

## No. 165.

## AN ACT

To authorize the Governor to incorporate the president, managers and company, of the Butler and Freeport 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 William Ayres, Jacob Mechling, John Bredin, Joseph M'Quiston, William Campbell and John Negley, of Butler county, and James Bole, William W. Gibson, Thomas Robinson and Jacob Weaver, of Armstrong county, be and 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 a book and enter in it as follows: "We, whose names are hereunto subscribed, do promise to pay unto the president, managers and company of the Butler and Freeport turnpike road, the sum of twenty dollars for every share of stock set opposite to our respective names, in such manner and proportions and at such times as shall be determined on, by the president and managers of the said company, in pursuance of an act of the General Assembly of this Commonwealth, entitled "An act to authorize the Governor to incorporate the president, managers and company of the Butler and Freeport turnpike road," As witness our hands the                      day of                      in the year of our Lord, one thousand eight hundred and                      ;" and shall thereupon give notice, in all the newspapers printed in the counties of Armstrong and Butler for one calendar month at least, of the time and place when and where the said book shall be opened to receive subscriptions for the stock of the said company, at which time and place some one of the said commissioners shall attend and permit and suffer all persons of lawful age who shall offer to subscribe in the said book, in their own name, or in the name of any other person, who shall duly authorize the same, for any number of shares of the said stock, and the said book shall be kept open respectively, for the purpose aforesaid, for at least six hours in every juridical day, for the space of three days and until the said book so opened shall have one hundred shares therein subscribed, and if at the expiration of the said three days, the book aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners respectively may adjourn from time to time, and transfer the books from place to place, until the whole number of shares shall be subscribed, of which

Commiss'rs. appointed to receive subscriptions of stock.

Form of heading to subscription. Shares \$20 each.

General duties of the stock com'rs.

adjournment and transfer, the said commissioners shall give such notice as the occasion may require.

Upon the subscription of 50 shares by 10 or more persons, letters patent authorized to issue.

Style of corporation.

Privileges and liabilities.

Of the organization of corporation.

One president, 6 managers, treasurer, &c.

To be governed by act incorporating Philipsburg and Susquehanna co.

SECT. 2. *And be it further enacted by the authority aforesaid,* That whenever ten or more persons shall have subscribed fifty shares or more of said stock, the commissioners shall certify, under their hands and seals, 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 said subscription be not full at the time, then also those who shall afterwards subscribe to the number aforesaid; into one body corporate and politic, by the name, style and title of "The President Managers and Company of the Butler and Freepport turnpike road;" 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, 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 and meaning 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 prosecution of their works, of suing and being sued, and doing all and every other matter or thing which a corporation or body politic may lawfully do.

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 notice in the public papers aforesaid, of the time and place by them to be appointed, not less than thirty days from the publication of the first notice; of what time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of their own subscribers by ballot, to be delivered in person or by proxy, duly authorized, one president, six managers, one treasurer and such other officers as they shall think necessary to conduct the business of the said company for one year, and until such other officers shall be chosen; and the said managers so chosen and their successors shall and may make such by-laws, rules and regulations not inconsistent with the constitution and laws of this state and of the United States, as shall be necessary for the well ordering of the affairs of the said company, and generally have like powers, authority and privileges for carrying on and completing said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to take tolls as soon as five

miles of said road shall be completed, in proportion to the distance as are given and granted to the president, managers and company of the Philipsburg and Susquehanna turnpike road; and the said Butler and Freeport turnpike road shall commence at the borough of Butler, in the county of Butler, and terminate at Freeport, in Armstrong county: *Provided* That if the said company shall not proceed to carry on the said work, within five years after the passage of this act, and shall not within ten years afterwards complete the said road, according to the true intent and meaning of this act, then and in either of the said cases, it shall and may be lawful for the Legislature of this Commonwealth, to resume all and singular the rights, privileges, liberties and franchises by this act granted to the said company.

Road to commence at Butler & end at Freeport. *Provido.* 5 years allowed to commence, and 10 to complete work.

SECT. 4. *And be it further enacted by the authority aforesaid,* That David B. Blanchard, E. M. Townsend, William Eggleston, Thomas Meredith, Martial Dimmick, Raynsford Smith, 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 Monday of July next, procure two or more books, and enter in each of them as follows, to wit: "We, whose names are hereunto subscribed, do promise to pay unto the president, managers and company of the Carbondale and Lackawanna turnpike road, the sum of fifty dollars for every share of the said stock 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 an artificial road from the village of Carbondale, in the county of Luzerne, along the valley of Lackawanna in a north-easterly direction, as close to the stream of that name as the nature of the ground will permit, to terminate either on the Cashecton and Great Bend turnpike road, at or near where the present turnpike bridge crosses the Lackawanna creek, or at a point on the Belmont and Easton turnpike near the house of Samuel Roberts." Witness our hands, the            day of            in the year of our Lord, one thousand eight hundred and            ;" and shall thereupon give notice in at least one public newspaper of this Commonwealth, printed in one paper in the county of Luzerne or in the county of Susquehanna, for one calendar month at least, of the times and places, when and where the said books shall be kept open to receive subscriptions for the stock of said company, at which respective times and places some one of the said commissioners shall attend, and shall permit and suffer all persons of lawful age who shall offer to subscribe in the said books, in their own names or in the name or names of any other person or persons who shall duly

Carbondale & Lackawanna turnpike road co.

Stock com'rs. named.

Subscription form.

Shares \$50.

Duties of commiss'rs)

authorize the same, for any number of shares in 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 three days, or until the said books, so opened, shall have three hundred shares therein subscribed, and if, at the expiration of the said three days, the books aforesaid shall not have the aforesaid number of shares therein subscribed, the said commissioners respectively may, from time to time, adjourn and transfer the said books from place to place, until the whole number of shares shall be subscribed, of which adjournment, the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares subscribed in all the said books shall amount to three hundred, the same shall be closed: *Provided always*, That any person offering to subscribe in the said books, in his own name or in the name or names of any other person or persons, shall previously pay to the attending commissioner the sum of three dollars for each and every share by him or her so subscribed, out of which shall be defrayed the expenses attending the taking such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the said corporation as soon as the same may be organized and the officers chosen, as hereinafter mentioned.

Whole No. of shares 300.

Proviso.  
§3 to be paid upon each share at time of subscribing

When certificate is made to Governor of the subscription of 100 shares by 20 persons, charter may issue.

Style of corporation.

Privileges & liabilities.

SECT. 5. *And be it further enacted by the authority aforesaid*, That when twenty persons or more shall have subscribed one hundred shares of the said stock, the said commissioners shall certify, under their hands and seals, the names of the subscribers and the number of shares subscribed by each, to the Governor, and thereupon it shall 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 said subscriptions be not full at the time then all those who shall afterwards subscribe to the number aforesaid,) into one body politic, in deed and in law, by the name, style and title of "The president, managers and company of the Carbon-dale and Lackawanna turnpike road," 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 intent of this act, and of purchasing, taking and holding to them and their successors and assigns, and of selling 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 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: *Provided*, That if the company hereby authorized to be incorporated, shall at any time issue any note or notes in the nature of bank notes, or carry on any other business in the nature of banking, then, or in either of these cases, all and singular the rights, privileges and franchises hereby granted to the said company, shall cease and revert to this commonwealth.

*Proviso.*  
Banking  
operations  
prohibited.

SECT. 6. *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 notice in at least one public newspaper printed in the county of Luzerne or in the county of Susquehanna, 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 subscribers shall proceed to organize the said corporation, and shall choose, by ballot, to be delivered in person or by proxy duly authorized, one president and six managers, one treasurer and such other officers as they shall think necessary to conduct the business of the said company for one year, and until such other officers shall 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 of the affairs of the said company, and generally to 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 the same tolls and profits as is given and granted to the president, managers and company of the Coshecton and Great Bend turnpike road, in an act passed the twenty ninth day of March, one thousand eight hundred and four: *Provided*, That no tolls be demanded or taken from any person passing or repassing from one part of his or her farm to another, or to and from any place of worship and funeral, or from the militia on days of training, or to and from any township, general or special election: *And provided also*, That if the said company shall not proceed to carry on the said work in ten years after the passing of this act, or shall not within fifteen years after the passing of this act, complete the said road according to the true intent and meaning of this act, then, in either of those cases, all and singular the rights, liberties and franchises hereby granted to the said company shall revert to this Commonwealth.

Stock com'rs.  
to superin-  
tend provi-  
sional elect'n.

President,  
6 managers,  
treasurer,  
&c.

To be subject  
to provisions  
of act of 29th  
March, 1804,  
in regard to  
Coshecton &  
Great Bend  
co.

*Proviso.*  
Who shall  
pass toll free.

2d proviso.  
Time allowed  
to commence  
and complete  
work.

SECT. 7. *And be it further enacted by the authority aforesaid*, That the annual election for choosing officers shall be held on the third Monday in January in each and every year, at the village of Carbondale, in said county of Luzerne, or at such other time and place as may be fixed on by the by-laws of said corporation: *Provided always*, That no neglect

Time and  
place fixed for  
holding annu-  
al elections.

*Proviso.*

of holding any annual election shall produce any forfeiture of the aforesaid corporate privileges, but in such case that the officers heretofore elected shall continue in office until others are legally chosen.

State road from Easton to Willow-grove. Time fixed for the recovery of damages extended one year.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the time mentioned in the second section of an act passed twentieth day of February, Anno Domini, one thousand eight hundred and thirty-two, fixing the time for one year from the passage of said act, for the recovery of certain damages sustained by the laying out of a state road from Easton, in Northampton county, through Bucks county to the Willow Grove, in Montgomery county, be, and the same is hereby extended for the further term of one year.

SAM'L. ANDERSON,

*Speaker of the House of Representatives.*

THO'S. RINGLAND,

*Speaker of the Senate.*

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

GEO. WOLF.

No. 166.

### AN ACT

To incorporate the Susquehanna Rail Road Company, and the Mifflinsburg Bridge Company and for other purposes.

Rail road Commiss'rs. appointed to receive subscriptions of stock.

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 Joseph Wright, Henderson Gaylord, William C. Reynolds, James Nesbit, jr. Samuel Thomas, Sharp D. Lewis, Elias Hoyt, Benjamin Dorrance, William Hancock, John Brees, William Swetland, Dr. John Smith, John Perkins, Pierce Butler, Charles D. Shoemaker, Isaac Harding, Elisha Harding, Asa Stephens, Nicholas Overfield, James Wright, Reuben Wilber, Samuel McKean, Thomas Elliott, Henry Willis, John Laporte, Clement Paine, Ellis Lewis, John L. Webb, Eliphalet Mason, Lockwood Smith, A. H. Read, C. L. Ward, Bela James, Asa Dimock, jr. James C. Biddle, David Post, Charles Frazer, Hiram Finch, and Spencer Hicox, be, and are hereby appointed commission-