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LAWS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF PENNSYLVANIA,

PASSED AT THE

SESSION 1831 '32.

IN THE

FIFTY-SIXTH YEAR OF INDEPENDENCE.



PUBLISHED BY AUTHORITY.

HARRISBURG:
PRINTED BY HENRY WELSH.

.....
1832.



life, to commence on the first day of January, one thousand eight hundred and thirty-two.

Same to E.
Clyndienst.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorized and required to pay to Elizabeth Clindeinst, of York county, the widow of a soldier of the revolutionary war, forty dollars immediately, and an annuity of forty dollars, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-two.

\$40 gratuity
to Susan
Mosher.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorized and required to pay to Susan Mosher, widow of Jeremiah Mosher, late of the city of Lancaster, a soldier of the revolutionary war, or to her order, a gratuity of forty dollars.

JOHN LAPORTE,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of May, Anno Domini, eighteen hundred and thirty two.

GEO. WOLF.



No. 187.

AN ACT

To authorize the Governor to incorporate a company for making a turnpike road from the borough of Pottsville, through Minersville and Carbondale, in Schuylkill county, to Daniel Herb's tavern, in Northumberland county, and for other purposes.

Pottsville and
Susquehanna
turnpike co.
Commissioners
appointed
to open
books.

Form of sub-
scription.

SECT. 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 Benjamin Becker, Benjamin Bensinger, William Mortimore, John C. Offerman, John Patrick, Peter Klock, George Hepler and Daniel Herk, senior, 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 day of September next, procure two books, 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 Pottsville, Minersville, Carbondale and Susquehanna turnpike road company, the

sum of twenty-five dollars for every share of stock in said Shares \$25.
 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 Pottsville through Minersville, Carbondale, in Schuylkill county, to Daniel Herb's tavern, in Northumberland county, (and for other purposes)' Witness our hands, the day of _____, 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 in the county of Schuylkill, for twenty days at least, of the time and places when and where the said book 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 said stock; and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until the said books shall have four hundred shares therein subscribed; and if, at the expiration of the said six days, the books aforesaid shall not have the said number of four 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 transfer the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares subscribed shall amount to four 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.

Directions to stock commissioners.

Proviso.
 \$2 to be paid upon each share at time of subscription.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when twenty persons or more shall have subscribed one hundred and fifty 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. When 20 persons take 150 shares of stock, and certificate of facts is made to the Governor, charter may issue.

nor 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 Pottsville, Minersville, Carbonate and Susquehanna turnpike road company," 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 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 estates, 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 and liabilities.

Commissioners to give notice of time and place of organization.

President, 8 managers, treasurer, &c.

Proviso. Stockholders to have one vote for each share up to 10.

SECT. 3 *And be it further enacted by the authority aforesaid,* That the commissioners, or a majority of them, 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 in the county of Schuylkill, 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, eight 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 of this commonwealth, as shall be necessary for the well ordering the affairs of 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.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be lawful to and for the said president and managers, their superintendents, surveyors, artists and

chain bearers, to enter in 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 toll and profits, in proportion to the distance, as are given and granted to the president and managers and company of the Coshecton and Great Bend turnpike road, in and by an act of assembly of this commonwealth, passed the twenty-ninth day of March, Anno Domini, eighteen hundred and four.

Right of company to enter enclosures, to search for materials, locate, &c.

Same powers, tolls, &c. as Coshecton and Great Bend company.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the president and managers of the said road shall make or cause the same to be made, not less than thirty nor more than fifty feet in width, and at least twenty 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, when 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; and the said president and managers shall erect permanent bridges, with sufficient abutments and piers over all the streams of water crossing the said road, and shall keep the said road and bridges in perfect order and repair.

Of the manner of constructing road, &c.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry on the said work within five years after the passing this act, or shall not within five years thereafter complete the same, according to the true intent and meaning 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.

Five years allowed to commence and five to complete work.

SECT. 7. *And be it further enacted by the authority aforesaid,* That Benjamin Perry, Andrew Beaumont, Ziba Ben-
 net, John Myers, Henry F. Lamb Charles D. Shoemaker and
 Edward Lynch, or any three of them, are hereby appointed
 commissioners to perform the several matters and things
 hereinafter mentioned, that is to say, on or before the first
 day of May next, they shall procure a book and enter therein
 as follows: "We, the subscribers, promise to pay to the pre-
 sident and managers of the Wilkesbarre Water and Insurance
 company, the sum of twenty dollars for every share set oppo-
 site to our respective names, in such manner and proportions
 and at such times as shall be determined by the said com-
 pany, in pursuance of an act of the General Assembly, enti-
 tled 'An act authorizing the Governor to incorporate the
 Wilkesbarre Water and Insurance company.' Witness our
 hands, the day of in the year one thou-
 sand eight hundred and thirty-two;" and shall thereupon
 give notice in the newspapers published in the borough of
 Wilkesbarre, for the space of two weeks, or more, when and
 where, within the borough, said book shall be opened to re-
 ceive subscriptions of stock, at which time and place, one or
 more of the said commissioners shall attend, and permit all
 persons of lawful age, either in their own names or in the
 names of others when they shall appear to be duly authorized,
 to subscribe for any number of shares in said stock, not ex-
 ceeding four on the first day, and the said book shall be kept
 open for three successive days, unless six hundred shares
 shall have been sooner subscribed, and if, within the said
 three days, the said six hundred shares shall not have
 been subscribed, then the said commissioners or the presi-
 dent and treasurer of the company, by direction of its ma-
 nagers, after the same shall have been organized, may at
 any time afterwards open the said book for the subscrip-
 tion of said shares until the whole number aforesaid,
 or any additional number, which may be necessary to
 enable the company to fulfil the intent and meaning of
 this act, shall be subscribed: *Provided,* That no person shall
 be allowed to subscribe in the said book, in his own name or
 in the name of any other person, until he shall previously
 pay to the attending commissioner or commissioners, or the
 president and treasurer, two dollars for each and every share
 to be subscribed, out of which shall be defrayed the expenses
 of attending the taking said subscription and other necessary
 incidental charges, and the remainder shall be placed in the
 treasury of said corporation as soon as the same shall be
 organized.

Wilkesbarre Water and Insurance co. Commissioners to open books.

Form of subscription. \$20 per share.

Regulations under which stock is to be subscribed.

Whole no. of shares 600.

Proviso. \$2 to be paid down upon each share.

SECT. 8. *And be it further enacted by the authority aforesaid,* That when twenty-five or more persons shall have sub-
 scribed two hundred or more shares of said stock, the com-
 missioners, or any three of them, shall certify to the Gover-
 nor of this commonwealth, under their hands and seals, the

names of the subscribers and the number of shares subscribed by each; and thereupon it shall be lawful for the Governor, under his hand and the seal of the state, to create and erect the subscribers, and also those who shall afterwards become subscribers, and their assigns, into one body politic and corporate, in deed and in law, by the style, title and name of the Wilkesbarre Water and Insurance Company, by which 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 the capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if it shall be deemed necessary to fulfil the whole intent and meaning of this act, and of purchasing, taking and holding, to them and their successors and assigns, and of selling and transferring, in fee simple, or for any less estate, all such lands, tenements and hereditaments and estate, real, personal or mixed, or goods and chattels, or choses in action, or all and every description of property whatsoever, as shall be necessary in the prosecution of their works, or other matters connected with the said corporation, and of suing and of being sued, and of doing every matter and thing which a corporation or body politic may lawfully do.

Upon certificate to Governor of subscription by 25 persons, of 200 shares, letters patent may issue. Style of corporation.

Privileges and liabilities.

SECT. 9. *And be it further enacted by the authority aforesaid,* That any three or more of the said commissioners shall, as soon as conveniently may be after the letters patent are obtained, give at least ten days notice in one or more of the newspapers printed in the borough of Wilkesbarre, of the time and place for the subscribers to meet and hold an election for officers of the company, who shall choose by ballot from among the stockholders resident in the said borough, nine managers, to conduct the affairs of the company until the first day of January, then next ensuing, and in all such elections, each stockholder shall be entitled to one vote for each share, bona fide, held by him, not exceeding five, and for every five shares above the first five and not exceeding twenty, one vote, and no stockholder shall be entitled to more than eight votes at any election, and the said managers shall appoint one of their number president of their board, who shall sign all certificates for stock, and all and every other instrument of writing which may be necessary in transacting the affairs of the company, and the said president and managers shall appoint one of the stockholders residing in said borough, not being a member of the board, treasurer of the company, who, before he enters upon the duties of said office, shall execute a bond of such amount as the board of managers shall determine, with two or more sufficient sureties, to be approved of by the board in such form, and with such conditions and stipulations as the president and managers shall prescribe by their by-laws, and

Of the time and place of organization.

Of the elections.

Of the president.

—Treasurer, &c.

Annual elect-
ions.

Proviso.
Of votes on
transferred
shares.
2d proviso.
For failure or
neglect to
hold elect-
ions.

they shall have power to appoint such other officers and agents (with such perquisites or compensation as may be right) as may be deemed necessary; and the election of officers thereafter, shall be held annually on the first day of January, unless that day be on Sunday, in which case it shall be held the day following, at such place within the said borough as may be appointed by the managers, of which, at least ten days notice shall be given in one or more of the newspapers printed in the said borough, and when vacancies occur, the president and managers shall supply them from among the stockholders, until the next annual election: *Provided*, That no person shall be allowed to vote at any election for managers, in virtue of any stock, unless the stock shall have stood in his or her own name, at least three months immediately preceding such election: *And provided*, That no misnomer nor failure of election of officers on the day appointed, shall discontinue or dissolve the said corporation, but the managers and officers shall continue in office until a new election, which shall be made at such time and place within said borough, and after such notice as the board of managers shall prescribe.

Of the by-
laws and spe-
cial meetings.

SECT. 10. *And be it further enacted by the authority aforesaid*, That the president and managers, or any seven of them, shall have power to adopt such by laws, rules and regulations as do not contravene the constitution and laws of the United States or of this commonwealth, and may be necessary for the well governing of the affairs of the company, and they shall have power also to call special meetings of the stockholders, when any cases occur which may render it expedient and proper to consult them.

Of the seal.

SECT. 11. *And be it further enacted by the authority aforesaid*, That the president and managers shall procure a common seal which they may alter, break or change as they may determine, and all certificates of stock, contracts or other official acts, shall be authenticated by affixing thereto the same, and the president and managers shall procure certificates for all the shares of the stock of said company, and shall deliver one such certificate signed by the president, countersigned by the treasurer and sealed as aforesaid with the seal of the corporation, unto each person for every share held by him or her as soon as ten dollars shall be paid on each share, and every such share shall be transferable in person or by attorney duly authorized in the presence of the president, treasurer or one of the managers of said company, in a book to be kept by the managers for that purpose, subject to all payments due and to become due thereon; and the assignee holding any certificate of the stock assigned as aforesaid, shall be a member of the corporation, and possess and enjoy all the rights, privileges, benefits and emoluments to which he would have been entitled if he had been an original subscriber.

Certificates of
stock, &c.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the president and managers shall meet at such times and places as shall be directed by their by-laws, and when met five members shall be a quorum, and in the absence of the president, a president pro tem. shall be chosen of the number met, and all their transactions as well as every matter and thing relating to the affairs of the corporation, shall be recorded in a book or books for that purpose kept, and a quorum being formed they shall have full power to employ and contract with engineers, artists and such workmen as they may deem necessary to carry on and complete their intended work, as well as to protect, uphold, alter and repair the same, and to do any and every other thing necessary to accomplish and fulfil all or any of the purposes contemplated by this act: *And also,* to fix the times and manner, and in what proportion the stockholders shall pay the monies due on their respective shares, and to draw on the treasurer for all the monies that may be required to carry into full effect this act, or that may be required by their by-laws, rules and regulations; and generally, to do all such other matters and things as by this act or their by laws, rules and regulations, they shall be authorized to do.

General powers and duties of the Pres't. and managers.

SECT. 13. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the president and managers, as soon as may be after the company shall be organized, to proceed to bring into the borough of Wilkesbarre, by means of pipes, trunks, aqueducts, forcing pumps or other machinery, some spring or stream of water from the neighborhood of said borough, the right to which shall have been previously vested in the company: *And also,* to provide proper cisterns, or reservoirs for the reception thereof, and for that purpose they shall have power to enter into such lands and enclosures as may be necessary, and to dig ditches, build aqueducts, lay pipes or trunks through the same, doing as little damage as possible to private property, and paying for whatever injury shall be done by them, (when the parties cannot agree,) according to the assessment made under oath or affirmation, of three disinterested persons, appointed by the court of Common Pleas of Luzerne, on application of the president and managers, or the party claiming damages, and the president and managers shall at all times, (paying damages as aforesaid) have liberty to re-build, renew and repair the said pipes, trunks and aqueducts, or any part of their works, whenever built or laid, and shall have liberty at all times to dig and lay pipes or trunks along roads, highways, or across canals, and along the streets and alleys of the said borough, and to renew or repair the same, shutting up and amending any breach or obstruction which they may make as soon as possible; and it shall also be lawful for them to make cisterns, reservoirs, fire plugs or fountains, in

Company authorized to bring water into borough, &c.

Arrangement for the assessment of damages, &c.

the streets or public grounds in said borough, when the same may be deemed necessary.

Company to erect fire plugs.

Of the water rents.

Penalty on improper use of water.

Authority to enforce collection of instalments of stock.

Semi-annual declaration of dividends.

Penalty on wilful injury to property of company.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the said president and managers shall, in such streets and parts of said borough, when pipes shall have been laid, erect hydrants or fire plugs, to be used solely for extinguishing fires, or for the use of fire engines or hose companies, and they shall suffer individuals at all times to be supplied with water from the said pipes for domestic or manufacturing uses, for such reasonable compensation as shall from time to time be agreed upon by the said president and managers, and such individuals, and for the public uses of the borough, the compensation to be settled between said president and managers, and the borough council, according to certain uniform rates, which the president and managers shall hereafter adopt, having regard to the probable quantity of water which the said applicants are likely to consume, and to their distance from the (place) where the water is to be drawn, and any person within the said borough or elsewhere, who shall take any of the said water for domestic or manufacturing use, without having previously contracted for the same with the president and managers, shall forfeit and pay for every such offence, the sum of one dollar to the said president and managers, to be recoverable before a justice of the peace, in the same manner as debts of equal amount are now recoverable.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the president and managers shall call in the capital stock of the company by instalments, as the same may be required for the prosecution of the said work, or the performance or fulfilment of any of the purposes or designs of this act, and if any stockholders shall neglect to pay his instalments after thirty days notice, published in one or more of the newspapers printed in the said borough, then payment thereof may be enforced as in other cases, and whenever the debts of the said company shall have been paid, and the income shall exceed the expences of the company, the president shall declare a dividend on the stock paid in half yearly, on the first Monday's of January and July in each year, and shall publish the said dividend, and the place where the same will be paid, and shall cause the same to be paid accordingly.

SECT. 16. *And be it further enacted by the authority aforesaid,* That any person who shall wilfully destroy or injure in any manner the pipes, aqueducts, cisterns, reservoirs, hydrants, fire plugs, buildings or machinery, or any of them, or any of the works of the said company, erected in pursuance of this act, or shall wilfully corrupt or render unwholesome the spring, stream, cistern or reservoir of water, which shall be conveyed and brought into the borough of Wilkes-

barre by the said company, shall, on being thereof convicted before any justice of the peace, in and for the county of Luzerne, by the oath or affirmation of one or more creditable witnesses, pay a fine, not less than five nor more than thirty dollars, one half to the use of the poor of said borough, and the other half to the informer, and shall moreover remain liable to the company for all damages.

SECT. 17. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry on the said work within three years after the passage of this act, or shall not within five years afterwards complete the same, so far as to have conveyed the water within the limits of the said borough of Wilkesbarre, or shall issue any note or notes in the nature of bank notes, or transact any business in the manner or nature of banking, in any of these cases, all and singular, the rights, liberties and franchises hereby granted or intended to be conferred upon the said company, shall revert to this commonwealth.

Upon delay, or interference with banking; privileges to revert to commonwealth.

SECT. 18. *And be it further enacted by the authority aforesaid,* That Jacob Gossler of Columbia, William Poist and Abraham Bitner of Washington, Jacob Witmer and Benjamin Mellinger of Manor township, Henry Shenk of Conestogo, William M'Creery of Martick, Thomas Neil and Joseph Peany of Drumore, and Jeremiah Brown of Little Britain, all in the county of Lancaster, be and they are hereby appointed commissioners to do and perform the several duties specified in the act to incorporate the Columbia, Washington and Port Deposit road company hereinafter mentioned, in the place and stead of the commissioners therein named: *Provided,* That nothing in this act contained shall authorize the said company to lay rails upon or construct the said road for rail-road purposes.

New stock commissioners appointed for the Columbia and Port Deposit road comp'y.

Proviso. Company not to make a rail-road.

SECT. 19. *And be it further enacted by the authority aforesaid,* That the said commissioners shall, on or before the first day of October, in the year one thousand eight hundred and thirty-two, open books for subscription to the stock of said company, the price of each share whereof shall be twenty-five dollars, and the whole number of shares shall not exceed two thousand, but when one thousand shares shall be subscribed and certified in the manner directed in the act mentioned in the next succeeding section, the Governor shall thereupon cause letters patent to issue in the manner specified in the second section of said act.

Time of opening books. Shares \$25. Whole no. 2000. Charter to issue upon 1000.

SECT. 20. *And be it further enacted by the authority aforesaid,* That the act entitled an act to authorize the Governor to incorporate the Columbia, Washington and Port Deposit road company, in Lancaster county; the Monongahela and Coal Hill turnpike road company, in the county of Allegheny, and the Mount Pleasant free road company, in the county of

Former acts revived so far as consistent with this.

Westmoreland, be and the same is hereby revived so far as relates to the Columbia, Washington and Port Deposit road company, except so much of the same as is hereby altered or supplied.

Comm'rs. appointed to lay out road from McGills mill, to Byrne's in Allegheny co.

SECT. 21. *And be it further enacted by the authority aforesaid,* That Barnet Gilleland of Connequenessing township, Thomas Kelley of Butler township, Butler county and Robert Beatty of Allegheny county, are hereby appointed commissioners to lay out, by courses and distances, a state road, beginning at or near Arthur M'Gill's mill, in Middlesex township, Butler county, from thence to intersect the Pittsburg and Harmony road, at or near the house of Martin Byrne, in Allegheny county.

Oaths of commissioners.

SECT. 22. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, or a majority of them, after taking an oath or affirmation before a justice of the peace, to perform the duties enjoined upon them by this act with impartiality and fidelity, carefully to view the ground over which the said road may pass, and lay the same as near to a straight line between the aforesaid points as the nature of the ground and other important circumstances will permit, and in such manner that the vertical departure from a horizontal line shall at no point exceed five degrees, unless it be at the crossing of ravines and streams, where by moderate filling or bridging, the declination of the road may be preserved within that limit.

Specification of duties.

Relative to the location, damages, &c.

SECT. 23. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners, or a majority of them, in choosing the ground, to have due regard to the crossing of waters, to the declination and nature of the ground, to the expense of the townships, to the damages to private property, and to all other circumstances affecting the route, so that by a judicious and skilful combination of them, the route finally adopted may best promote the public good.

Commissioners to mark route on ground and employ assistants.

SECT. 24. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners plainly and distinctly to mark upon the ground the route agreed upon for the road as aforesaid, in such manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties in this act enjoined, the commissioners are hereby authorized to employ two chain bearers, one axeman and one staff bearer, at a per diem allowance not exceeding seventy-five cents.

Drafts of location.

SECT. 25. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners to make out an accurate draft of the said location, noting thereon the courses and distances from point to point as they occur, the improvements they pass through, and also the crossing of county and township lines, roads or waters, with such

other matters as may serve for explanation, one copy whereof shall be deposited in the office of the secretary of the commonwealth on or before the first day of December next, and one copy in the office of the clerk of the court of Quarter Sessions of the respective counties aforesaid, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by order of the courts aforesaid.

SECT. 26. *And be it further enacted by the authority aforesaid,* That the compensation of the commissioners shall be one dollar and fifty cents each, for every day necessarily employed by virtue of this act, and the accounts of the said commissioners for their own pay and the pay of their hands as aforesaid, shall be adjusted and allowed by the commissioners of Allegheny and Butler counties, and paid by the treasurers thereof, on warrant drawn in the usual way, each county to pay in proportion to the length of the road in such counties respectively; the commissioners shall meet on the second Monday of May next, or as soon thereafter as possible, and complete the said work as soon as practicable, and if any vacancy or vacancies shall happen by the resignation of one or more of the commissioners, or by other cause, the court of Quarter Sessions of the county where such vacancy takes place is hereby authorized to fill the vacancy or vacancies by a suitable appointment.

SECT. 27. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners to take from each and every person or persons owning lands along the road by them laid out, acquittances or releases from any blame or damage, in all cases where it is practicable, upon the condition that such road shall pass through such person or persons land or lands, and to file the same in the commissioner's office in the proper county.

JOHN LAPORTE,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The fifth day of May, A. D. one thousand eight hundred and thirty-two.

GEO. WOLF.

Where and when deposited.

Compensation of commissioners and pay of assistants. Accounts to be adjusted, &c. by commissioners of respective counties. Time of meeting. Courts of Qr. Sessions to supply vacancies.

Commissioners to take and file releases.