

No. 247.

AN ACT

To authorize the governor to incorporate the Lock Haven turnpike road company, in Clinton 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 John Fleming, Robert M'Cormick, John Myers, Nathaniel Hanna, William M. Patterson, Joseph Hanna, Hugh Devling, Isaac Lusk, Jeremiah Church, John Smith, of Bald Eagle, John Morehead, John C. Irwin, James Cascaden, William Fearin, junior, Abraham Grafius and James Jeffries, Saul M'Cormick and John S. Furst, of the said county of Clinton, 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 in November next, procure one or more books, and enter in each of them as follows : We, whose names are hereunto subscribed, do promise to pay unto the president and managers of the Lock Haven turnpike road company, the sum of twenty dollars, for every share of stock set opposite our respective names, in such manner and proportion, and at such times, as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled "An Act to authorize the governor to incorporate the Lock Haven turnpike road company." Witness our hands and seals the day of in the year of our Lord eighteen hundred and forty ; and shall thereupon give notice in one or more of the public papers, printed in the borough of Lock Haven, for one month at least, of the times and places when and where the said books shall be opened to receive subscriptions for the stock of the said company, at which respective times and places some one of the said commissioners shall attend, and permit all persons of lawful age, who shall offer to subscribe in the said books, in their own name or in the name or names of any other person or persons who shall duly authorize the same, for any number of shares in the said 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 said books, so opened, shall have two hundred and fifty shares therein subscribed; and if at the expiration of the said six days, the books aforesaid, or either of them, shall not have the respective number of shares aforesaid therein subscribed, the said 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 public notice, as occasion may require; and when the whole number of shares subscribed in all the said books shall amount to two hundred and fifty shares, the same shall be closed.

SECTION 2. That when ten or more persons shall have subscribed one hundred or more shares of the said stock, and shall have paid one dollar on each share, the commissioners shall certify, under their hands and seals, the names of the subscribers and the number of shares subscribed by each, to the governor; and thereupon it shall and may be

- Letters patent.** 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 also those who shall afterwards subscribe, to the number aforesaid, into one body politic and corporate, by the name, style and title of the Lock Haven turnpike road 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 their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, and in such a manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent and meaning 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 doing every other matter and thing which a corporation or body politic may lawfully do.
- Privileges and franchises.**
- Organization.** SECTION 3. That the commissioners, as soon as may be, after the said letters patent shall be sealed and obtained, shall give notice in one or more newspapers printed in Lock Haven, aforesaid, of a time and place by them to be appointed, not less than thirty 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 said subscribers, by ballot, to be delivered in person or by proxy duly authorized, one president, four managers and a treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and annually afterwards, the said company shall, in like manner, elect officers as aforesaid, to conduct the affairs of the said company: *Provided always*, That no person shall be elected an officer of the said company, who does not own stock therein; and the said managers so chosen, and their successors, shall and may make such by-laws, rules, orders and regulations, not inconsistent with the laws of this commonwealth, as shall be necessary for the well ordering the affairs of the said company; and shall have power to lay out, construct and complete, a turnpike road from the borough of Lock Haven, aforesaid, to the Bald Eagle bridge, at or near Flemington, in the said county of Clinton, as is hereinafter directed; and the said president and managers, their superintendents, surveyors and chain bearers, shall enter into and upon all and every the lands, tenements and inclosures, in, through and over which the said intended turnpike road may be thought proper to pass, and to examine the ground most proper for the location of said road, and to survey, lay down, ascertain, mark and fix such route or track for the said road, as will combine shortness of distance, with the most eligible ground for the same.
- Officers.**
- Proviso.**
- By-laws.**
- Power to enter on lands.**
- Damages, how assessed and paid.** SECTION 4. It shall and may be lawful for the president and managers of the aforesaid company, by and with their superintendents, engineers, artists and laborers, with their tools and instruments, carts, wagons and beasts of burthen, to enter upon the lands, in, over, contiguous and near to, which the route and track of the said intended road shall pass, first giving notice of their intention to the owners thereof, and doing as little injury thereto as possible, and to cut down, dig, take and carry away any timber, stone, gravel, sand, earth or other material, there being, most conveniently situated for making or repairing the said road, on paying to the owner or owners of such material, such sums of money as may be just and right; but if they cannot agree upon the price there-

of, then the parties shall amicably choose three disinterested freeholders, who, or a majority of whom, shall appraise the damages aforesaid, and upon a tender of the damages assessed to the party complaining, if he or they refuse to accept the amount so tendered, the party so complaining, shall have liberty to bring a suit or suits before any justice of the peace, or in the proper court of common pleas, and prosecute the same as in other cases: *Provided always*, That if the judgment so obtained, **Proviso.** shall not exceed the amount tendered by the defendant as aforesaid, then the person or persons bringing such suit or suits, shall pay all costs, and fifty cents per day to the party or parties in attendance on such suit.

SECTION 5. The said president and managers shall cause the said **Width.** turnpike road to be laid out, not exceeding fifty feet in width, unless in such places where the nature of the ground may render a greater width expedient, and shall cause twenty-five feet thereof in breadth, at least, to be made an artificial road, which shall be bedded with stone, gravel or other proper and convenient materials, well compacted together, and of a sufficient depth to secure a solid foundation; and that all stone on said road shall be broken sufficiently small to pass through a two inch ring; and the said road shall be faced with gravel, or other small hard substance, in such manner as to secure a firm, and as nearly as the country and the materials will admit, an even surface, rising towards the middle, by a gradual arch, and shall hereafter keep the same in perfect order and repair.

SECTION 6. That so soon as the said company shall have completed the said road from Lock Haven to the Bald Eagle bridge, at or near Flemington, as aforesaid, they shall give notice thereof to the governor of this commonwealth, who shall thereupon, forthwith nominate and appoint three competent persons to view and examine the same, and **Viewers.** report to him whether the said road is made and completed 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 the lesser seal of the commonwealth, permit and suffer the president and managers of the aforesaid company to erect and fix such and so many gates or turnpikes upon and across the said road, as will be **License.** necessary and sufficient to collect the tolls and duties hereinafter granted to the said company, from all persons travelling on the same with horses, **Gates.** oxen, mules, carriages, or driving neat cattle and swine.

SECTION 7. As soon as the said company shall have completed the **Tolls.** aforesaid road, and the same shall have been examined, approved and licensed as aforesaid, agreeably to the true intent and meaning of this act, it shall and may be lawful for them to appoint such and so many toll gatherers as they shall think proper, to collect and receive of and from all and every person and persons using the said road, the same tolls and rates in proportion to the distance as is now charged and received by the Bald Eagle, Nittany and Brush Valley turnpike road company, in Clinton and Centre counties, and to stop any person or persons, riding, leading or driving any beast of burden, neat cattle, swine, or any teamster driving wagons, sleds, sleighs or carriages of any description, from passing through the said gates or turnpikes, until they respectively have paid the same; and if at the end of one year after the completion of the said road, the average profits arising from tolls received on the same, will not bear a dividend of six per centum **Dividends.** on the whole capital stock of the said company, so expended, then it shall and may be lawful for the president and managers of such company

to increase the tolls hereinbefore allowed, according to such rate upon the same as will raise the dividend up to six per centum, as aforesaid : *Provided always*, That the said company shall not be allowed at any time to fix or receive such tolls as will exceed six per centum on the capital stock aforesaid.

Penalty for evading tolls.

SECTION 8. That if any person or persons riding in, or driving any carriage of burden or pleasure, as aforesaid, or riding, leading or driving any horse or mule, as aforesaid, shall with intent to defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass therewith through any private gate or bar, or along, or over any private passage way, or along, or over any other ground or land, near to or adjoining any turnpike or gate which shall be erected in pursuance of this act ; or if any person or persons shall, with the intent aforesaid, take off or cause to be taken off, any horse or other beast of draught or burden, from any carriage of burden or pleasure, or shall practice any other fraudulent means or device, with the intent to evade or lessen the payment of any such toll or duty, all and every such person or persons offending in manner aforesaid, shall, for every such offence, respectively forfeit and pay to the president, managers and company aforesaid, ten dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in like manner and subject to the same rules and regulations as debts of equal amount may be sued for and recovered.

Index boards.

SECTION 9. That the said company shall cause posts to be erected at the intersection of every public road leading from the said turnpike road with boards and index hands pointing to the direction of such roads on both sides, on which boards shall be inscribed in legible characters the names of the most public places to which they may lead, and the proper distance thereto, and shall cause mile stones or posts to be erected on said road, properly marked with the respective distance thereon ; and also, shall cause to be affixed at the places of collecting and receiving tolls, a printed list of such rates of toll which from time to time may lawfully be demanded, for the information of travellers and others, using the said road ; and it shall be the duty of the said company to declare half yearly dividends, of the clear profits of said road among the stockholders ; and it shall be the duty of the treasurer of said company to give notice of the time when, and place where, such dividend is to be paid, by at least three insertions in a newspaper printed at Lock Haven aforesaid.

List of rates.

Keep to the right.

SECTION 10. That all wagoners, carters and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep his or their horses and carriage on the right hand side of the said road, in the passing direction, leaving the other side of the said road free and clear for other carriages to pass ; and if any wagoner, carter or driver shall offend against this provision, he shall forfeit and pay any sum not exceeding ten dollars, to any person who shall, by reason thereof, be obstructed in his passage and will sue for the same, to be recovered with costs in manner aforesaid.

Commencement and completion limited.

SECTION 11. That if the aforesaid company shall not proceed to carry on the said work within two years after the passage of this act, or shall not within five years complete the said road according to the true intent and meaning of this act, then, in either of those cases, it shall and may be lawful for the legislature to resume all and singular the rights,

liberties, privileges and franchises by this act granted to the said company.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

APPROVED—The twenty-third day of April, one thousand eight hundred and forty-four.

DAVID R. PORTER.

No. 248.

A N A C T

To validate and confirm the acknowledgments of certain deeds taken and certified by John Becker, Esquire, a justice of the peace of York 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 the several acknowledgments taken and certified in the month of March, one thousand eight hundred and thirty-nine, by John Becker, Esquire, late a justice of the peace in the township of Dover, and county of York, upon five deeds executed by Matthias Ness and wife, to Jacob N. Hildebrandt, Samuel Hartman, Peter Reeber, Frederick Obermiller, and upon another deed executed by Samuel Hartman to Matthias Ness, shall be held, and are hereby declared, to be as valid and binding, and as effectual in law, as if the said John Becker, Esquire, had been in the district for which he was commissioned, at the time the said acknowledgments were thus taken and certified.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

APPROVED—The twenty-third day of April, one thousand eight hundred and forty-four.

DAVID R. PORTER.