

ment be withheld or refused more than three months, after the company are duly notified of such losses; no member of the company, not being in his individual capacity a party to the suit or suits, shall be incompetent as a witness, on account of his being a member of the company.

SECTION 8. If the whole amount of the deposit note shall not be sufficient to pay the loss occasioned by any fire or fires, in such case the sufferers, insured by said company, shall receive, towards making good their respective losses, a proportionate dividend of the whole amount of said notes, according to the sums by them respectively insured; and in addition thereto, a sum to be assessed on all the members of said company, on the same principles as regulated their deposit notes, but not exceeding one per cent. on the amount by them insured; and no member shall ever be required to pay for any loss occasioned by fire, at any one time, more than one per cent. on the amount by them insured; and no member shall ever be required to pay for any loss occasioned by fire, at any one time, more than one per cent. on the amount he has insured in said company, in addition to the amount of his deposit note, nor more than that amount for any such loss which may accrue after his note shall have been paid in and expended; but any member, upon the payment of the whole of his deposit note, and surrender of his policy, before any subsequent loss or expense has accrued, may be discharged from said company.

SECTION 9. The hereinbefore named Evan Green, Peter Haldeman, Jonathan Pusey, Abraham Bruner, Wm. Atkins, J. S. Clarkson, Henry B. Eagle, John Barber, Jacob Livergood, John S. Futhey, Andrew J. Kauffman, Jacob B. Garber and John Auxer, shall constitute the board of directors of said institution, until the first Monday in January, in the year of our Lord one thousand eight hundred and forty-five, or until others are elected in their stead.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

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

DAVID R. PORTER.

No. 100.

AN ACT

To authorize the governor to incorporate the Little Saw Mill Run turnpike road company, in Allegheny 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 Alexander Carnahan, William Espy, William Patton, Eli Neal, John Brown, Robert Snodgrass, Ephraim Jones, Moses Crain, James Rich-
Commissioners.

ardson and James Carter, 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 January 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 Little Saw Mill Run turnpike road company, the sum of fifteen dollars for every share of stock set opposite 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 the Little Saw Mill Run turnpike road company.” Witness our hands the day of in the year of our Lord one thousand eight hundred and forty- ; and shall thereupon give notice in one or more of the public newspapers printed in the city of Pittsburg, for one calendar month 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 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 other 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 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 four 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 said books, shall amount to four hundred shares, the same shall be closed.

SECTION 2. That when twenty or more persons shall have subscribed one hundred or more shares of the said stock, and shall have paid two dollars and fifty cents on each share, 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 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 “Little Saw Mill Run 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 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 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 lesser 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 every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. That the commissioners as soon as may be after the said letters patent shall be sealed and obtained, shall give notice in one or more newspapers printed in the city of Pittsburg 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 the said corporation, 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, four 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 Pittsburg and Washington turnpike, at or near Millersville, in St. Clair township, Allegheny county, thence extending up the little branch of Saw Mill run, two miles; and shall have like powers, authorities, rights and privileges necessary for completing and carrying on said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines, forfeitures and regulations as to entering upon land and taking material, as are given by law to the Washington and Pittsburg turnpike road company; and shall be entitled to like tolls and profits in proportion to the distance, as are given and granted to the president and managers of said Washington and Pittsburg turnpike road company, by the several laws of this commonwealth, except for carts or wagons, or other carriages of burthen, the wheels of which are less than four inches, not more than two cents per mile shall be charged for every horse, mule or ox, drawing the same; for every cart, wagon, or carriage of burthen, the wheels of which, shall be four inches or more, not more than one cent per mile shall be charged for every horse, mule or ox, drawing the same: *Provided*, That no person in his own right, shall have more than five votes at any election, or in determining any question arising at any meeting, and that any person shall be entitled to one vote for every share by him held under that number: *And provided, further*, That if the said company shall not proceed to carry on the said work within one year after the passing of this act, or shall not within five years afterwards complete the said road in a substantial and workmanlike manner, 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.

Organization.

Officers.

By-laws.

Duties, restrictions, &c.

Tolls.

Proviso.

Votes.

Commencement and completion limited.

SECTION 4. So soon as the president, managers and company shall have perfected said road from Millersville, the distance of one mile, and also when they shall have completed the remainder of the distance, they shall give notice thereof to the judges of the court of quarter sessions of Allegheny county, who shall thereupon, forthwith nominate and appoint three disinterested persons to view and examine the same, and report to them in writing, whether the said road or part thereof, has been executed in a permanent and workmanlike manner, with stone, gravel and timber, so as to make a substantial road, eighteen feet wide; and if their report shall in either case be in the affirmative, then the said judges shall by license under their hands and the seal of the said court, permit and suffer said president, managers and company, to erect and fix so many gates and turnpikes upon and across the said road as will be necessary and sufficient to collect the toll and duties granted to the said

Viewers.

Gates.

Proviso.

company by this act, from all persons travelling on the same with horses, mules, cattle, carts, wagons and carriages: *Provided*, That all persons attending funerals or places of worship, their horses, mules and carriages, shall be exempt from the payment of tolls in going to and returning therefrom.

Legislative reservation.

SECTION 5. The legislature expressly reserves the right at any future time, to alter and modify the charter of said company, incorporated in pursuance of this act, in such manner as may be deemed conducive to the public interests.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

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

DAVID R. PORTER.

No. 101.

AN ACT

To authorize the trustees of Susanna Sigman, wife of Abraham Sigman, junior, to sell and convey certain real estate.

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 Y. Kachlein, trustee, &c., of Susanna Sigman, wife of Abraham Sigman, junior, together with John Deichman, the former trustee of the said Susanna, be and they hereby are authorized to grant and convey, in fee simple, to John Clifton, of the borough of Easton, and to his heirs and assigns forever, all that frame messuage, tenement and lot or piece of ground, situated on the east side of Pomfert street, in the borough of Easton, in the county of Northampton, containing in front on said street thirty-three feet, and extending in depth eastward, one hundred and forty-eight feet, bounded on the south by a house and lot of Benjamin Ihrie, on the west by the aforesaid street, on the north by Peter Nungesser's lot, number ninety-eight, and on the west by a twelve feet wide alley, being the same premises which Samuel Moon and Henry D. Maxwell, executors, &c., of William White, deceased, by indenture, dated the first day of April, Anno Domini, one thousand eight hundred and thirty-nine, recorded in the office for recording deeds at Easton, in and for the county of Northampton, in deed book E, volume six, page one hundred and seventy, granted and conveyed to the said John Deichman, and to his heirs and assigns in trust, nevertheless, to and for the sole and separate use of Susanna Sigman, wife of Abraham Sigman, junior, and her heirs, for ever, free, clear and discharged of and from any trusts created in relation thereto, for the said Susanna and her heirs: *Provided however*, That no conveyance of the said premises

Proviso.