

of said tax, between the owners and occupiers who pay water rents for the use of the water introduced into the lots on which such houses, barns, stables, out-houses or other buildings may be erected, and those who pay no such water rents; and the said tax when so laid and assessed, shall be collected by the collector of the borough tax of the said borough, who shall have the same power and authority for the collection of the same, as are conferred by law on collectors of township rates and levies.

SECTION 3. The burgesses and assistant burgesses, on complaint to them made by any such owner or occupier, are hereby authorized to make any abatement from, or alteration in, said tax so to be laid and assessed as aforesaid, at any time prior to the payment of the same to the collector. Abatement.

SECTION 4. No person or persons whatever shall be permitted or allowed to erect, create or continue any nuisance or nuisances, injurious to the health or comfort of the inhabitants of the said borough, on any lot, or within any building, or in any street or alley within the limits of the same, under the penalty of any sum not exceeding twenty dollars for every such offence, to be sued for and collected for the use of said borough, before the chief burgess, or any justice of the peace residing therein: *Provided nevertheless*, That any person who may consider himself aggrieved by the judgment of such burgess or justice of the peace, shall be entitled to appeal therefrom, agreeably to the provisions of an act, entitled "A further supplement to an act, entitled 'An Act to incorporate the town of West Chester into a borough,' passed the eighteenth day of June, one thousand eight hundred and forty-two." Nuisances. Proviso.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

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

DAVID R. PORTER.

No. 303.

AN ACT

To authorize the governor to incorporate the president, managers and company of the Donegal and Hempfield 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 Clement Hubbs, John A. Hays, John Fashold, William Reynolds, Thomas Hurst, B. D. Marker, C. M. Walthour, Daniel Cortis and Gen. Jacob Gosser, of Westmoreland county, be and are hereby appointed commissioners to do and perform the several things hereinafter Commissioners.

mentioned, that is to say; they shall, on or before the first day of September next, procure a book and enter in it as follows: We whose names are hereunto subscribed, do promise to pay unto the president, managers and company of the Donegal and Hempfield turnpike road, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined on 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 president, managers and company of the Donegal and Hempfield turnpike road company." Witness our hands, the day of _____ in the year of our Lord, one thousand eight hundred and _____; and shall thereupon give notice in one or more of the newspapers printed in the county of Westmoreland, for one month, of the time and place, when and where the said book shall be opened to receive subscriptions for the stock of the said company, at which time and place some one of the said commissioners shall attend, and permit and suffer all persons of lawful age, who shall offer to subscribe in the said book, in their own name, or in the name of any other person who shall duly authorize the same, for any number of shares of the said stock; and the said book shall be kept open respectively, for the purpose aforesaid, for at least six hours in every juridical day, for the space of three days, and until the said book, so opened, shall have two hundred shares therein subscribed; and if at the expiration of the said three days the book aforesaid shall not have the number of shares aforesaid, therein subscribed, the said commissioners respectively may adjourn from time to time, and transfer the book from place to place, until the whole number of shares shall be subscribed, of which adjournment and transfer the said commissioners shall give notice, as the occasion may require.

Form of subscription.

Subscriptions.

Letters patent.

Name.

Liberties and franchises.

SECTION 2. Whenever ten or more persons shall have subscribed fifty shares, or more of the said stock, 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 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 said subscriptions be not full at the time, then also, those who shall afterwards subscribe to the number aforesaid, into one body corporate and politic, by the name, and style and title of the president, managers and company of the Donegal and Hempfield turnpike road; and by the said name the said 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, in such 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 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 estates, real and personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, and 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 letters patent shall be sealed and obtained, shall give notice in the public papers aforesaid, of the time and place by them

to be appointed, not less than thirty days from the publication of the first notice, of what time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of their own subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, five managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until such other officers shall be chosen; and the said managers so chosen, and their successors, shall and may make such by-laws, rules and regulations, not inconsistent with the constitution and laws of this state and of the United States, as shall be necessary for the well ordering of the affairs of the said company. Organization.
Officers.
By-laws.

SECTION 4. That the president and managers, their superintendents, surveyors, engineers and agents, shall be and they are hereby authorized to enter in and upon all enclosures over or through which the said road shall pass, or that it shall be thought proper to pass over, and the same to examine, and thereon shall locate a road, according to the best of their judgment, beginning at the forks of the road west of Donegal, at Backhouse's old stand, on the Somerset and Mount Pleasant turnpike road, in Westmoreland county, thence to Halthour's old stand, to intersect the Pittsburg and Greensburg turnpike road, in aforesaid county, which said road, shall be opened forty feet wide, at least twenty of which shall be made an artificial road, of clay, stone or gravel, or such other materials as the president and managers shall think proper, so that the same, when complete, shall not exceed in ascent or descent, five degrees from a horizontal line, and shall forever hereafter, maintain and keep the same in good and perfect order and repair: *Provided*, The owners of lands through which the said road shall pass, shall have the same remedy for damages as is provided in the general road laws of this commonwealth: *And provided, further*, That the said president and managers, in locating said road, shall select the nearest route and the best ground, between the several points designated, doing at the same time as little damage to the property of private individuals, as may be consistent with the judicious location of said road. Power to locate road.
Damages.

SECTION 5. That said company 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, managers and company, of the Pittsburg and Butler turnpike road company, in and by an act of assembly of this commonwealth, passed the twenty-fourth day of March, Anno Domini one thousand eight hundred and seventeen. Duties, penalties, tolls, &c.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

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

DAVID R. PORTER.