

[No. 78.]

A N A C T

To authorize the Governor to incorporate a company for making an artificial road from the Monongahela and Coal Hill Turnpike Road, near the top of Coal Hill, in the county of Allegheny, to Beallville, in Washington county, and for other purposes.

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 John M. Snowden, John Finley Curry, William Kiddoo, John Holmes, Thomas Verner, Henderson Weightman, and John Work, of Allegheny county, and Levi Finley, Robert Barr, Jeremiah Rodgers, John Freeman, Joseph Hamilton, and James Estep, of Washington county, 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 in October next, procure one or more books and enter in each of them as follows: we, whose names are hereunto subscribed, do promise to pay unto the president and managers of the Coal Hill and Beallville turnpike road company, the sum of twenty-five dollars, for every share of stock set opposite to our respective names, in such manner and proportion, and at such times, as shall be determined 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 a company for making an artificial road from Monongahela and Coal Hill turnpike road, near the top of Coal Hill, in the county of Allegheny, to Beallville, in the county of Washington," Witness our hands the

Commissioners
to procure
books

Form of sub-
scription

day of _____ in the year of our Lord
one thousand eight hundred and _____

And shall thereupon give notice, in one or more of the public newspapers printed in Pittsburgh and the borough of Washington, for one calendar month at least, of the times and places in the said counties, when and where the said books shall be opened to receive subscriptions for the stocks of the company, at which respective times and places some one of the said commissioners shall attend, and permit all persons of lawful age, who shall offer to subscribe in the said books, in their own name or in the name of any person or persons who shall duly authorize the same, for any number of shares in the said stock, and the said books shall be kept open respectively for

To give notice

the purpose aforesaid at least six hours in every juridical day for the space of six days, or until said books so opened shall have twelve hundred shares therein subscribed, and if at the expiration of the said six days the books aforesaid, or either of them, shall not have the respective number of shares aforesaid therein subscribed, the said 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 occasion may require, and when the whole number of shares subscribed in all the books shall amount to twelve hundred shares, the same shall be closed: *Provided always*, That every person offering to subscribe in the said books, in his own name or in the name of any other person, shall previously pay to the attending commissioner the sum of one dollar for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscription and other incidental charges, 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.

Letters patent
when to
issue

SECTION 2. That when twenty or more persons shall have subscribed one hundred or more shares 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 state, to create and erect the subscribers, and if the said subscription be not full at the time then also those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, by the name style and title of "the Coal Hill and Beallville turnpike road company," and by the same 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 their 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, transferring, and conveying, in fee simple, or for any lesser estate, all such land, 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 any other matter or thing which a corporation or body politic may lawfully do: *Provided always*, That if the company incorporated by this act shall at any time issue any note or notes in the nature of bank

notes, or shall transact any business in the nature or manner of banking, then in either of those cases their chartered privileges shall cease and revert to this commonwealth.

SECTION 3. That the commissioners, as soon may be, after said letters patent shall be sealed and obtained, shall give notice in one or more newspapers printed in the city of Pittsburgh and borough of Washington aforesaid, of a time and place by them to be appointed, not less than thirty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize, and shall choose by a majority of votes of the said subscribers, by ballot to be delivered in person or by proxy duly authorized, one president, six 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 be chosen, and the said managers, so chosen, and their successors, shall and may make such by-laws, rules, orders, and regulations, not inconsistent with the constitution and laws of this state, or of the United States, as shall be necessary for the well ordering of the affairs of the said company; and shall have power to lay out, construct, and complete, a turnpike road from the termination of the Monongahela and Coal Hill turnpike road, near the top of Coal Hill, by the way of Dr. Curry's burned mill and Finleyville to Beallville, confining their location to the bed of the Pittsburgh and Morgantown state road, as now established by law, so far as the same is practicable or advisable, and shall have like powers, authorities, and privileges, necessary for carrying on and completing 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 Pittsburgh and Greensburg turnpike road, by the several acts of this commonwealth: *Provided*, That if the said company shall not proceed to carry on the said work within five years after the passage of this act, or shall not within twenty years afterward complete the said road, according to the true intent and meaning of this act, then in either of those cases it shall and may be lawful for the legislature of this commonwealth, to resume all and singular the rights, privileges, liberties, and franchises, by this act granted to said company.

Notice of election

What officers shall be chosen

Road to be begun in 5 years and completed in 20

SECTION 4. That the Canal Commissioners be and they are hereby authorized to contract with Abraham Straub, of Milton, Northumberland county, for the use of such supply of water, out of the West Branch canal, for his mill in Turbut township, Northumberland county, as he may want on such terms as shall be equitable and just: *Provided*, The same can be spared without any injury to the public works.

Canal commissioners to supply water to A Straub

Changing time of holding courts in Mifflin Huntingdon and Union counties

SECTION 5. That the courts of common pleas, orphans court, court of quarter sessions of the peace, and courts of oyer and terminer, for the counties of Mifflin, Huntingdon and Union, from and after the first day of May next, shall commence as follows viz: In the county of Mifflin on the first Mondays of April, August, and November and January, and continue one week, if necessary; in the county of Huntingdon on the Mondays next following the courts in Mifflin, and continue two weeks if necessary, and in Union on the Monday next following after the termination of the courts in Huntingdon.

Also in the counties of Bradford and Tioga

SECTION 6. That from and after the next May term in Bradford county, and the next June term in Tioga county, the regular terms of the courts of said respective counties shall be holden at the times hereafter specified in each year, to wit: In Bradford county on the first Mondays of September, December, February and May, to continue two weeks, unless otherwise ordered. In Tioga county on the third Mondays of September, December, February, and May to continue two weeks unless otherwise ordered.

Proof of town plot in Butler to be made

SECTION 7. That the president of the town council of the borough of Butler is hereby authorized and required, to cause proof to be made by one or more witnesses before some judge or justice of the peace, of the original draft of said borough as made by John Cunningham, and on such proof being made to cause the same to be recorded in the office for recording deeds, in the county of Butler, and said draft being so recorded or a duly certified copy thereof, shall in all future time be competent evidence in any controversy respecting property, streets, alleys, or boundaries in said borough.

Streets in the borough of Williamsport Lycoming co regulated

SECTION 8. That William Wilson, merchant, Robert Farries, of Williamsport, and Thomas Bennet, of Loyalsock township, Lycoming county, are hereby appointed commissioners, whose duty it shall be to make a survey of the borough of Williamsport, in Lycoming county, in such manner as to particularly designate lots, streets, lanes, and alleys thereof, according to the original plan or draft of the town plot, as laid out by the original proprietor, and the boundary lines of the borough, as fixed by the first section of the act entitled "an act to erect the town of Williamsport, in the county of Lycoming, into a borough, passed March first, one thousand eight hundred and ninety-six, and when the said commissioners shall have completed their survey, they shall make out under oath or affirmation a diagram and plot thereof, stating that the same contains an accurate delineation and description of the lots, streets, lanes, and alleys, and boundaries of the borough of Williamsport, according to the best of their knowledge; and

the said diagram and plot, shall be filed by the said commissioners with the recorder of deeds of Lycoming county, and by him placed on record, in a book suitable for the purpose, and the said diagram and plot, or the record thereof, or a certified copy of the same, shall be evidence of the boundaries of said borough, and of the lots, streets, lanes, and alleys thereof; the expenses for service of commissioners and recording fees, to be paid out of the funds of the borough.

SECTION 9. That William M. Gray, and John Bloom, as trustees to the German Lutheran Church, in the borough of Sunbury, Northumberland county, be and are hereby authorized and empowered to sell and convey, in fee simple, a certain lot of ground in the said borough of Sunbury, situate in Whortleberry street, and marked in the general plan of said borough, with the numbers two hundred and seventy-six, with the appurtenances; and a good and sufficient deed and assurance in law to make for the same to the purchaser, or purchasers thereof: *Provided*, That before the said trustees shall proceed to execute the powers hereby conferred upon them, they shall give bond to the commonwealth with sufficient surety to be approved of by one of the associate judges of the courts of said county, for the faithful execution of the trust hereby reposed in them, and for the faithful application and payment of all moneys which may come into their hands as trustees as aforesaid, under the direction of the proper authorities of said church.

SECTION 10. That the supervisors of adjoining townships of York and Cumberland counties, be and they are hereby authorized and required to erect and keep in repair at all points where they may be necessary, good and substantial foot bridges across the yellow breeches creek, so far as said creek forms the boundary line, between said counties; the expenses thereof to be equally defrayed by said townships.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and forty-two.

DAVID R. PORTER.