

No. 38.

An Act

To authorize the Governor to incorporate a company to make a turnpike road from the borough of Ligonier town, in Westmoreland county, to Donegall town 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 Martin Miller, John Gay, John Campbell, esquire, colonel Joseph Lloyd, Alexander Caven, Killen Ambrose, Frederick Markle, John M'Farland and Jacob Divelbess, all of Westmoreland county, be and they 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 June 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 Ligonier and Donegall turnpike road company, the sum of fifty 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 for making a turnpike road from the borough of Ligonier town, in Westmoreland county, to Donegall town, in said county.' Witness our hands, the day in the year of our Lord, one thousand eight hundred and ."

And thereupon shall give notice, in two 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 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 persons 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 two hundred shares therein subscribed; and if at the expiration of the said six days, the books aforesaid shall not have the said number of two 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 transfers the commis-

Commissioners.

Form of
subscription.

\$50 per share

Notice to be
given.

Whole No. of
shares, 200.

sioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares subscribed shall amount to two hundred, the same shall be closed: *Provided* Proviso. *always*, That every person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners the sum of two dollars for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such 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 twenty persons, or more, shall have subscribed one hundred shares of the said stock, the said commissioner: respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall certify, under When charter may issue. 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 Style of corporation. "the president and managers of the Ligonier and Donegall 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 Privileges & liabilities. 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 less estate, all such lands, tenements, hereditaments and estate, 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 letter patent shall be sealed and obtained, shall give public notice in two of the public papers printed nearest the route of the said road, of a time and place Organization of company. 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 Officers elected. president, six managers, one treasurer, and such other officers

as may be necessary to conduct the business of 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 the 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.

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 skill and 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 and managers and company of the Stoystown and Greensburg turnpike road, in and by an act of assembly of this Commonwealth, passed the ninth day of March, Anno Domini, eighteen hundred and fourteen.

SECTION 5. The president and managers of the said road shall make, or cause the same to be made, not less than forty nor more than fifty feet in width, and at least eighteen 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 to 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, a smooth and firm surface, and a well made permanent highway, and so nearly level in its progress that it shall in no place rise or fall more than will form an angle of five degrees with a horizontal line: *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

Proviso.

Ratio of votes

Right to enter enclosures, &c.

Powers and restrictions.

Dimensions, construction, &c. of road.

Proviso.

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 said road without any such covering, and shall keep the said road in perfect order and repair.

SECTION 6. The election for president, treasurer and managers of said company, shall be held annually on the second Monday of January. Election of officers.

JAMES THOMPSON,
Speaker of the House of Representatives.

JACOB KERN,
Speaker of the Senate.

APPROVED—The fourth day of March, one thousand eight hundred and thirty-five.

GEO: WOLF.

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No. 39.

A further Supplement

To an act to regulate fisheries in the river Susquehanna and its branches, passed the thirtieth day of March, one thousand eight hundred and thirty-two.

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 from and after the passage of this act, it shall not be lawful for any person or persons to cast, draw or use, or to direct, permit or aid in casting, drawing or using, any seine, net or other device for the taking of shad in, or obstructing their passage through, any sluices, left open or constructed for the passage of any rafts and other craft, in the dam erected in the river Susquehanna at Duncan's Island and at the Shamokin Ripples, at Muncy and at Nanticoke, nor within one hundred perches above and below said sluices, nor within thirty perches of either side of the sluices of the dams at Duncan's Island, Shamokin, Nanticoke and Muncy; but that the said sluices shall be and remain open and free from obstruction, so that shad and other fish may pass through the same. Of fishing with seines, or nets, &c.

SECTION 2. Every offender against any of the provisions of this act, and every owner of any seine, net, or other device for the taking of shad, who shall knowingly and wilfully permit the same to be used for the taking of shad, contrary to the aforesaid provisions, shall forfeit and pay the sum of fifteen dollars for every such offence, to be sued for and recovered in the same manner and for the like uses as penalties incurred under the act \$15 penalty for every offence.