

No. 79.

AN ACT

To incorporate a company to make a free road from Adamsburg on the Pittsburg and Greensburg turnpike, to Peter Pool's tavern on the Robbstown and Mount Pleasant turnpike road, in the county of Westmoreland and for other purposes.

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 John Lobingeir, Esq. James Hurst, Esq. Jesse Lippincott, William Black, Lebious L. Bigelow, Peter Pool, John P. Miller, Christopher Painter, John Seaner, William Beck, Michael Miller, and Adam Errett, be and they are hereby appointed commissioners to do and perform the several things hereinafter directed, that is to say, they shall on or before the first day of July next, procure a book or books, and enter therein as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Free Road company from Adamsburg to Peter Pool's, the several sums annexed to our names, in such manner, at such times, and in such proportions as the president and managers of said free company may direct, in pursuance of an act of the General Assembly of this Commonwealth, entitled 'An act to incorporate a company to make a free road from Adamsburg on the Pittsburg and Greensburg turnpike, to Peter Pool's tavern on the Robbstown and Mount Pleasant turnpike road, in the county of Westmoreland.' Witness our hands, the day of in the year of our Lord, one thousand eight hundred and ;" and thereupon shall take such measures as to them shall appear proper, to procure subscriptions to the stock from time to time, until a sufficiency shall be procured to accomplish the object contemplated in this act.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when twenty or more persons shall have subscribed five hundred or more dollars of the said stock, the said commissioners shall certify under their hands and seals, the names of the subscribers, and the amount each shall have subscribed, to the Governor, and thereupon 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 shall not be sufficient at the time, then those who shall afterwards subscribe to the amount of two thousand dollars, into one body politic and corporate, in deed and in law, by the name, style and title of "The pre-

Comm'rs. appointed to open books.

Form of subscription.

When \$500 are subscribed by 20 persons charter may issue incorporating to the am't. of \$2,000.

sident, managers and company of the free road from Adamsburg to Peter Pool's, in the county of Westmoreland." Corporate style.

SECT. 3. *And be it further enacted by the authority aforesaid,* That as soon as five hundred dollars shall have been subscribed, and letters patent obtained, the commissioners shall give at least twenty days public notice in one or more newspapers published nearest to the body of the subscribers, of a time and place of holding an election, when and where the subscribers shall proceed between the hours of one and six o'clock, P. M. to elect by ballot one president, six managers, and one treasurer, and such other officers as they deem necessary, to conduct the business of said company, and shall and may make such by-laws, rules and regulations, not inconsistent with the constitution and laws of this commonwealth, as they shall judge necessary for the well ordering of the affairs of said company: *Provided,* That no person shall have more than five votes at any such election, and that every person shall have one vote for every five dollars subscribed up to that number: *And provided further,* That all future elections shall be held on the third Monday of April, of each and every year, the election to be held at such place as the president and managers may direct. Mode of organizing corporation. Proviso. Of voting privileges. 2d proviso. Time of annual elections.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said president and managers, their superintendents, surveyors, engineers, and agents, shall be, and they are hereby authorized to enter in and upon all enclosures or wood land, in, over, or through which the said free road shall pass, or that it shall be thought proper to pass over; and the same to examine, and thereon shall create a road, according to the best of their judgment, beginning at the village of Adamsburg, on the Pittsburg and Greensburg turnpike road, in the county of Westmoreland, and to intersect the Robbstown and Mount Pleasant turnpike road, at Peter Pool's tavern, which said road shall be opened forty feet wide, at least twenty feet of which shall be made an artificial road of clay, stone, gravel, or such other materials as the president and managers shall think proper, so that the same, when completed, shall not exceed, in ascent or descent, five degrees from a horizontal line, and when said road shall be completed, shall forever be a free road: *Provided,* The owners of land through which the said road shall pass, shall have the same remedy as is provided in the general road laws of this Commonwealth. Right of entry upon enclosures to locate, &c. Route. Width, materials and elevation. Free road. Proviso. Remedy to land owners.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said road shall be kept in repair, as public roads now are, which are laid out by order of the courts of Quarter Sessions of the peace, agreeably to the several acts of Assembly, in such cases made and provided. Repair of road.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the commissioners named in an act authorizing

Stock commissioners of the Robbstown bridge company provisionally invested with the powers of the president & managers.

the Governor to incorporate the Robbstown bridge company, passed the twenty-third day of March, eighteen hundred and thirty one, for the purpose of opening books to take subscriptions, or a majority of them, shall have full power to contract with any person or persons, for erecting the said bridge, under the act last aforesaid, in the name of the company last aforesaid; and to do all other acts, in the name of the company last aforesaid, that are required to be done by the act last aforesaid, before the president and managers of the same are to be chosen; and when the president and managers of the same shall be chosen, the powers and duties of the commissioners shall cease and determine, and all contracts heretofore made, or acts done by or with the commissioners last aforesaid, in the name of, or for the said Robbstown bridge company, shall be deemed good and valid; and the commissioners last aforesaid, or the president and managers may, and they are hereby authorized to enforce the said contracts in the name of the said Robbstown bridge company, in law or in equity, according to the true intent and meaning of such contracts: *Provided*, That in no case shall the non-payment of the first instalment required by the act last aforesaid, to be paid when the subscriptions are taken, be any bar to the recovery of the amount of subscription, in any suit that the said Robbstown bridge company may commence and prosecute against any subscriber to the stock of the same: *And provided further*, That if any of the commissioners last aforesaid have heretofore declined, or should hereafter decline to act, or if there be now, or should be hereafter, any vacancy in the said board of commissioners last mentioned, from any cause whatever, the remaining commissioner or commissioners shall report the fact to the Auditor General, who, thereupon, shall fill such vacancy or vacancies; and the person or persons so appointed by the Auditor General, shall have the same powers as the other commissioners last aforesaid.

Certain acts of commissioners declared valid.

Proviso.

Neglect to pay 1st instalment not to bar recovery of subscriptions.

2d proviso.

Auditor Gen. to fill vacancies in board of commis'rs.

Clifford and Wilkesbarre turnpike co.

Pres't. & managers to apply unexpended balance under act of 26th March, 1821, to certain section.

SECT. 7. *And be it further enacted by the authority aforesaid*, That the president and managers of the Clifford and Wilkesbarre turnpike road company, shall be, and they are hereby authorized and required to receive the unexpended balance of the appropriation made to said road, by the act of twenty-sixth March, one thousand eight hundred and twenty-one, and to apply the same to that part of the road between Richardson's old tavern stand, (now Catlin's,) and the Co-shecton and Great Bend turnpike, any thing in the act aforesaid to the contrary notwithstanding.

SAM'L. ANDERSON,

Speaker of the House of Representatives.

THO'S. RINGLAND,

Speaker of the Senate.

APPROVED—The sixth day of April, Anno Domini, eighteen hundred and thirty-three. GEO. WOLF.