

appointment of commissioners, to act with the commissioners named in the second section of this act, in receiving subscriptions to the stock of the said company, and performing the several other duties hereby assigned to the said commissioners, and declaring the assent of the said state of New York to the incorporation of the said company, with the rights, powers and privileges hereby conferred, and subject to the duties and responsibilities hereby imposed on them, or intended so to be.

SECTION 18. The company hereby incorporated, shall cease to be a body corporate, if they shall not within two years from the time of their incorporation, have commenced the construction of the said bridge, and shall within three years from the same period have completed the same, and the roads connected therewith, so far as to render the same safe and convenient for the public use.

NER MIDDLESWARTH,  
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,  
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, eighteen hundred and thirty-six.

JOS: RITNER.



No. 122

## An Act

To authorize the Governor to incorporate a company to make a turnpike road from the Nanticoke Dam in Luzerne county, via Shickshinny and Columbus, to Hughesville, in Lycoming county, and also an act relative to the Milford and Owego turnpike road, and to incorporate the Washington and West Middleton 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 John Ephlin, Thomas Downing, Abraham Bodine, John Hill, Evan Thomas, Thomas Ellis, ers.*

John R. Dean, Chester Butler, Joshua Pugh, John M. Henry, Henderson Gaylord, Elijah W. Reynolds, John Koons, John Peal, Alexander Colly, George Rhone, John Dodson, Charles Barret, Jarius Harrison, Richard B. Farr, Israel Ludlow, be and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say: they shall on or before the first Monday of June 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 Nanticoke and Hughesville 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 authorize the Governor to incorporate a company for making a turnpike road from the Nanticoke dam in Luzerne, to Hughesville in Lycoming county;' Witness our hands, the            day of            , in the year of our Lord one thousand eight hundred and            ;" and thereupon shall give notice in two or more public papers, for twenty days at least, of the time and places when and where the said books 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 books, in their own names or in the name or 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 purposes aforesaid, at least six hours in every juridical day for the space of six days, or until the said books shall have two hundred shares therein subscribed, and if at the expiration of the said six days, the books aforesaid shall not have the said number of two hundred shares therein subscribed, 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 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 two 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 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

To procure books.

Form of subscription.

Shares \$25 each.

Who may subscribe.

Whole number of shares 200.

Proviso.

shall be organized, and the officers chosen, as hereinafter mentioned.

SECTION 2. When twenty persons or more shall have subscribed one hundred shares of the 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 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 Nanticoke and Hughesville turnpike 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 the said capital stock, and the increase and profits thereof, 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, transferring and conveying, in fee simple or for any less estate, all such lands, 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.

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 two public papers, of a time and place by them to be appointed, not less than twenty days from the publication of the first notice, of 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, and such other officers as may be necessary to conduct the business of the 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 the 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.

Powers of  
the president  
and mana-  
gers.

SECTION 4. It shall be lawful to and for the said president and managers, their superintendents, surveyor, 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 is in the best of their skill and judgment will combine shortness of distance with the most practicable ground, making Shickshinny and Columbus points of said road, and generally, they shall have like powers, authorities and privileges, necessary 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 like tolls and profits, in proportion to the distance, as are given and granted to the president, and managers and company of the Stoystown and Greensburg turnpike road, in and by an act of assembly of this commonwealth, passed the ninth day of March, Anno Domini, one thousand eight hundred and fourteen, and may have the road inspected and charge toll on the same, as soon as five miles shall have been completed.

Act of 9th  
March, 1814,  
extended to  
this company

Dimensions  
of road and  
manner of  
construct-  
ing it.

SECTION 5. The president and managers of the said road shall make, or cause the same to be made, not less than twenty-five nor more than fifty feet in width, and at least eighteen 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, 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: *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 other hard substance, the said president and managers are hereby authorized to construct such

Proviso.

part of said road without any such covering, and shall keep the said road in perfect order and repair.

**SECTION 6** The election for president, treasurer and Annual managers of said company, shall be held annually on the second Monday of January.

**SECTION 7.** It shall be lawful for the president and managers of the Milford and Owego turnpike road company, to re-locate and re-construct such portions of the road as they may deem proper, and in the re-construction, the company shall be subject to the previous acts of assembly relative to said company, as if expressed here at length.

**SECTION 8.** That for the purpose of making a turnpike road from the borough of Washington, in Washington county, to the Wellsburg turnpike, at the point where it intersects the Virginia line, Thomas M'Call, Thomas M'Keever, James M'Fadden, David Craig, James Thompson, Hugh Hamilton, John Boyd, William Wiley, William V. Leet, Robert Wiley, Isaac Hewet, Colin M. Reed, John K. Wilson, John S. Brady, David M. Guger, Richard Carter, David T. Archer, George Plummer, Mathew M'Keever, John Lawrie, T. J. Odenbaugh, David M'Gugin, William Patterson, Joseph Lane, and John Dagg, be and they are hereby appointed commissioners to do and perform the duties hereinafter mentioned, that is to say: they shall procure books and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Washington and West Middletown turnpike road company, the sum of fifty dollars, for every share by us subscribed, in such manner and proportions, and at such times and places as shall be determined on by the said president and managers, in pursuance of an act entitled 'An act authorizing the Governor to incorporate the Washington and West Middletown turnpike road company;' Witness our hands the day of , Anno Domini, one thousand eight hundred and ;" and shall give at least thirty days notice, in at least two of the newspapers published in the county of Washington, of the time and place when and where the said books shall be open to receive subscriptions of stock of the said company, at which time and place, some one or more of the said commissioners shall attend, and receive subscriptions from all persons of lawful age who shall offer to subscribe in said book, which shall be kept open for the purpose aforesaid, at least six hours in each juridical day, for the space of six days, or until the said books shall have subscribed therein six hundred shares; and the said commissioners may adjourn from time to time, and transfer the books from place to place, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the said commissioners shall give such notice as the occasion may require: *Provided always,*

Proviso.

§2 on each share to be paid.

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 two 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 subscriptions, 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.

When letters patent shall issue.

SECTION 9. When twenty or more persons shall have subscribed three hundred or more shares, and the said commissioners, or a majority of them, shall have certified, under their hands and seals, to the Governor, the names of the subscribers, and the number of shares subscribed by each, it shall be lawful for the Governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and also all those who may afterwards subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of "Washington and West Middleton turnpike road company;" and by the said name the said subscribers shall have perpetual succession, and 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 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 intention of this act, and of purchasing, taking and holding, to them and their successors and assigns, and of settling, transferring and conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their work, 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.

Name, style and title.

Powers and privileges.

SECTION 10. That the stockholders, or any two of them named in the letters patent, shall, as soon as conveniently may be after the issuing of the same, give notice in at least two of the newspapers published in the county of Washington, of a time and place to be by them appointed, not less than twenty days from the time of the first notice, at which time and place the said subscribers, or as many of them as may be then present, shall proceed to organize the said company, and shall choose by a majority of the said subscribers, by ballot, either in person or by proxy duly authorized, 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 from thence until the next annual election, and until such other officers shall be chosen and organized agreeably to the provisions of this act; and in case

Company to be organized, and how.

of the death, removal or resignation of any president or manager, the board of managers may and shall choose another to supply the vacancy, until the next said annual election of said company; they may make and have one common seal, and the same may break, alter and renew at their pleasure, and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, as shall be necessary for the well ordering of the affairs of the corporation: *Provided*, That each subscriber shall be *Proviso*. entitled to one vote for every share of stock by him or her held, not exceeding five, but no share or number of shares above five, shall entitle the holder to more than two votes at any election or meeting of said company: *And provided* <sup>2d</sup> *Proviso*. *also*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the share or shares by him or her held at the time of such election or meeting, shall have been fully paid and discharged.

SECTION 11. That if any treasurer elected by virtue of *Treasurer to* this act, shall die, resign, or refuse to act, or neglect to give *give security*. such security for the faithful discharge of the duties of his office as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon him and perform all the duties of said office, it shall be the duty of the said managers for the time being, to appoint some suitable person treasurer, which person so appointed, shall hold the office to which he shall have been appointed until the next election by the stockholders, on his giving the requisite security, and until a successor shall be duly elected and give the security required.

SECTION 12. That the stockholders shall meet on the first *Annual elec-* Monday in March in each succeeding year, at such place as *tion*. shall be fixed by the by-laws of said company, for the purpose of choosing, in manner aforesaid, such officers as aforesaid, for the year ensuing the terms of service of those previously elected.

SECTION 13. The said president and managers shall make *Certificates*. out certificates of stock, signed by the president and countersigned by the treasurer, and sealed with their corporate *Seal*. seal, and deliver one such certificate to each subscriber, for any share or number of shares by him or her held, on his or her paying to the treasurer on each share so held the sum of five dollars, which certificates shall be transferrable, in person or by attorney, on the books of the said company, only subject to the sum due or to become due on the shares so transferred.

SECTION 14. It shall and may be lawful for the said presi- *Powers of the* dent and managers, their superintendents, surveyors, engi- *president and* neers, artists and chain bearers, to enter in and upon all and *managers*.

every the lands, tenements and enclosures in, through and over which the said intended turnpike road may be thought proper to pass, and for that purpose to examine ground, and the quarries of stone and gravel, and other materials that may be necessary in making and constructing the said road, and to survey, lay down, ascertain, mark and fix such route for said road, as in the best of their judgment and skill will combine shortness of distance with the most eligible ground, within the point aforesaid.

**Quorum.**  
**Minutes.**

**Secretary.**

SECTION 15. The said president and managers, five of whom shall for all purposes be a quorum, shall keep minutes of all their proceedings, fairly entered in a book to be kept for that purpose, and shall have full power and authority to appoint, agree or contract with such engineers, superintendents, artists, labourers and other persons, as they may think necessary to make and construct said road, and collect the tolls hereinafter authorized, and to fix their compensation, to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares, in order to carry on the work, to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence, by a quorum of the managers, and attested by their secretary, and to do and transact all other acts, matters and things, as by the by-laws, orders and regulations of the said company, shall entrust to them.

**Penalty.**

**Forfeitures.**

SECTION 16. If any stockholder, whether original subscriber or assignee, after thirty days notice in two newspapers printed in the county of Washington, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month, for every delay of such payment, and if the same and additional penalty shall become equal to the sums before paid in part on account of such share, the same may be forfeited by and to the said company, and be sold by them for such price as can be obtained therefor; or in default of payment of any stockholder of any such instalments as aforesaid, for the space of sixty days as aforesaid, the president and managers may at their election, cause suit to be brought, in the same manner as debts of like amount are now recoverable, for the recovery of the same, together with the penalty aforesaid.

**President and managers may enter upon lands.**

SECTION 17. It may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen and labourers, their tools and instruments, carts, wagons and other carriages, and beasts of draught of

burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice of their intention to the occupiers thereof, and doing as little damage thereto as possible, and making amends for damages upon reasonable and equitable agreement by the parties, or if they cannot agree thereupon, a just and equitable assessment, to be made upon oath or affirmation, by three disinterested freeholders, or any two of them, to be mutually chosen, or if either party upon due notice, shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace of the county of Washington, who shall not be interested therein, and upon the tender of the assessed value, to dig, take and carry away any timber, stone, sand, earth or other materials necessary or suitable for the making said road.

SECTION 18. The said president and managers shall keep fair and just accounts, as well of all monies received by them as of those laid out and expended in the prosecution of said work, and shall, at least once in every year, submit their books and accounts to a general meeting of the stockholders, and whenever it shall be ascertained that the capital stock of said company is not sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, at a stated meeting, convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as they shall deem sufficient to accomplish the work, and to demand and receive the monies subscribed for such additional shares, in like manner and under like penalties as are provided by this act in the case of the original subscription.

SECTION 19. The said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said road, and shall cause a road to be laid out, not exceeding fifty feet in width, and shall cause at least twenty-one feet of said width to be made an artificial road, on the M<sup>d</sup> Adamized plan, as follows: of good hard stone, broken so small as to pass through a ring two and a-half inches in diameter, to be laid on in the centre to the depth of ten inches, and at the sides to the depth of seven and a-half inches, and a summer road to be made on each side of the stoned part, of six feet in width, except where it will require more than two feet deep of cutting, and in that case there shall be a water way of two feet in width, and in no place in said road shall there be an elevation of more than five degrees from a horizontal line, and shall forever thereafter maintain and keep the same in good order and repair.

SECTION 20. That whenever and so often as the said company shall have finished five miles or more of said road, the

**Viewers.** president thereof may give notice to the Governor, who shall thereupon, forthwith appoint three skilful, judicious, and disinterested persons to view and examine the same, and report, on oath or affirmation, to him, whether the road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act, and if their report shall be in the affirmative, then the Governor shall, by license, under his hand and seal of the state, permit and suffer said company to erect and fix such and so many gates or turnpikes on and across the said road, as will be necessary and sufficient to collect from all persons traveling the same, otherwise than on foot, the same tolls which are hereinafter authorized and granted: *Provided*, That all persons attending funerals, military parades or trainings, or divine worship on the Sabbath day, shall at all times be exempted from the payment of any tolls on said road.

**Gates.**

**Proviso.**

**Act of 9th March, 1814, extended to this company**

**SECTION 21.** For collecting and receiving tolls, and for every attempt to evade the payment thereof, for every neglect to keep the said road in good repair, for the increase, diminution and application of tolls, the erection of index posts, and for injuring and defacing the same, for the regulation of the traveling on the said road, and for limitations of action and for the recovery and application of fines and penalties for offences against this act, the said company shall have all the powers, authorities, rights and privileges, and be subject to all the penalties which are given and granted to the president, managers and company of the Greensburg and Pittsburg turnpike road, in and by an act of assembly of this commonwealth, passed the ninth day of March, Anno Dómini, one thousand eight hundred and fourteen.

**Time of commencing and completing the road.**

**SECTION 22.** That if the said company do not commence making the said road within three years after the passing of this act, and complete the same within six years thereafter, then this act shall be void.

**NER MIDDLESWARTH,**  
Speaker of the House of Representatives.

**THOMAS S. CUNNINGHAM.**

Speaker of the Senate.

**APPROVED**—The first day of April, A. D. eighteen hundred and thirty-six.

**JOS: RITNER.**