

previous to the decease of the said William Barber: *Provided*, That the said Mary Anderson gives the security required in and by the aforesaid act of the eleventh of April, one thousand eight hundred and twenty-five.

Proviso.
Security to be
given.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-first day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 24.

AN ACT

To incorporate a company to make a turnpike road from the Abington and Waterford turnpike, at or near the bridge of Tunkhannock creek, to Carbondale.

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 George W. Healey, Nathan Bacon and

Commission-
ers appointed
to open books.

Elezer Townson, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned; that is to say, they, or one of them, shall, on or before the first day of July next, procure a book and enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Tunkhannock bridge and Carbondale turnpike 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 a company to make a turnpike road from the Abington and Waterford turnpike, at or near the bridge of Tunkhannock creek, to Carbondale, in Luzerne county.' Witness our hands, the

Form of sub-
scription.

\$25 per 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 time and places when and where the said book 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 book, 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 said stock; and the said book 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 book shall have three hundred shares therein subscribed; and if at the expiration of the said six days, the book aforesaid shall not have the said number of three hundred shares therein subscribed, 300 shares whole number. the commissioner may adjourn from time to time, and transfer the said book from place to place until the whole number of shares shall be subscribed; of which adjournment 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 three 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 \$1 on each 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. Proviso. paid at time of subscription.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when twenty persons or more, shall have subscribed two hundred shares of the said stock, the said commissioner may, or when the whole number of shares aforesaid shall be subscribed, he shall certify under his hand and seal the names of the subscribers, and the number of shares subscribed by each, to the Governor of this commonwealth, and that the sum of one dollar has been paid upon each share subscribed; whereupon, 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, 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 Tunk-hannock bridge and Carbondale turnpike road company:" Title. 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 the 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 Rights, privileges, &c. When 20 persons take 200 shares, charter may issue.

holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple or for any less estate, all such land, 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.

Election of officers, &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 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 authorised, one president, six managers, one treasurer and such other officers as may be necessary 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 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 ten 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.

Proviso.

1 vote each share up to 10.

Right to enter enclosures, &c. to locate and for materials.

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 toll and profits in proportion to the distance as are given and granted to the president and managers and company of the Coshecton and Great Bend turnpike road, in and by an act of assembly of this common-

Same toll, &c. as Coshecton and Great Bend company.

wealth, passed the twenty-ninth day of March, Anno Domini, eighteen hundred and four.

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 forty nor more than fifty feet in width, and at least eighteen feet there-^{Dimensions, materials, &c. of road.} of 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, which 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 bridges, with sufficient 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.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry on the said work within two years after passing this act, or shall not within five years thereafter complete the same, ^{Time of commencement and completion.} 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.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-fifth day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

—*—
No. 25.

AN ACT

To revive and continue in force the several acts of assembly incorporating the town of Birmingham, in the county of Huntingdon.

WHEREAS, by the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twen-