

given by the stockholders in person, or by proxy duly authorised: *Provided also*, That if any election of managers shall not take place upon any day when by this act it is directed to be held, the said corporation shall not on that account be dissolved, but it shall be lawful on any other day, as soon as may be, notice thereof being given as aforesaid, to hold an election of managers in such manner as the bye-laws and ordinances of the corporation may direct, and in the meanwhile and until the election of their successors, the managers in place shall continue to act.

2d proviso as to not electing managers on the proper day.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the said managers shall hold stated, adjourned and special meetings, as often as may be necessary, and shall have authority to call special meetings of the stockholders, whenever in their opinion the affairs of the company may demand it, and shall call such meeting whenever thereunto required by any number of stockholders, holding together shares in their own right to the amount of one fifth of the capital paid in.

Meetings of the managers, and of the stockholders.

SECT. 6. *And be it further enacted by the authority aforesaid*, That until the next annual election, to be held on the first Tuesday in April next, the managers now in office, that is to say, William Schlatter, William Guier, William W. Howell, John M. Price, Caleb Cresson, Benjamin Warner, Charles Brugiere, Condy Raguét and Simon Gratz shall continue to hold and exercise their offices respectively.

Managers until the next election named.

SECT. 7. *And be it further enacted by the authority aforesaid*, That this act shall continue in force ten years and no longer.

WILLIAM DAVIDSON, *Speaker*
of the House of Representatives.

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the twenty-third day of March, one thousand eight hundred and eighteen.

WILLIAM FINDLAY.

CHAPTER CIX.

AN ACT

Authorising the incorporation of the Mercersburg and Hancock Turnpike Road company.

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 Robert Smith, Archibald Rankin, William M'Kinstry, David Humphreys, James Buchanan, of Franklin county; Jacob Hart, Andrew Mann, of Bedford county; and John Johnston of Hancock, state of Maryland, be, and they are hereby appointed commissioners to perform the several duties hereinafter mentioned, that is to say, They or a majority of them shall on or before the first day of June next, procure three or more books and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay to the President, Managers and Company of the Mercersburg and Hancock Turnpike Road company, the sum of one hundred 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 of the said company, in pursuance of an act of the General Assembly of this commonwealth, entitled "An act authorising the incorporation of the Mercersburg and Hancock Turnpike Road company," witness our hands the day of in the year of our Lord one thousand eight hundred and ." And the said commissioners or a majority of them shall give notice in one newspaper printed in the city of Philadelphia, one in the borough of Gettysburg, one in the borough of Chambersburg, one in the borough of Bedford, and one in Hagerstown, for one calendar month of the times and places where the said books shall be opened to receive subscriptions of stock for the said company, at which respective times and places two or more of 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 the names of any other person or persons who shall duly authorise 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 the said books have one thousand shares subscribed, or if at the expiration of the said six days the books as aforesaid shall not have the said one thousand shares subscribed, then the said commissioners may adjourn from time to time and from place to place until the whole number of shares be subscribed; of which adjournment the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares subscribed shall amount to one thousand, the same shall be closed: *Provided always, That every person offering to subscribe in the said books in his own name or the name of any other person, shall previously pay to the attending commissioner or commissioners, the sum of three dollars for every share to be subscribed, out of which shall be defrayed the expenses attending in taking such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the said corporation as*

Commissioners named.

To procure books.

Engagement of subscribers.

Notice to be given of opening the books.

Subscriptions to be taken.

Books to be kept open till 1,000 shares are subscribed.

Power to adjourn.

Notice.

\$3 to be paid on subscribing.

soon as the same shall be organised and the officers chosen as hereinafter mentioned.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when fifty persons or more have subscribed five hundred or more shares of the said stock, the said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall under their hands and seals certify to the Governor the names of the subscribers and the number of shares subscribed by each; and thereupon it shall 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 in deed and in law, by the name, style and title of "The Mercersburg and Hancock Turnpike Road company," and by the said name the said 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 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 estate real and personal 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.

When letters patent may issue, and the subscribers be incorporated.

Style & title.

Rights and privileges.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid as soon as conveniently may be after the letters patent shall be sealed and obtained, shall give notice in one newspaper printed in the city of Philadelphia, one in the borough of Gettysburg, one in the borough of Chambersburg, one in Bedford, and one printed in Hagerstown, of a time and place by them appointed, not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organise the said corporation, and shall choose by a majority of votes of the said subscribers then present, by ballot to be delivered in person or by proxy duly authorised, 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 such other officers shall be duly chosen; and the said managers so chosen and their successors shall and may make such bye-laws, rules, orders and regulations not inconsistent with the constitution or laws of the United States or of this state, as shall be necessary for the

Notice to be given and the corporation organised.

Officers to be chosen.

Bye-laws.

Put on the same footing as the Waynesburg, Greencastle and Mercersburg turnpike company.

Proviso.

2d proviso.

Time limited for commencing and completing the road.

Route of the road.

When five miles or more are done viewers to be appointed.

Gates erected.

Proceeding in case the legislature think proper to take possession.

well ordering the affairs of the company, and generally have like powers, authorities and privileges necessary for carrying on and completing the 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 Waynesburg, Greencastle and Mercersburg turnpike road, by an act passed the twenty ninth day of January one thousand eight hundred and sixteen: *Provided*, That no toll shall be demanded or taken from any person passing or repassing from one part of his farm to another, or to or from any place of public worship, funeral, militia training, general election, or from any student or child going to or from any school or seminary of learning: *And provided also*, That if the company shall not proceed to carry on the work in five years after the passing of this act, or shall not within ten years 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 company shall revert to the commonwealth.

SECT. 4. *And be it further enacted by the authority aforesaid*, That as soon as the company shall have been organised as aforesaid, they shall proceed to lay out and make said road by the nearest and best route from Mercersburg to the state line in a direction towards Hancock on the Potomac; and as soon as five miles or more of the road aforesaid shall have been completed, the president and directors shall give notice thereof to the Governor, who shall thereupon nominate and appoint three skilful, disinterested and judicious persons to view and examine the same, who shall be under oath or affirmation, and report to him whether the road is made and executed in a competent and workmanlike manner; and if their report shall be in the affirmative, then the Governor shall by licence under his hand and seal of the commonwealth, permit and suffer the president and managers to erect and affix such and so many gates or turnpikes upon and across the said road as will be necessary and sufficient to collect the tolls which the company respectively shall be entitled to demand and receive.

SECT. 5. *And be it further enacted by the authority aforesaid*, That if the legislature should at any time after the year one thousand eight hundred and thirty-five, think proper to take possession of said road, three persons shall be appointed by the Governor, three persons by the president and managers of the said company, and three by the judges of the supreme court, who are hereby required to appoint the same, who or any six or more of them not having any interest in the said road, shall proceed to examine and estimate the value of the property which the said company have therein, and certify the

amount thereof to the Governor, who shall cause the same to be laid before the legislature at their next session ; and whenever the amount so certified shall be paid by the state to the said company, their right to take toll on the said road, together with all their right, title, claim and interest therein shall cease and determine.

WILLIAM DAVIDSON, *Speaker*
of the House of Representatives.

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the twenty-third day of March, one thousand eight hundred and eighteen.

WILLIAM FINDLAY.

CHAPTER CX.

A SUPPLEMENT

To the act, entitled “ An act to improve the navigation of the river Delaware, and for other purposes.”

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 the commissioners appointed by virtue of an act of the General Assembly of this commonwealth, entitled “ An act to improve the navigation of the river Delaware,” shall each be entitled to receive three dollars per day for every day necessarily employed in performing the duties enjoined on them by the act to which this is a supplement. 3 dollars per day allowed the commis- sioners.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the fourth section of the act to which this is a supplement, be, and the same is hereby repealed. Repeal.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the agent who shall be employed by the Governor to perform the duties contemplated to be performed by virtue of the act, entitled “ An act for the purpose of improving the navigation of the Susquehanna river,” passed the thirteenth day of March eighteen hundred and seventeen, shall be entitled to receive three dollars per day for the time he may necessarily spend in performing the duties required by 3 dollars per day allowed the agent under the act for improv- ing the navi- gation of the Susquehanna