

able only on the books of said company, according to such rules and regulations as may be prescribed by the by-laws thereof, and should the said company, at any time, fail to meet its engagements, each person holding stock at the time of such failure, shall individually be liable for the debts of the company to the amount of the balance unpaid on the stock of such stockholder.

Transfer of
stock

Legislature
may repeal
alter or a-
mend

SECTION 7. The legislature hereby reserves the power at all times to repeal, alter or amend this act, and the original act incorporating the Warren County Mutual Insurance company, in such manner, however, that no injustice shall be done to the corporators, and so much of the original act of incorporation of said company as is hereby altered, or as is inconsistent herewith, be and the same is hereby repealed.

WM. HOPKINS,

Speaker of the House of Representatives.

P. S. MICHLER,

Speaker of the Senate, pro. tem.

APPROVED—The fourteenth day of June, eighteen hundred and thirty-nine.

DAVID R. PORTER.

No. 128.

AN ACT

To authorize the governor to incorporate a company to make a turnpike road from Dingman's Ferry, in Pike county, to intersect the Milford and Owego Turnpike road in said county, 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 Martin W. Dingman, John Westbrook and Garret Brodhead, of Pike county, are hereby appointed commissioners; to do and perform the several things herein after mentioned, that is to say, they shall, on or before the first Monday of July, 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 Dingman's Choice 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,

Co'missioners

To procure
books

Form of sub-
scription

subscribe to the number aforesaid, into one body politic, and corporate indeed and in law, by the name, style, and title of Name style the president and managers of the Dingman's Choice turnpike and title road company, and by the same name, the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking Privileges and franchises 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 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, and 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 one of the public Organization papers printed nearest the route of the said road, of a time Notice 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, 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 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. Proviso Ratio of votes

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, 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 sur- Authority to enter upon lands &c.

Powers, au-
 thorities, du-
 ties, restric-
 tions, fines,
 &c.
 Tolls

Proviso

2nd proviso

Property to
 be paid for

Width of
 road and
 manner of
 construction

Not to exceed
 an angle of 5
 degrees

Proviso

vey, lay down and 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 tolls and profits, in proportion to the distance as are given and granted to the president, managers and company, of the 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 eighteen hundred and four, and the said Dingman's Choice turnpike shall commence at Dingman's Ferry, in the county of Pike, and terminate at the Milford and Owega turnpike road in said county. *Provided*, That whenever the president and managers shall sue for, and recover the penalty or 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 owner for the payment thereof.

SECTION 5. The president and managers of the 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, 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 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 the said road, shall be so hard and compact as to make a good road, without any covering of wood, gravel, slate, stone, or other hard substance, the said president and managers are hereby authorized to construct such part of said road

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

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

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

SECTION 8. That Daniel W. Dingman, Rudolphus Bingham and Oliver S. Dimmick, be and they hereby are appointed commissioners, to demand, collect, sue for, recover and receive of, and from the Bethany and Dingman's Choice turnpike road company, for the use of the turnpike road company hereby incorporated, the same to be first paid into and deposited, in the treasury of this commonwealth, the sum of six thousand dollars, which said sum, the Governor of this commonwealth was authorized to subscribe to the stock of the said Bethany and Dingman's Choice turnpike road company, by the fourth section of an act of the General Assembly of this commonwealth, entitled, "An act to provide for the repairs and continue the improvements of the state, and for other purposes," passed the fourteenth day of April, one thousand eight hundred and thirty-eight, which said sum of six thousand dollars, has been received by the treasurer of the said company; and the said commissioners on the receipt of the same, are hereby required to pay the same into the treasury of the commonwealth, where the same shall remain until the said Dingman's Choice turnpike road company shall have been incorporated by letters patent, under the hand and seal of the Governor, and the said company fully organized by the election or appointment of the officers thereof, and thereupon the said commissioners shall pay to the treasurer of the said Dingman's Choice turnpike road company, the said sum of six thousand dollars, with the interest that may have accrued thereon, after deducting all reasonable charges and expenses, incurred in collecting the same of the said Bethany and Dingman's Choice turnpike road company. *Provided*, That before the said commissioners shall proceed to collect the said six thousand dollars of, and from, the said Bethany and Dingman's Choice turnpike road company, they shall give bonds in the sum of twelve thousand dollars, to be approved by the Governor, conditioned for the true and faithful performance of the duties enjoined upon them by this act.

Commence-
ment and
completion of
works
Reversion of
privileges

Officers and
time of elec-
tion

Commission-
ers to bring
suit against
Bethany and
Dingman's
choice turn-
pike company

Disposition of
the money
when rec'd

To be paid to
company
when letters
patent issue

Proviso

Bonds to be
given

Suit may be brought in Pike or Wayne counties Mode of service of process

SECTION 9. And it shall and may be lawful for the said Daniel W. Dingman, Rudolphus Bingham and Oliver S. Dimmick, to sue for and recover the said six thousand dollars from the Bethany and Dingman's Choice turnpike road company, either in the court of Common Pleas of Pike or Wayne counties, and serve the summons or other process upon the president, treasurer, or other principal officer of the said company, wherever he or they may be found.

Release of Bethany and Dingman's choice turnpike company

SECTION 10. That the Bethany and Dingman's Choice turnpike road company, be and they hereby are released; from making and constructing that part of the chartered extent of said road, which lies southward of the Milford and Owego turnpike road, and the said company are also released from all liability and accountability in relation thereto.

Expenditure of appropriation to state road from Howel's Mills in Northampton to Cunningham in Luzerne co. regulated

SECTION 11. That the commissioners appointed by the fifth section, of the act of the fourteenth day of April, one thousand eight hundred and thirty-eight, entitled, An act to provide for the repairs and continue the improvements of the state and for other purposes, to expend and lay out money on the state road from Howel's Mills, in Northampton county, to Conyngham, in Luzerne county, shall not lay out or expend any part of the sum appropriated by that act, on so much of the road as lies between Cherry Creek and Stroudsburg, before the tenth day of May next, and if before that time, a review of that part of the said road shall be granted by the court of quarter sessions of Monroe county, none of the said appropriation shall be expended on the same, until the proceedings relative to said review shall have been finally decided by the said court.

WM. HOPKINS,

Speaker of the House of Representatives.

P. S. MICHLER,

Speaker of the Senate, pro tem.

APPROVED—The fourteenth day of June, eighteen hundred and thirty-nine.

DAVID R. PORTER.