

No. 246.

A N A C T

To authorize the governor to incorporate the Towanda Creek plank 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 C. L. Ward, William Elwell, John C. Adams, John F. Means, A. L. Cranmer, John Slancon, Horace Willey, Albert G. Pichard and John Griffin of Bradford county, or any five of them, be and are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style and title of "The Towanda Creek plank road company," with power to construct a plank road from Towanda borough, in Bradford county, to Greenwood, in Monroe township, in said county, with power to make branches to Canton, and the coal mines of Monroe and Franklin, in said county, subject to all the provisions and restrictions of an act, entitled "An Act regulating turnpike and plank road companies," passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, excepting so far as may be hereinafter provided for. Commissioners.
Style.
Location.
Subject to all the provisions and restrictions of a certain act.

SECTION 2. The capital stock of said company shall consist of two hundred and fifty shares, of fifty dollars per share: *Provided,* That the said company may from time to time increase the same, under and by virtue of the authority contained in the aforesaid general act. Capital stock.
Proviso.

SECTION 3. That the said president and directors shall have power and authority by themselves or their superintendents, engineers, artists and workmen, to enter in and upon, and occupy all land on which the said plank road, or its depots and warehouses may be located, or which may be necessary for the erection of weights and scales, or any other purpose necessary or useful in the construction and repairs of said plank road, and therein to dig, embank, make and construct the same: *Provided,* The said company shall first make compensation to the owner or owners of ground and materials, and property so taken and occupied as aforesaid, or give adequate security therefor; but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for the parties to appoint three suitable, judicious and disinterested persons of the county of Bradford, who shall be under oath or affirmation, and if they cannot agree upon such persons, then either of the parties after giving twenty days' notice to the other, may apply to a judge of the court of common pleas of Bradford county, and the said judge shall appoint three judicious, disinterested men of the said county, in order to ascertain and report to the court of common pleas, what damages, if any, have been sustained by the owner or owners of the said ground, by reason of the construction of said plank road through the same; which said appraisers being duly sworn or affirmed, and having viewed the premises, shall proceed to estimate the quantity and quality of land occupied by said plank road, and all damages which may be likely to result therefrom to the said lands, and in view of these considerations, and a just regard to the advantages that may seem likely to result to the owner or owners of the said land, from the opening of the said plank road through the same, to make their assess- President and directors, powers of.
Enter upon lands, &c.
Proviso.

ment, and report to the court, which report being confirmed by the said court, judgment shall be entered thereon, and execution may issue in the case of non-payment, for the sum awarded; and the costs and expenses incurred by the said appraisers, shall be defrayed by said plank road company: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the said county of Bradford, in the same manner as appeals are allowed in other cases: *Provided however*, That in all cases where an appeal is taken by either party, the company may immediately upon such appeal being taken as aforesaid, enter upon, occupy, take and carry away any ground, material or property, necessary for the use and construction of the aforesaid plank road: *And provided also*, That if any person or persons owning land, or any other property which shall be affected by this act, be some coverts, under age, or non compos mentis, or out of the state, then and in either of those cases, the president and directors of the company, and at the costs and charges of said corporation, shall within one year after the construction of the plank road through said land, represent the same to the court of common pleas of the aforesaid county, who shall proceed thereon, in the same manner, and to the same effect, as is directed by this act in other cases.

SECTION 4. That the company shall not prevent any person or persons, being the owner or owners of land bordering on the said plank road or in the vicinity thereof, or adjacent thereto, from making such lateral plank roads and connecting them with the said plank road from their said lands, as the said person or persons may wish, for the purpose of transporting coal, lumber or produce on said plank road: *Provided*, That all such connections of lateral roads are to be made at the expense of the persons so wishing to connect, and according to the direction and approval of the engineers or directors, or said plank road company, so as not to obstruct or endanger the free travel on the main road: *Provided also*, That any person or persons owning such coal, lumber or produce, shall have the privileges of transporting the same on said plank road, in their cars or other vehicles, subject to the rules and regulations of said company.

SECTION 5. That the said plank road shall be so constructed as not to impede or obstruct the free use or passage of any public road or roads which may cross or enter the same, and in all cases where the said plank road may cross, or in any manner interfere with an existing public road, canal or slack-water navigation, the said company shall make or cause to be made, as soon as conveniently may be, a good and sufficient causeway or causeways, to enable all persons passing or traveling such public roads; and if the company shall neglect or refuse to keep such causeways in good repair, they shall be liable to a penalty of ten dollars for every day the same shall be so neglected or refused to be repaired, to be recovered by the supervisors of the township with costs, for the use of the township, as debts of like amount are by law recoverable, and shall moreover be liable to all actions at the suit of any person who may be aggrieved thereby.

SECTION 6. That for the accommodation of all persons owning or possessing lands through which the said plank road may pass, it shall be the duty of said company to make, or cause to be made, a good and sufficient causeway or causeways, whenever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over the same with wagons, carts and implements of husbandry, as occasion may require; and the said causeway or causeways, when made, shall be maintained and kept in good repair by said company,

Proviso.

Proviso.

Proviso.

Lateral plank roads not to be prevented to owners of land adjoining.

Proviso.

Proviso.

Said plank road not to obstruct the free use or passage of public roads which may cross, &c.

Duty of company to make causeways.

and if the said company shall neglect or refuse, on request, to make such causeway or causeways, or when made to keep them in good order, the said company shall be liable to pay to any person aggrieved thereby, all damages sustained by such person in consequence of such neglect or refusal, to be sued for and recovered before any magistrate or court having cognizance thereof: *Provided*, That the said company shall in no case be required to make, or cause to be made, more than one causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said plank road may pass; and where any public road may or shall cross said plank road, the company shall not be required to erect or keep in repair any causeway or bridge for the accommodation of the occupant of said land: *Provided further*, That in the event of any private bridge or causeway being converted to public use, so as to be made to accommodate a public road laid out subsequent to the passage of this act, then, in such case, the company shall be forever thereafter exonerated from the duty of keeping said bridge or causeway in good repair.

SECTION 7. That no suit nor action shall be prosecuted by any person or persons for any penalties incurred under this act, unless such suit or action shall be commenced within twelve months next after the offence committed, or the cause of action accrued; and the defendants in any such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by the authority of this act.

SECTION 8. That in all suits or actions brought against said company, the service of process on any director, toll gatherer, or other officer of the company, shall be good and available in law as if made on the president thereof.

SECTION 9. Any person who shall wilfully injure, break, or throw down any gate which shall have been erected on said road pursuant to the provisions of this act, or dig up, or wilfully injure or spoil any part of such road, or anything thereunto belonging, or shall drag along or cross such road any log, timber, wood or stone, so that the same shall come in contact with the even surface of said road, or forcibly or fraudulently pass any such gate without the payment of the legal toll, or shall with his team, carriage, sleigh, sled, or other vehicle or animal, turn out of said road and pass any gate thereon, on ground adjacent thereto, and again enter on such road, he shall for every such offence forfeit to the corporation hereby created the sum of ten dollars, in addition to the damage from this wrongful act; which penalty may be recovered by the said corporation in an action of debt in any court having cognizance thereof, and a separate suit for such damages may in like manner be prosecuted and maintained by such corporation.

SECTION 10. That if any person or persons shall wilfully or maliciously remove or destroy any of the company's constructions, or place designedly and with evil intent any obstruction on the line of said plank road, so as to endanger or jeopard the lives of persons traveling on the same, such person or persons so offending shall be deemed guilty of a misdemeanor, and shall be adjudged, on conviction, to be imprisoned for a term of not more than two years: *Provided*, That nothing herein contained shall prevent the company from pursuing any appropriate remedy at law in such cases.

SECTION 11. That if the president, directors and company shall not proceed to carry on the said work within three years from the passage of this act, and shall not complete the same within five years, as aforesaid, according to the true intent and meaning of this act; or if after

Proviso.

Proviso.

Limitation to the commencement of suits against the company.

Service of process.

Penalty for injuries.

Punishment for wilful and malicious obstruction on the line of said plank road, so as to endanger or jeopard the lives of persons traveling on the same.

Proviso.

Commencement and completion of road.

the completion of the said road, the said company shall suffer the same to go to decay and be impassable for the term of two years, then this charter shall become null and void, except so far as compels the said company to make reparation for damages.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 247.

AN ACT

To incorporate the president and managers of the Tunkhannock Creek 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 Samuel Stark, second, Sherman D. Phelps, Willard Jackson, Frederick P. Grow, William Hariley, Andrew Gordonier, Nathan Bacon, Webster Osterhout, Daniel H. Wade and Asa Howard, be and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style and title of "The Tunkhannock Creek turnpike road company," with power to construct a turnpike road, commencing at the borough of Tunkhannock, in Wyoming county, and thence by the best route up the Tunkhannock creek, passing near Nathan Bacon's, Grow and Brothers and Daniel H. Wade's, to the Jackson and Harmony turnpike road, in Susquehanna county; the route of the road to be agreed upon and adopted by the stockholders, or a majority of them, at a meeting called for that purpose, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine.
- SECTION 2.** That the capital stock of said company shall consist of one thousand shares at twenty-five dollars each.
- SECTION 3.** That if this company shall not commence the construction of this road within three years, and complete the same within seven years from the passage of this act, this act shall be null and void, except so far as the same shall be necessary to wind up the affairs and pay the debts of the company.
- Commissioners. Style. Location. Capital stock. Commencement and completion of road.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.