

APPENDIX.

No. 416.

AN ACT

To authorize the governor to incorporate the Wayne County connecting turnpike road company.

SECTION 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* Richard Lancaster, George Goodrich, Egbert Woodbridge and William Bortree, of Wayne county, are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say: they shall, on or before the first of January next, procure two books or more, 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 Wayne County connecting turnpike road company, the sum of twenty dollars, for each 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 general assembly of this commonwealth, entitled 'An Act to authorize the governor to incorporate the Wayne County connecting turnpike road company.' Witness our hands, the day of Anno Domini

eighteen hundred and forty-^{five};" and thereupon shall give notice in Notice.
one or more of the public papers printed nearest the route of the said
road, for twenty days at least of the time and place, when and where the
said books shall be opened to receive subscriptions for the stock of the Books to be
said company; at which time and place one of the said commissioners opened.
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 names of
any other persons who shall duly authorize the same, for any number
of shares of 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 sixty shares Number of
therein subscribed; and if, at the expiration of the said six days, the shares.
said books shall not have the said number of sixty shares therein sub-
scribed, 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 adjournment and transfer
the commissioners aforesaid shall give such public notice as the occasion
may require, and when the whole number of shares subscribed shall
amount to sixty, the same shall be closed: 'Provided always, That Provide.
every person offering to subscribe in said books, in his own or any other

Amount to be paid.	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 such incidental charges and expenses, as may be necessary for taking such subscription, and the remainder shall be paid to the treasurer of the company, as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.
Letters patent.	SECTION 2. When ten persons or more shall have subscribed thirty shares of 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; whereupon, it shall and may be lawful for the governor, by letters patent, under his hand and seal of 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 Wayne County connecting 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 the said capital stock and the increase and profits thereof, and of enlarging the same, from time to time, by new subscription, 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, 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, and of suing and being sued, and of doing all and every other thing which a corporation or body politic may lawfully do.
Name.	
Privileges.	
Organization.	SECTION 3. The commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice in one public paper printed nearest the route of said road, of the 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 authorized, one president, six managers, one treasurer, one secretary, and such other officers as may be necessary to conduct the said 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 of said company: <i>Provided always</i>, 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 held by him under that number.
Officers.	SECTION 4. 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; to 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
By-laws.	
Proviso.	
Votes.	
Entry on lands, &c.	
Survey.	

in the best of their 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 and restrictions, penalties, fines and forfeitures, and be entitled to like tolls **Tolls.** and profits, in proportion to the distance, as are given and granted to the president, managers and company of Coshocton and Great Bend turnpike road company, in and by an act of assembly of this commonwealth, passed the twenty-ninth day of March. Anno Domini one thousand eight hundred and four; and the said Wayne County connecting turnpike shall commence at the Sterling and Newfoundland turnpike road company, at or near the house of John Bortree, in Wayne county, and terminate at the Cherry Ridge and East Sterling turnpike road, in said county, at or near the house of Asa Jones: *Provided*, That whenever the president and managers shall sue for, and recover the penalty and penalties prescribed by law, against any person or persons evading, or attempting to evade the payment of tolls on the said road, they shall also recover the costs of suit: *Provided further*, That no part of this act shall authorize the taking of any property by said company, unless the same be previously paid for, or adequate security given to the payment thereof. **Location,** **Proviso.** **Proviso.**

SECTION 5. The president and managers of said road shall make, or cause the same to be made not less than forty or more than fifty 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, which shall, where 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 keep the road, in its foundation, firm and dry; it shall be constructed of firm and substantial materials, composed of wood, gravel and stones, 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, and smooth and firm surface, and a well made, permanent highway, and so nearly level 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 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: *Provided*, That if, in the opinion of the said president and managers, any part of the ground on the route of said road shall be so hard and compact as to make a good road, without any covering of wood, gravel, stone, slate or any other hard substance, the said president and managers are hereby authorized to construct such parts of the said road without any such covering, and shall keep the said road in perfect order and repair. **Width of road.** **Construction.** **Proviso.**

SECTION 6. If the said company shall not proceed to carry on the said works within five years after the passage of this act, or shall, within ten years thereafter, complete the same, according to the true intent and meaning of this act, then or in either of these cases, all and singular the rights and liberties, privileges and franchises hereby granted, shall revert to the commonwealth. **Limitations.**

SECTION 7. The election of president, treasurer, secretary and managers of said company, shall be held annually on the first Monday of January.

Toll gate.

SECTION 8. That said company are hereby authorized to erect a gate on the first five miles of said road that may be made and completed according to law.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

DANIEL L. SHERWOOD,

Speaker of the Senate.

APPROVED—The seventh day of March, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 417.

AN ACT

To annul the marriage contract between Jesse Benners and Harriet, his wife, and for other purposes.

SECTION 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 the marriage contract entered into between Jesse Benners, of the county of Lehigh, and Harriet, his wife, be and the same is hereby declared null and void, and the parties discharged from all the obligations and liabilities growing out of the same, as fully and absolutely as if they had never been joined in marriage.*

Construction of
act concerning
divorces.

SECTION 2. That the provisions contained in the act, entitled "An Act to annul the marriage contract of Anna Maria Kraft and Lewis Kraft," passed the eighteenth day of April, A. D. eighteen hundred and forty-three, which declares that the word "citizen," as used in the eleventh section of the act concerning divorces, passed the thirteenth of March, A. D. eighteen hundred and fifteen, shall not be construed to apply to any woman who shall have a bona fide residence in this state at least one whole year previous to filing said petition or libel, be and the same is hereby repealed.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

DANIEL L. SHERWOOD,

Speaker of the Senate.

APPROVED—The twentieth day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.