

in width the canals constructed by the Commonwealth: *Provided*, That no canal constructed under the authority of this act shall drain off the water from any canal or pool with which the same may be connected, and all such canals shall be so constructed as not to permit the water conveyed into the dam to be lost or wasted by leakage or drainage: *And provided further*, That a plan thereof shall be submitted to and the consent of the canal commissioners be had and obtained prior to the construction of any such canal. Restrictions, &c.

WM. A. CRABB,

Speaker of the House of Representatives.

JN. H. EWING,

Speaker of the Senate.

APPROVED—This seventh day of June, A. D., eighteen hundred and forty-one.

DAVID R. PORTER.

[No. 146.]

AN ACT

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, in a direction towards Canonsburg, in the county of Washington, 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 Gilfillan, James Espy, Thomas Blackmore, John Murry, John Patterson, and Charles King, *Commissioners* of the county of Allegheny, John Bowers, Alexander M'Connell, James Pollock and Enoch Wright, of the county of Washington, 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 November next, procure one or more books, and enter in each of them as follows: To open books We whose names are hereunto subscribed, do promise to pay unto the president and managers of the Coal Hill and Upper St. Clair turnpike road company, the sum of twenty-five 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 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, in a direction towards Canonsburg, in the county of Washington." Witness our hands the _____ 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 Pittsburg 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 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 judicial 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 said 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 subscriptions, 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.

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 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 the number aforesaid, into one body politic and corporate, by the name, style and title of "The Coal Hill and Upper St. Clair turnpike road company,"

Notice

Subscription of stock

Books to be kept open for six days

Proviso

Letters patent

Style and title of company

in the county of Allegheny, 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 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 every other matter and 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, and in either of those cases their chartered privileges shall cease and revert to this Commonwealth.

Privileges and franchises

Proviso

SECTION 3. That 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 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 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 and 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 the affairs of the said company, and shall have power to lay out, construct and complete a turnpike road for a distance of ten miles, beginning at a point on the Monongahela and Coal Hill turnpike road, at the distance of about one and a fourth miles from the south end of the Monongahela bridge; thence in a direction towards Canonsburg by the way of Plumer's run, St. Clair meeting house and Espy's steam mill, 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

Notice to be given of the organization

By-laws

Powers and privileges of company

Proviso

company of the Pittsburg 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 two years after the passing of this act, or shall not, within ten 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.

Repeal of certain resolutions relative to indictments pending in Bucks co

SECTION 4. That an act entitled "A supplement to an act entitled 'A resolution relative to the removal of a certain indictment in Bucks county,'" approved June twenty-second, Anno Domini one thousand eight hundred and thirty-nine, and to a resolution entitled "A resolution to provide for the removal of the trial of an indictment pending in court of oyer and terminer of the county of Bucks," approved March twenty-seventh, one thousand eight hundred and thirty-nine, be and the same are hereby repealed.

Preamble

Abel Hall & Geo Cosner, restored to the rights of citizenship

SECTION 5. Whereas Abel Hall and George Cosner, of the county of Luzerne, were severally convicted many years ago, of petty larceny, and the said Abel Hall was sentenced by the court of quarter sessions of the said county, to undergo an imprisonment of ten days in the county jail; and the said George Cosner was sentenced by the same court to pay a fine of fifty cents to the said Commonwealth. *And whereas*, The said Abel and George since then, have been orderly and well disposed persons; Therefore,

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 said Abel Hall and George Cosner, are respectively restored to citizenship, and shall have and enjoy severally, all the privileges and immunities of any citizen of this Commonwealth.

Canal commissioners to examine claim of Wm. S. Rankin, contractor

SECTION 6. That the canal commissioners are hereby authorized to examine the claims of William S. Rankin, a contractor for sections number eleven and thirty-three, on the Erie extension of the Pennsylvania canal, and the claims of Rankin and Rawley, contractors for section number twenty-two, on the same line. And if, in their opinions, said contractors sustained any loss in consequence of any change in the contracts for a location of the sections aforesaid, or from any neglect to estimate any portion of the work on said contracts, or erroneous estimates thereof, then to make them such compensation for losses by reason of the previous estimate, as to said board shall seem just and reasonable, and draw their warrant on the state treasurer for the amount if any; and the same shall be paid out of any moneys in the treasury not otherwise appropriated by law.

SECTION 7. That John Kennady and Thomas Irwin, the sole surviving trustees named in a deed dated twenty-eighth May, eighteen hundred and two, from Jacob Beeson and wife, for the piece of ground herein described, are hereby authorized to make and execute deeds of release unto the school directors of Uniontown, Fayette county, and their successors forever, in trust for the use of public schools, all that triangular or irregular lot of ground situate in said town, generally called public ground, and bounded by Jacob's alley, extended to Cheat or Market street, and lot number one in the second addition, Strawberry alley and South streets. And said deed being executed, shall pass all the interest heretofore vested in all the trustees mentioned in said deed of trust.

WM. A. CRABB,

Speaker of the House of Representatives.

JN. H. EWING,

Speaker of the Senate.

APPROVED—The seventh day of June, one thousand eight hundred and forty-one.

DAVID R. PORTER.

[No. 147.]

A SUPPLEMENT

To an act entitled "An act to Incorporate the Citizens's Mutual Insurance Company of Pennsylvania."

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 A. Parrish, John Hemphill, Robert E. Jones, William S. Torr, Mark Richards, Daniel Clark, Jonathan Shoemaker, James P. Parke, Jacob Broom, William L. Newbold, Benjamin Crispin and William A. Crabb, or any five of them be, and they are hereby appointed and authorized to receive subscriptions to the capital stock of a company to be denominated the City Fire-Insurance company of Pennsylvania, who shall open a book for that purpose in the city of Philadelphia, at a time and place to be by them designated, and of which they shall give public notice in two or more of the daily newspapers of the city of Philadelphia, for two successive weeks immediately preceding the time of opening the book aforesaid, and the said book shall be kept open for three consecutive days, from ten o'clock, A. M., until two

Commissioners

Subscription

Open book

Notice