

No. 340.

A N A C T

To incorporate the Lewisville and Prospectville turnpike road company, in Montgomery county; and relating to certain state roads in Allegheny and Washington counties, and in Luzerne, Schuylkill and Columbia counties; and relative to the first United States Bank; and courts of quarter sessions.

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 Jesse Shoemaker, Silas Shoemaker, John L. Jones, doctor Isaiah Lukens, Benjamin C. Rich, Conrad Root, Israel Shay, Isaac L. Shoemaker, William M'Clean, Nathaniel B. Johnson, J. Shay, Ephraim Conrad and Job Conrad, of Montgomery county, be and they are hereby appointed commissioners to open books, receive subscription to stock, and organize a company, by the name, style and title of "The Lewisville and Prospectville turnpike road company," with power to construct a turnpike road, said road to commence and connect with the Chesnut Hill and Springhouse turnpike, at or within a fourth of a mile of Andrew Gileson's store, and following the bed of the old road as near as practicable, terminate at the Horsham road, at or near Nathaniel B. Johnson's store; subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth of January, one thousand eight hundred and forty-nine, and the supplement thereto, except that when said company shall have completed said road, which is computed at a less distance than five miles in extent, but more than four, that said company be and they are hereby authorized to collect and receive the same amount and description of tolls as prescribed in said act for distances of five miles, computed and licensed as therein mentioned: *And provided further,* That when said company shall have made and completed two miles of said road, they shall have power to collect and receive toll on the same in proportion to the rates referred to and prescribed by this act.

Commissioners.

Style.

Location.

Subject to the provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of two hundred shares, at fifty dollars per share: *Provided,* That said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be deemed necessary to complete the road, and to carry out the true intent and meaning of this act.

Capital stock.

SECTION 3. That if said company shall not commence the construction of their road within two years after the passage of this act, and complete the same within five years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of the company.

Commencement and completion of road.

SECTION 4. That Hiram Hultz, of Allegheny county, William Parke and Daniel Darragh, of Washington county, be and they are hereby appointed commissioners to review a part of a state road leading from M'Keesport to Georgetown, commencing on land of William Caldwell, Upper St. Clair township, county of Allegheny, where said road intersects the road from Pittsburg to Washington, to a point in land of Robert E. Murdock, in Cecil township, county of Washington, where said

Commissioners to review part of a certain state road.

road crosses the county line ; and to alter and amend the same if they deem it necessary.

Duties.

SECTION 5. That the said commissioners, after taking and subscribing an oath or affirmation to perform the duties enjoined on them by this act with fidelity and impartiality, shall proceed to view the ground, and lay out the road as near a straight line between the said points as the nature of the ground will permit, so that the vertical departure from a horizontal line shall at no point exceed five degrees, except at the crossing of ravines and streams, when by a moderate excavation, filling or bridging, the declination of said road may be preserved within that limit.

Surveyor, &c.,
pay of.

Commissioners,
pay of.

SECTION 6. Said commissioners shall meet on or before the first day of September next, and proceed to complete the view of said road ; and they are hereby authorized to employ one surveyor at a per diem not exceeding two dollars per day, and two chain-bearers and one axeman, who shall receive one dollar ; and the said commissioners shall receive one dollar and fifty cents each for every day necessarily spent in the discharge of the duties enjoined by this act ; and the amount required to pay the expenses as thus provided, shall be paid by a warrant drawn on the commissioners of Allegheny and Washington counties, in proportion to the time spent in each county respectively.

Draft.

To be filed.

SECTION 7. It shall be the duties of said commissioners to make a fair and accurate draft of the location of said road, noting courses and distances, improvements, roads, township lines and waters, one copy of which shall be deposited in the office of the secretary of the commonwealth, on or before the first day of January next after the survey is completed, and one copy in the office of the clerk of the court of each county in which said road may lie, and from thenceforth the said road shall be a public highway, and shall be opened and *required* in all respects as roads are opened and repaired by order of the courts of quarter sessions of said counties.

Damages, how
adjusted.

SECTION 8. It shall be the duty of the said commissioners to endeavor to procure from all persons through whose land said road is located, releases for all claims and damages which might arise from opening the said road, and in all cases where a release cannot be obtained, it shall be their duty to assess the damages and make report thereof, signed by a majority of them, which with the releases, shall be returned to the courts of quarter sessions of the respective counties in which such damages may accrue.

Commissioners to
review part of a
certain state road.

SECTION 9. That Almar Goss and Samuel P. Collings, of Luzerne county, and James Hess, of Columbia county, be and they are hereby appointed commissioners to review, and if they deem it necessary, vacate and re-lay so much of the state road from Berwick to Pottsville, laid out under an act, entitled "An Act providing for laying out a state road from Berwick, in Columbia county, to Pottsville, in Schuylkill county, and to view and lay out a state road from Waynesburg, Greene county, to widow Griffin's, in Fayette county," approved the twenty-eighth day of March, A. D., eighteen hundred and forty-eight, as lays between the old coaling ground and Martin Rittenhouse's mill, in Luzerne county ; and also, so much of the state road from Mifflinville, in Columbia county, to Conyngham, in Luzerne county, laid out under an act, entitled "An Act authorizing the laying of certain state roads, and for other purposes ; and to view and open a state road from Mifflinville, in Columbia county, to Conyngham, in Luzerne county," approved the tenth day of April, A. D., eighteen hundred and forty-eight, as lays between the aforesaid old coaling ground and Conyngham, and they shall extend the said road to the Susquehanna river, at

the ferry near the house lately occupied by Conrad Diedrich; thence to cross the river and pass through the notch in the mountain near the residence of Robert Henderson, and thence to the house of James Hess, in Columbia county, and the commissioners herein named shall be subject to the like duties, and shall receive their pay in like manner; and the road or roads laid out under this act shall be made and opened in like manner as is provided in the fourth, fifth, sixth, seventh and eighth sections of the act, entitled "An Act authorizing the laying out of certain state roads, and for other purposes; and to review and open a state road from Mifflinville, in Columbia county, to Conyngham, in Luzerne county," approved the tenth day of April, A. D., eighteen hundred and forty-eight; and the several provisions of said sections of said act are hereby extended and made applicable to this.

SECTION 10. That the surviving trustee or trustees appointed by the president, directors and company of the Bank of the United States, by four several deeds dated March second, eighteen hundred and eleven, to close the affairs of the said bank, shall within sixty days after the passage of this act, cause to be published once a week for six successive weeks in one or more public newspapers having the largest circulation, printed in the several cities of Philadelphia, Boston, New York, Cincinnati, Louisville, Ky., St. Louis, Mo., New Orleans and Charleston, S. C., a true and accurate statement, verified by the oath or affirmation of one or more of said trustees, and of the acting cashier of said trustees, of all dividends or profits declared on or out of the capital stock of said first Bank of the United States, which at the date of such publication shall remain unclaimed by the person or persons, copartnership or corporation authorized to receive the same; which said statement shall set forth the names, the residence and business of the persons, copartnerships or corporations, if known, in whose favor said dividends or profits may have been declared or made, the amount of such dividends or profits, and the number of shares in the capital stock upon which the same had accrued, been declared or made.

Surviving trustee or trustees of the Bank of the United States to give certain notices, &c.

SECTION 11. That the said trustee or trustees shall at the same time cause to be published in like manner, and for the same period, a statement verified as aforesaid, of the names, and if known, the residence and business of all persons, copartnerships or corporations, if known, who made deposits in said bank, or have balances due them as depositors, which shall remain unclaimed by the person or persons, copartnerships or corporation authorized to receive the same, with the dates when such deposits were made or balances accrued, the amount thereof, and the amount of interest, if any accruing or accrued thereon.

Further duties.

SECTION 12. That it shall and may be lawful for the several courts of quarter sessions of the peace of this commonwealth, whenever the public business shall require it, to fix adjourned or special courts of quarter sessions, for the purpose of trying issues in criminal cases, and transacting the other business of such court, and to recognize parties and witnesses for their appearance at such courts, as if they were regular sessions.

Special courts of quarter sessions, provision for.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-second day of April, A. D., one thousand eight hundred and fifty.

WM. F. JOHNSTON.