

thirty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalments so called for, pay at the rate of five per centum per month for every delay of such payment, and if the same and the said additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall have become equal to the sums before paid in part and on account of such share, the same may be forfeited by and to the said company at any of the meetings of the managers and may be sold by them to any person willing to purchase for such price as can be obtained therefor, or in default of payment by any of the stockholders, of any such instalments as aforesaid, the said president and managers may cause suits to be brought in any court having competent jurisdiction for the recovery of the same, together with the penalty aforesaid; *provided*, that if the company shall not proceed to carry on the said works in three years from the passing of this act and shall not in seven years thereafter complete the said road according to the true intent and meaning of this act, then in either of these cases, all and singular the rights, liberties and franchises hereby granted to the said company shall revert to this commonwealth.

Of forfeitures.

Pecunia.

JOHN ST. CLAIR, *Speaker*  
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-eighth day of March, one thousand eight hundred and fourteen.

SIMON SNYDER.

## CHAPTER CLI.

*An ACT to authorize the governor to incorporate a company for making an artificial road from the borough of Marietta through Portsmouth, towards Harrisburg.*

SECT. 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 Henry Shearer, James Mahaffy, Matthias Rank, Alexander Boggs, John Longnecker, Henry Haldeman and Jacob Brubacker of the county of Lancaster, George Fisher, James Hamilton, Christian Spayd, John Shelly, John Elliot and Martin Neisley, (Miller) of the county of Dauphin, Henry Erwin, William Barber and George Spangler of the county of York, be and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned: that is to say, they shall, on or before the first day of May next, procure three or more books and in each of them enter as follows:*

Commissioners names.

Duties of.

*“We whose names are hereunto subscribed, do promise to pay to the president, managers and company of the Marietta and*

Portsmouth turnpike road company, the sum of fifty dollars for each and every share of stock in the said company set opposite to our respective names in such manner and proportions and at such times as shall be determined by the said president and managers. Witness our hands, the \_\_\_\_\_ day of \_\_\_\_\_

in the year of our Lord one thousand eight hundred and \_\_\_\_\_

And shall give notice in the public papers printed in Marietta in the county of Lancaster, and in one of the public papers printed in the counties of Dauphin and York, for two weeks at least of the times and places in the said several counties, when and where the books will be opened to receive subscriptions for stock in the said company, at which times and places respectively, two of the said commissioners shall attend and shall permit and suffer all persons who shall offer to subscribe in said books, which shall be kept open for that purpose, at least six hours in every juridical day for the space of two days, if two shall be necessary. And on either of the said days any person of lawful age shall have liberty to subscribe for any number of shares of the said stock, and if at the expiration of the said two days one thousand shares are not subscribed for, then it shall and may be lawful for the said commissioners or any two of them, to adjourn from time to time and from place to place as they may think proper until the whole of the capital stock is subscribed for: *provided always*, that every person offering to subscribe in the said books, shall previously pay to the attending commissioners, five dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking 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.

They shall give notice of the opening the books.

And receive subscriptions.

Proviso.

When 300 shares are subscribed,

The governor may issue letters patent.

Name and style of the company.

Privileges of.

SECT. II. *And be it further enacted by the authority aforesaid,* That when twenty or more persons shall have subscribed three hundred or more shares, the said commissioners shall certify under their hands and seals the names of the subscribers and number of shares subscribed by each person to the governor of this commonwealth, 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 into one body corporate and politic in deed and in law, by the name, style and title of "The President, Managers and company of the Marietta and Portsmouth turnpike road;" and by the said name the said subscribers and all those who shall hold stock in the said company, 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 and their successors and assigns in fee simple or for any less estate as shall be necessary to them in the prosecution of their works, 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.

SECT. III. *And be it further enacted by the authority aforesaid,*

That the seven persons first named in the said letters patent, shall, as soon as conveniently may be after sealing the same, give twenty days notice in three public papers one printed at Marietta, one at Harrisburg and one at York of the time and place by them appointed, at which time and place the subscribers shall proceed to choose by a majority of votes of the said subscribers, by ballot, by themselves to be delivered in or by proxy duly authorized, one president, eight 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 other officers are chosen, and shall and may make such by-laws, rules and regulations, not inconsistent with the constitution and laws of this commonwealth as shall be necessary for the well ordering the affairs of the said company; *provided always*, that no person shall have more than five votes at any election for any number of shares he may hold in the said company, and that each person shall be entitled to one vote for every share by him held under the said number. And it shall be the duty of the said president and managers as soon as they are elected to proceed forthwith to lay out the track of the said road, from the borough of Marietta through the towns of Centerville, Bainbridge and Portsmouth, to such point on the road from Harrisburg to Middletown as they may think will best promote as well the interest of the public as the said company, and generally have like powers, authorities and privileges necessary to carry on and complete the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls in proportion to the distance as are given and granted to the president, managers and company of the Lancaster and Susquehanna turnpike road by the laws of this commonwealth, and generally to exercise all the powers and authorities as fully and absolutely as if the said laws herein referred to were hereby enacted.

SECT. IV. *And be it further enacted by the authority aforesaid,*

That if any stockholder, whether original subscriber or assignee, after thirty days notice in the public papers before mentioned of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, shall neglect to pay such proportion for the space of thirty days after the time appointed for the payment thereof, every such stockholder shall in addition to the instal-

Notice to be given of election for officers.

Proviso.

When the track of the said road shall be laid out.

Powers and privileges to be enjoyed by said company.

Penalty for non-payment of instalments.

ment so called for, pay at the rate of five per centum per month for every delay of such payment, and if the same and the said additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall have become equal to the sums before paid in part and on account of such share, the same may be forfeited by and to the said company at any public meeting of the managers thereof, and may be sold by them to any other person or persons willing to purchase for such price as can be obtained therefor, or in default of payment by any stockholder of any such instalment as aforesaid, the said president and managers may at their election, cause suit to be brought in any court having competent jurisdiction for the recovery of the same, together with the penalty aforesaid: *provided always*, that no stockholder whether original subscriber or assignee, shall be entitled to vote at any election or at any general or special meeting of said company, unless the whole sum due and payable as aforesaid on the share or shares by him held at the time of such election or general or special meetings of the said company shall have been fully paid and discharged as aforesaid.

SECT. v. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said company as soon as five miles of the said road shall be completed, and so in succession for every five miles to erect a gate thereon, and to receive toll according to the rate established in and by the said retited acts: *provided*, that if the company shall not proceed to carry on the said work within two years, and complete the road within seven years, according to the true intent and meaning of this act, then and in either of those cases all and singular the rights, liberties and franchises hereby granted to the said company shall revert to this commonwealth.

JOHN ST. CLAIR, *Speaker*

*of the House of Representatives.*

P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-eighth day of March, one thousand eight hundred and fourteen.

SIMON SNYDER.

## CHAPTER CLII.

*An ACT to erect the town of Mercer in the county of Mercer into a borough.*

SECT. I. *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 the town of Mercer in the county of Mercer, be and the same is hereby erected into a borough to be called "The Borough of Mercer according to its limits, viz. Beginning at a post thence south eighty-eight degrees, west one hundred and

Borough of  
Mercer in 1861.  
incorporated