

AN ACT

To Incorporate the Prescott and Lynx Creek Toll Road Company.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

Section 1. That Herbert Bowers, John J. Backus, and James E. McCaffry, and their associates, are hereby constituted and formed into a body politic and corporate with the name and title of the Prescott and Lynx Creek Toll Road Company, and with this name and under this style shall have perpetual succession, sue and be sued, plead and be impleaded, to have and to keep a common seal, acquire, enjoy, and transfer either real estate or personal property, and may make or adopt all rules and regulations necessary to carry into effect the objects of this incorporation, not inconsistent with or repugnant to the laws of the United States or those of this Territory.

Sec. 2. That said company is authorized and allowed the exclusive privilege and power to construct and build a toll road from such point at or near Prescott as they may deem most practicable, and pursuing the most direct and practicable route from said point to terminate on Lynx Creek, at or near the present location of Bowers & Co.'s quartz mill, in the county of Yavapai, to construct bridges and grade said road, to keep and maintain facilities for furnishing water to men and animals passing over said road, and to do all other things necessary to complete said road, and make the same safe and passable at all times; and may maintain toll gates at necessary points, and may receive and collect toll or passage money in sums not exceeding the following rates, to wit: ,

For each wagon drawn by two horses, mules, or horned cattle, one dollar and fifty cents for the entire length of the road.

For each additional span of horses, mules, or horned cattle, fifty cents for the entire length of the road.

For each carriage or cart drawn by one horse, mule, or ox, one dollar for the entire length of the road.

For each horse or other animal and rider, twenty-five cents for the entire length of the road.

For each pack animal, horse, mule, ass, or horned cattle, fifty cents for the entire length of the road.

Provided, that for any fractional part of said road traveled under the provisions of said act, an amount of toll in proportion to the above rates shall be charged therefor. That after the expiration of three years from and after the completion of said road, the Legislature of this Territory shall have the right to modify or change the above rates of toll.

Sec. 3. That the company shall have the right of way over the public lands along the line of their road, and no person or body corporate shall build or maintain any toll road at any point along the route of said road nearer than one mile of the same on either side of the same. Said company may occupy, purchase, and own such amounts of land at different points on the line of said road, and at the termini of said road, as the legitimate business and purpose of maintaining said road may require, not exceeding in all two hundred acres. Said company shall have the right of way over lands of private individuals, using therefor one track only not more than fifty feet wide; and if the compensation or damages to be paid therefor cannot be settled by agreement of the parties, the same shall be determined by the Judge of Probate of said Yavapai county, upon complaint to him setting forth the facts.

Sec. 4. That said company shall commence operations on said road on or before the first day of May, A.d. 1866, and shall construct and fully complete said road throughout, in a manner safe and passable for wagons with their usual freight, on or before the first day of May, A.d. 1867, and said road shall be completed before any tolls shall be collected by said company for travel thereon.

Sec. 5. No tolls or charges shall be made by said company for travel on any part of said road until said road shall have been examined by a commissioner to be appointed by the County Commissioners of said county, who are hereby authorized to appoint a disinterested person for such purpose, on receipt of a petition from the company praying therefor, and who shall have reported in writing to said County Commissioners what amount has been expended on said road by said company, and what improvements have been made thereon, and whether said 'company have complied in all respects with the provisions of this act; and if the County Commissioners agree in opinion with said commissioner that said company has, in all respects, complied with the provisions of this act, and shall have made a certificate of the fact to said company; and the County Commissioners shall keep all said papers on file in the office of the Clerk of said County Commissioners.

Sec. 6. No tolls or charges shall be collected from any foot passenger, nor for any water or grass used by man or beast traveling thereon!

Sec. 7. The privileges conceded to said company as heretofore set forth and qualified, are and shall be and continue for fifteen years from and after the first day of May, A.d. 1867, and at the expiration of said term said road shall be relinquished by the said company in good order, to the said county of Yavapai, said company retaining any houses, lands, or other improvements not necessarily required in actual passage over said road.

Sec. 8. If any person shall neglect or refuse to pay the toll authorized by this act for any animal or teams owned or driven by him, when demanded by any person authorized to receive the same, he shall be liable for double the amount of toll legally due from him, to be collected, on complaint in the name of the company in any Court of competent jurisdiction, and the wagon or wagons, animal or animals, owned by him or in his charge,

shall be liable to be taken on attachment or execution to satisfy the judgment which may be obtained.

Sec. 9. That the capital stock of said company shall consist of thirty thousand dollars (\$30,000), to be divided into shares of fifty dollars (\$50) each, and each one of said shares shall be considered as personal property, and may be bought and sold, assigned or transferred in such manner and in such place as the stockholders or a majority of them may prescribe in their rules and regulations.

Sec. 10. That the officers of said company shall consist of a President, Secretary, and Treasurer, who shall also constitute a board of directors, who shall be stockholders of said company, and shall be elected by the stockholders of said company, or by a majority of them legally assembled, and shall hold their offices for one year from and after their election, and until their successors shall be duly elected, and such officers may be removed from office whenever a majority of stockholders present at any legal meeting, called for that purpose, shall determine that they have been guilty of mismanagement or fraud in the discharge of their duty.

Sec. 11. The meeting to organize said company under this act shall be held at Prescott on the second Monday in January, A.d. 1866, and a majority of the persons named therein shall constitute a quorum for the transaction of business, and they may make by-laws and transact any other business that may be necessary to organize this corporation.

Sec. 12. That the rates of toll contained in section two shall be plainly printed and posted in a conspicuous place at each toll gate on the road, and be maintained at all times in a legible condition.

Sec. 13. That all persons exhibiting a certificate from any commissioned officer of the Territory that they are in the militia service of the Territory, shall be exempt from the payment of tolls on said road.

Sec. 14. That if, at any time after the completion of said road, the said company desire to locate a branch road from the said main road to a given point on Lynx Creek, that the said company be and are hereby empowered to locate said branch road in accordance with the provisions of this act, and to charge an amount of toll proportionate to that stated in section two.

Sec. 15. This act shall take effect and be in force from and after its passage.

Approved December 30, 1865.

https://www.google.com/books/edition/Acts_Resolutions_and_Memorials/82tNAAAAYAAJ?hl=en&gbpv=1&dq=Prescott+and+Lynx+Creek+Toll+Road+Company&pg=PA28&printsec=frontcover