

No. 195.

AN ACT

To authorize the Governor to incorporate a company to make a turnpike road from the borough of Johnstown, in Cambria county, to Ligonier, in Westmoreland 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 for the purpose of making a turnpike road from the borough of Johnstown, in Cambria county, to Ligonier, in Westmoreland county, Peter Livergood and George W. Kern, of Cambria county, Noah Mendell, Robert Graham, William T. Baldrige, Hugh Mitchell, Abraham Horbach, Hugh Y. Brady, John Cover, and Robert Stewart, of Westmoreland county, and Henry Chaffant, of Allegheny county, be and they are hereby appointed commissioners to do and perform the several things herein after 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 Johnstown and Ligonier 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 Johnstown, in Cambria county, to Ligonier, in Westmoreland 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 times 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 trans-

Commissioners.

Form of subscription.

Books to be kept open till 200 shares subscribed.

Proviso. fer the said books from place to place, until the whole number of shares shall be subscribed, of which adjournment and transfers, the commissioners 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 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.

When com'r's shall certify to Gov. SECTION 2. When twenty persons, or more, shall have subscribed one hundred shares of the said stock, the said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall certify under 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 the "President and managers of the Johnstown and Ligonier 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 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 of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Style of corporation.

Privileges & liabilities.

Organization of company. SECTION 3. The commissioners aforesaid as soon as conveniently may be after the said letters 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 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 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,* Proviso. 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 Construction chain bearers, to enter in and upon all and every the lands, of road. 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 Width of road 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, 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 Proviso.

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 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.

Right to
repeal.

SECTION 6. If the said 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 thereafter complete the same according to the true intent and meaning of this act, then or in either of those cases, all and singular the rights, liberties, privileges and franchises hereby granted, shall revert to the Commonwealth.

Annual elec-
tions.

SECTION 7. The election for president, treasurer and managers of said company shall be held annually on the second Monday of January.

WM. PATTERSON,

Speaker of the House of Representatives.

JACOB KERN,

Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and thirty-four.

GEO WOLF.

No. 196.

AN ACT

Authorizing the laying out of sundry State Roads.

Common's to
lay out a
State road
from Wil-
liamsburg to
Pittsburg.

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 Moses Lyle, James Lee and Thomas White of Washington county, are hereby appointed commissioners to view, lay out and mark a State road, beginning at a point in Williamsburg, where the State road from Williamsburg to the city of Pittsburg commences, as laid out under the act of December twenty-first, one thousand eight hundred and twenty-seven, and thence to the Virginia State line, in the direction of Wheeling.

Mt Pleasant
to Clinton.

SECTION 2. Thomas J. Hewett of Allegheny county, and James Pollock and John McCammant of Washington county, are hereby appointed commissioners to view, lay out and mark a State road, from the village of Mount Pleasant in Washington county, by Raccoon meeting house and Crafford's tavern, as