarah had been born in lawful wedlock: *Provided however,* That this act shall not operate so as to exempt the estate of the said Sarah from the provisions of an act entitled "An act relating to collateral inheritances," but the estate of the said Sarah shall be subject to the same, and in like manner as if this act had not been passed.

Proviso.

Not to exempt estate from collateral inheritance tax.

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. 129.

## AN ACT

To incorporate the Marietta, Bainbridge, Falmouth and Portsmouth turnpike road company.

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 Henry Haldeman, Francis Boggs, Samuel M'Kinney, Doctor Samuel Houston, Christian Haldeman, Jo-

sep Jeffries, and Christian Hiestand, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, they shall, on or before the first day of June next, procure two or more books, and in each of them enter as follows, to wit: "We whose names are hereunto subscribed do promise to pay to the president and managers of the Marietta, Bainbridge, Falmouth, and Portsmouth 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 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 Marietta, Bainbridge, Falmouth and Portsmouth road company," and shall thereupon give public notice in two or more public newspapers printed in the counties of Lancaster and Dauphin, one month at least of the time or times, place or places when and where the said books shall be kept open to receive subscriptions for stock of the said company, at which respective times and places some one of the said commissioners shall attend, and shall permit and suffer all persons to subscribe in said books in their own names, or in the names of any other person who shall duly authorise the same, for any number of shares in 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 two days, or until the said books shall have four hundred shares therein subscribed, and if at the expiration of the said two days the books aforesaid shall not have the number of shares therein subscribed, the said commissioners may adjourn from time to time, and transfer the said books elsewhere, until the whole number of shares shall be subscribed for, of which adjournment and transfer the commissioners aforesaid shall give such public notice as occasion may require, and when the whole number of shares subscribed for shall amount to four hundred, the same shall be closed: *Provided always*, That every person offering to subscribe in his own name, or any other name, shall previously pay to the attending commissioner the sum of three dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscription, and all other incidental expenses, 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.

Commissioners appointed to open books.

Form of subscription.

\$25 each share.

Public notice.

Who may subscribe, &c.

Whole number of shares 400.

Proviso.

\$3 to be paid on each share.

SECT. 2. And be it further enacted by the authority aforesaid, That when twenty or more persons shall have subscribed

When 20 persons take half the stock, to be incorporated.

Style.

Privileges and liabilities.

for one half or more shares of said stock, the commissioners, or a majority of them, shall certify under their hands the names of the subscribers, and the number of shares subscribed by each, to the Governor, and thereupon it shall and may 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, those also who shall afterwards subscribe, into one body politic and corporate, in deed and in law, by the name style and title of the president, managers and company of the Marietta, Bainbridge, Falmouth and Portsmouth road company, and by the said 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 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 intentions 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 and tenements, hereditaments and estate, 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.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the commissioners as aforesaid, as soon as conveniently may be after the said letters patent shall have been issued, give notice in two or more public newspapers printed in the counties of Lancaster and Dauphin, of the time and place by them to be appointed, which shall not be less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organise 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 and six managers, one treasurer, and such other officers as they may deem necessary for the well ordering and conducting the business of the company for one year, and until other officers shall be chosen, and shall and may make such by-laws, rules, orders and regulations not inconsistent with the laws of the United States, or of this state, as shall be necessary for the well ordering the affairs of the said company, and generally have like powers, authorities, and privileges necessary for carrying on and completing the said road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, as are

Organization

Election.

Officers.

By-laws, &c.

given and granted to the president, managers and company incorporated for the purpose of making a turnpike road from Lancaster through Elizabethtown to Middletown, by an act entitled "An act to enable the Governor of this commonwealth to incorporate a company for making an artificial road from Lancaster through Elizabethtown to Middletown," passed the fifth day of March, one thousand eight hundred and four, except so far as relates to the tolls authorised to be received by the said company, and so far as relates to the notice of and holding their annual elections, and so far as relates to the width of said road, and the materials whereof it is to be constructed, all of which matters and things are to be done and performed as is hereinafter directed, viz: as soon as the company is organised agreeably to this act, they shall proceed to lay down the route of the said road, beginning at east of the borough of Marietta, thence along the birm bank of the canal, wherever it is practicable, not interfering with any of the ground occupied by said canal, or the tow path, or any of the works connected therewith, through the villages Bainbridge, Falmonth, and Portsmouth, to intersect the Harrisburg and Middletown turnpike road west of Middletown, and shall make and construct the said road of such materials as will make a good, safe, and firm carriage or wagon road, not less than twenty feet in width except at two or three places around the Red hill, at which places it shall not be less than ten feet in width; they shall also erect good and substantial bridges over the streams wherever they may be considered necessary, and when the said company shall have completed the said road and bridges agreeably to the provision of this act, they are hereby authorised to erect a gate or gates across the said road or bridges, and collect from travellers and others the following rates of toll, viz: For every carriage having four wheels; either of burden or pleasure, drawn by six horses, thirty seven and one half cents; for every such carriage having four wheels and drawn by five horses, thirty-one and one fourth cents; for every such carriage having four wheels and drawn by four horses, twenty-five cents; for every such carriage having four wheels and drawn by three horses; twenty cents; for every such carriage having four wheels and drawn by two horses, sixteen cents; for every such carriage having four wheels and drawn by one horse, twelve and one half cents; for a two wheel carriage, for each horse twelve and one half cents; for every sled or sleigh drawn by four horses, twenty-five cents; for every sled or sleigh drawn by two horses, sixteen cents; for every sled or sleigh drawn by one horse, twelve and one half cents; for every horse

Subject to law incorporating Lancaster and Middletown company except as to tolls, elections, width of road and materials.

Route.

Materials.

Width.

Bridges.

Rates of toll.

Proviso.

2d proviso.

In what cases persons to be exempt.

Dividends not to exceed 8 per cent.

Surplus to form a fund for purchasing and freeing road.

Proviso.

To commence in 3 years and finish in 7.

and rider ten cents; for every led or drove horse, six and one fourth cents; for every head of neat cattle, two cents, for every head of sheep or swine, one cent: *Provided*, That where oxen are used instead of horses, the toll is to be charged at one half of the above rates: *Provided*, That no toll shall be demanded or taken from any person passing from one part of his farm to another part thereof, and to or from any place of public worship on the Sabbath day, or funeral, or from any militia, on days of training, and that they shall give such public notice of the time and place of holding their annual elections as is provided in the foregoing part of this section, for the organising of the company.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the said company shall keep a just and true account of all the tolls received agreeably to this act, and shall divide the same annually among all the stockholders, and pay the same accordingly, until the tolls so received, clear of all expense, shall amount to more than eight per cent. per annum; then and in that case the said company shall deposit annually such balance in one of the banks of Lancaster county, or shall have power to loan out at interest such balance on good landed security, and whenever the balance so received shall have accumulated to such sum as shall be equal to the whole cost of said road, the president and managers shall pay the same to all the stockholders in equal proportions, according to the number of shares which each may hold, and the said road shall from thenceforth be free, and shall be kept in repair by the township or townships in which it is situated, in the same manner as other roads are kept in repair: *Provided*, That if the company shall not proceed to carry on the works in three years after the passing of this act, or shall not within seven years thereafter complete the same according to the true intent and meaning thereof, then and in either of those cases, all and singular the rights, liberties and franchises hereby granted to the said company shall revert to this commonwealth.

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.