

foregoing gratuities and annuities to be paid in conformity with the existing law.

WM. A. CRABB,

*Speaker of the House of Representatives.*

JN. H. EWING,

*Speaker of the Senate.*

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

DAVID R. PORTER.

[No. 87.]

## A N A C T

To authorize the Governor to incorporate a company to make a Turnpike Road from the borough of Wilkesbarre, in Luzerne county, to the village of Hazleton, in said county.

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 Ziba Bennett, George P. Steel, Henry B. Yost, Lewis Davenport, Robert Miner, Abram Drum, Chester Butler, Luther Kidder, Henry Colt and Henry Pettit, of Luzerne 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 Monday of September 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 Wilkesbarre and Hazleton turnpike 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 to make a turnpike road from the borough of Wilkesbarre, in Luzerne county, to the village of Hazleton, in said county. Witness our hands, the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord, one thousand eight hundred and \_\_\_\_\_.'" And thereupon shall give notice in one or more of the public papers printed nearest the route of the said road, 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

Commissioners

Form of subscription.

Notice

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 person 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 eight hundred shares therein subscribed; and if, at the expiration of the said six days, the books aforesaid shall not have the said number of eight 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 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 four 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 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 subscription, 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.

**SECTION 2.** When ten 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 the Wilkesbarre and Hazleton turnpike 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 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

Who may subscribe  
 Number of shares  
 Proviso  
 Letters patent  
 Name  
 Privileges and franchises

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 papers printed nearest the route of the said road 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 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 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 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.

Organization

By-laws

Ratio of votes

Authority to locate road

Subject to act incorporating Coshocton &amp; Great Bend turnpike road company

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 survey, lay down, ascertain, mark and fix such route or track for the said road as 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, 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, one thousand eight hundred and four, and the said Wilkesbarre and Hazleton turnpike shall commence at the borough of Wilkesbarre, in the county of

Proviso Luzerne, and terminate at or near the village of Hazleton, 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 cost 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 for the payment thereof.

2d proviso

Width, &c

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 and smooth and firm surface and a well made, permanent highway, and so nearly level in 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 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 part of the said road without any such covering, and shall keep the said road in perfect order and repair.

Proviso

Time for commencement & completion limited

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, 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 rights, liberties, privileges and franchises hereby granted shall revert to the Commonwealth.

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

SECTION 8. *The president and managers aforesaid may use and occupy any portion of the State road between Wilkesbarre and Hazleton which they may deem necessary in the location and construction of the said turnpike.* May occupy State road—Wilkesbarre to Hazleton

WM. A. CRABB,

*Speaker of the House of Representatives.*

JN. H. EWING,

*Speaker of the Senate.*

APPROVED—The fifteenth day of April, Anno Domini, eighteen hundred and forty-one.

DAVID R. PORTER.

[No. 88.]

## A N A C T

Relative to the Dauphin County Prison.

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 new prison erected by the commissioners of the county of Dauphin, shall, when completed, be known and called by the name of "the Dauphin county prison," Name and shall be managed by a board of inspectors, consisting of six discreet and reputable citizens, resident taxables in the county of Dauphin, who shall serve without any pecuniary compensation, three of whom shall be appointed on the third Monday of April, one thousand eight hundred and forty-one, Inspe<sup>ct</sup>ors by the court of quarter sessions of said county, one to serve one year, one to serve two years, and one to serve three years, and in-like manner on the day aforesaid, three by the county commissioners, for the same terms of time; and annually thereafter, on the first Wednesday of the first court of quarter sessions of said county, in each year, the judges and commissioners aforesaid, shall each appoint one inspector, who shall serve in the manner aforesaid three years, and until their successors shall be appointed. In case of vacancy by death, resignation Appointment and classifica-  
tion or otherwise, the same shall be supplied as soon as conveniently may be, by the body who appointed the individual causing the vacancy, of which vacancy, if any occur, notice shall forthwith be given by the president of the board of inspectors, to the body having the power to supply; and the inspectors first chosen under this act, shall take charge of said prison, as Vacancy is hereinafter provided for.