

SECTION 6. That Evread Otes, of the county of Juniata, shall henceforth be called and known by the name of Everard Otes, and by that name shall be able and capable in law to sue and be sued, grant and receive, and do all other legal acts as effectually to all intents and purposes as he could have done by his former name if no change had been made therein.

SECTION 7. That Francis S. Corbin be and is hereby authorized to change his name from Francis S. Corbin to Francis Sims, and he shall henceforth be called and known by the name of Francis Sims, and by the same name shall be able and capable in law to sue and be sued, grant and receive, and do all other legal acts as effectually to all intents and purposes as he could have done by his former name if no change had been made therein.

HENDRICK B. WRIGHT,
Speaker of the House of Representatives.

B. CRISPIN,
Speaker of the Senate.

APPROVED—The eighteenth day of April, one thousand eight hundred and forty-three.

DAVID R. PORTER.

[No. 137.]

AN ACT

To authorize the Governor to incorporate a company for making an artificial road from the borough of Kittanning to the mouth of Mahoning creek, Armstrong 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 Robert E. Brown, Philip Meechling, Alexander Caldwell, J. Bonner, Joseph Buffington, John Gilpin, J. E. Meredith, George W. Smith, David White, Walter Sloan, Samuel Hutchison, William Templeton, Alexander Reynolds, Robert Lawson and Hance Robinson, or any five of them, 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 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 Kittanning and Mahoning 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 the borough of Kittanning to the top of Mahoning hill." 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 the borough of Kittanning, for one calendar month, at least, of the times and places in 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 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 the purpose aforesaid, at least six hours in every juridical day, for the space of six weeks, or until said books so opened shall have five 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 five 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 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

Letters patent

Name

Powers

Proviso

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 "Kittanning and Mahoning 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, and in either of those cases, their chartered privileges shall cease and revert to this commonwealth.

Organization

President &c

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 borough of Kittanning 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 voters present, by ballot, 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 borough of Kittanning to the mouth of Mahoning creek, confining their location to the bed of the Olean road, as now established by law, so far as the same is practicable or advisable; and shall have like pow-

ers, 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 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 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, 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.

HENDRICK B. WRIGHT,
Speaker of the House of Representatives.

B. CRISPIN,
Speaker of the Senate.

APPROVED—The eighteenth day of April, one thousand eight hundred and forty-three.

DAVID R. PORTER.

[No. 138.]

AN ACT

To incorporate the Franklin Fire company, in the county of Philadelphia.

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 all and every the persons that shall, at the time of passing this act, be members of the association called the Franklin fire company, in the district of Southwark, in the county of Philadelphia, shall be, and they are hereby created and declared to be one body politic and corporate by the name, style and title of the Franklin Fire company; and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be