

No. 95.

**An Act**

Authorizing the Governor to incorporate a company to make a turnpike road from the borough of Birmingham, in St. Clair township, Allegheny county, to a point at or near the mill of Samuel Hamilton, in Mifflin township, in said 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 Robert Burke, Thomas Bakeswell, Oliver Ormsley Gregg, John, D. Davis, Elias Phillips, John McClurg, Rinehart A. Bousman, William Noble, Christian Johnson, Samuel Hare, Samuel Hamilton, James Cunningham, Samuel Walker, William Henderson Wightman, Samuel Cochran, Francis McClure, James Barr, Adam Henthorn, Francis C. Flannigan, David Wilson, James Patterson, junior, Colonel James Patterson, James C. Maguire, Alexander McKibben, William O'Leary, Joseph Allen, Thomas Warren, Thomas Snodgrass, and Hezekiah Douthitt, 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 of May 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, managers and company of the Birmingham and Elizabethtown turnpike road, the sum of twenty-five dollars for every share of stock set opposite 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, by which said company is incorporated, for the purpose of making an artificial road from the borough of Birmingham, in St. Clair township, Allegheny county, to a point at or near the mill of Samuel Hamilton, in Mifflin township, in said county; witness our hands, the            day of           , Anno Domini, one thousand eight hundred and thirty-six;" 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 in said county, 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 or more of the said commissioners shall attend, and permit all persons of lawful age who

Commissioners.

To open books.

\$25 per share

Who may subscribe.

shall offer to subscribe in the said books, in their own names, or in the name or names of any other person or persons, who shall duly authorize the same, for any number of shares of 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 the said books so opened, shall have at least sixty shares therein subscribed; and if at the expiration of the said six days, the books aforesaid, or any one of them, shall not have the number of shares aforesaid, therein subscribed, the said commissioners respectively having charge of said books, 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 adjournments and transfers, the commissioners aforesaid may, if they think proper, give public notice; and when the whole number of shares subscribed in all the said books, shall amount to six hundred shares, the same shall be closed; *Provided always*, That every person offering to subscribe shall, before subscribing in said books, in his own name, or the name of any other person, pay to the attending commissioner or commissioners, 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.

Whole num-  
ber of shares,

Proviso.

When let-  
ters patent  
shall issue.

SECTION 2. When twenty or more persons shall have subscribed one hundred or more shares of the said stock, the commissioners, or any twelve or more of them, 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 seal of the 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 and for the number of shares aforesaid, into a body politic and corporate, by the name, style and title of "the president, managers and company of the Birmingham and Elizabethtown turnpike road," 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 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, 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, or for the collection of their tolls, 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: *Provided always*, That if the said company 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 these cases, their chartered privileges shall cease and revert to this commonwealth.

**Proviso.** SECTION 3. The commissioners, as soon as may be after said letters patent shall be sealed and obtained, shall give notice in one or more newspapers printed in the said city of Pittsburgh, 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 subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, six managers, one treasurer and one secretary, to conduct the business of said company for one year, and from thence until the next annual election, and until their successors shall be chosen and organized, agreeably to the provisions of this act; and in case of the death, removal out of the county of Allegheny, or resignation of any president or manager, treasurer or secretary, the board of managers may and shall choose another stockholder to supply the vacancy, until the next annual election of said company, and the said president and managers so to be chosen, and their successors, may and shall 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 generally shall have like powers, authorities and privileges, 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 in three years after the passage of this act, or shall not within five years thereafter 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.**

**To organize.**

**Officers.**

**Vacancies.**

**By-laws.**

**Tolls, etc.**

**Proviso**

SECTION 4. That the said commissioners shall have power to extend said road as far as to the ferry landing opposite

the borough of Elizabeth : *Provided*, Such extension be re-Road may be  
quired by the citizens, and sufficient stock be subscribed extended.  
for that purpose. Proviso.

SECTION 5. That the president, managers and company  
of the Somerset and Conemaugh turnpike road company,  
may, and they are hereby authorized to increase the capital Somerset &  
stock of said company so as to consist of sixteen hundred Conemaugh  
shares, or more, if necessary, in order to raise funds to com- turnpike co.  
plete said road, of twenty-five dollars per share : *Provided*,  
That the additional stock shall be subscribed under and  
subject to the same rules, regulations and restrictions pro- Proviso  
vided in the first section of the act authorizing the Governor  
to incorporate said company, passed the eighth day of April,  
eighteen hundred and thirty-three.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini,  
one thousand eight hundred and thirty-six.

JOS : RITNER.

No. 96.

## An Act

Declaring the streets in the town of Mifflinburg, in Columbia  
county, public highways, and relating to Duquesne way, Pittsburg,  
Gas works, 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 from and after the passage of  
this act, the streets in the town of Mifflinburg, in the county  
of Columbia, shall and are hereby declared to be public Streets to be  
highways, and as such shall be opened and improved as highways.  
other highways of this commonwealth are opened and  
improved : *Provided*, That nothing in this section be so  
construed as to interfere with private property.