

SECTION 3. That the legislature reserves the power to alter, revoke, or annul the privileges and charter hereby granted, whenever, in their opinion, the same may be injurious to the citizens of the commonwealth, in such manner, however, that no injustice shall be done to the incorporators.

WM. HOPKINS,
Speaker of the House of Representatives,
CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—The thirteenth day of March, eighteen hundred and thirty-nine.

DAVID R. PORTER.

No. 39.

AN ACT

Authorizing the Governor to incorporate the Manor turnpike Road company.

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 for the purpose of making a turnpike road, from the commencement of Manor street, where the same intersects West King street, in the city of Lancaster, along the said Manor street or road, to where the Little Conestoga creek crosses the same, at a point called the Lake Mill, Abraham Peters, Jacob Huber, Benjamin Herr, Christian Lintner, John Lintner, Daniel Lintner, Jacob Peters, Jacob Mellinger, George Ford, jr., John Brady, John Bausman, Jacob Shenk, Christopher Brenner, John Landis, be and they are hereby appointed commissioners to do and perform the duties hereinafter mentioned, that is to say, they shall procure two books, and enter therein, as follows: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Manor turnpike road company, the sum of fifty dollars for every share of stock subscribed by us, in such manner and proportions, and at such times and places as shall be determined on by the said president and managers, in pursuance of an act authorizing the governor to incorporate the

Charter may
be revoked.

Commissioners

To op'n books
for subscrip-
tion

Form

Manor turnpike road company. Witness our hands, the
 day of _____, Anno Domini, one thou-
 sand eight hundred and _____;” and shall there-
 upon give notice in one or more newspapers, published in the
 city of Lancaster, for at least twenty days of the times and
 places, when and where the said books shall be open to re-
 ceive subscriptions of the stock of the said company, at which
 times and places, some one or more of the said commissioners
 shall attend, and permit and suffer all persons of lawful age,
 who shall offer to subscribe in said books, either in their own
 names, or in the name or names of any other person or per-
 sons who shall duly authorize the same, for any number of
 shares of stock, and the said books shall be kept open, respec-
 tively, for the purposes aforesaid, at least six hours in each
 juridical day, for the space of six days, or until the said
 books shall have six hundred and fifty shares therein sub-
 scribed, and if at the expiration of the said six days, the books
 aforesaid shall not have the said number of six hundred and
 fifty shares therein subscribed, the 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 com-
 missioners aforesaid, shall give such public notice, as the
 occasion may require; and when the whole number of shares
 shall be subscribed, the same shall be closed: *Provided*
always, That every person offering to subscribe in said
 books, in his own name, or in the name of another person,
 shall previously pay to the attending commissioner or com-
 missioners, the sum of two dollars for every share to be sub-
 scribed, out of which shall be defrayed such incidental charges
 and expenses, as may be necessary for taking such subscrip-
 tion, 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. When eight or more persons shall have sub-
 scribed one hundred and twenty shares of the said stock, the
 commissioners, or a majority 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 be the duty of the governor, by letters patent, under
 his hand and the seal of the state, to create and erect the
 subscribers, and if the subscriptions be not full at the time,
 then also those who shall afterwards subscribe to the number
 aforesaid, into one body corporate and politic, by the name,
 style, and title of “The Manor turnpike road company,” and
 by the same name, the subscribers shall have perpetual suc-
 cession, and all the privileges, franchises, and immunities,
 incident to a corporation, and shall be capable in law of taking

Notice

Who may subscribe

Number of shares

Proviso

Two dollars to be paid

Letters patent

Name style and title

Privileges

and holding their said 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 enlargements shall be found necessary to fulfil the intent and meaning 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 less estate, all such lands, 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 doing all such matters and things, which a corporation, or body politic, may lawfully do.

Number of shares may be increased

SECTION 3. The stockholders, or any two of them named in the letters patent, shall, as soon as conveniently may be, after the issuing of the same, give notice in at least two newspapers, published in the city of Lancaster, of a time and place to be by them appointed, not less than twenty days from the time of the first notice, at which time and place, the said subscribers, or as many of them as may be there present, shall proceed to organize the said company, and shall choose by ballot, and by a majority of the said subscribers, either in person, or by proxy, duly authorized, one president, six managers, one treasurer, and such other officers as may be necessary to conduct the business of said company, for one year, and thence, until the next annual election, and until such other officers shall be chosen and organized, agreeably to the provisions of this act; and in case of the death, removal, or resignation of any president, manager, or other officer, the board of managers may, and shall choose another to supply the vacancy, until the next annual election of said company, and they may make and have one common seal, and the same may break, alter, and renew at pleasure, and may make such by-laws, rules, and regulations, not inconsistent with the laws of this state, as shall be necessary for the well ordering and governing of the affairs of said corporation: *Provided*, That each subscriber shall be entitled to one vote for every share of stock by him or her held, not exceeding fifteen in number, and for every five shares above that number, one vote.

Organization

Vacancies how supplied

Seal

Proviso

Ratio of votes

SECTION 4. That if any treasurer elected by virtue of this act, shall die, resign, or refuse to act, or neglect to give such security for the faithful discharge of the duties of his office, as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon him, and perform all the duties of said office, it shall be the duty of the said managers, for the time being, to appoint some suitable person treasurer, which person, so appointed, shall hold the office to which he shall have been appointed,

Death, resignation, refusal to serve, &c. of treasurer, vacancy how supplied

until the next election by the stockholders, on his giving the requisite security, and until a successor shall be duly elected, and give the security required.

Meeting of
stockholders

SECTION 5. The stockholders shall meet on the first Wednesday in the month of March in each succeeding year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing in manner aforesaid, such officers as aforesaid, for the year ensuing the terms of service of those previously elected.

Election of
officers

Certificate of
stock

SECTION 6. The said president and managers shall make out certificates of stock, signed by the president and countersigned by the treasurer, and sealed with their corporate seal, and deliver over such certificate to each subscriber for any number of shares, or for any single share by him, her or them, held, on his or her paying to the treasurer on each share so held, the sum of five dollars, which certificates shall be transferable in person or by attorney on the books of said company, only subject to the sum due or to become due on the shares so transferred.

Transferable

Quorum

Minutes

Powers

SECTION 7. The said president and managers, five of whom shall be a quorum, shall keep minutes of all their proceedings fairly entered in a book to be kept for that purpose, and shall have full power and authority to appoint, agree and contract with such engineers, superintendents, artists, laborers and other persons, as they may think necessary, to make and construct said road and collect the tolls hereinafter authorized, and to fix their compensation, to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares, in order to carry on the work, to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence by a quorum of the managers, and attested by their secretary, and to do and transact all other acts, matters and things as by the by-laws, orders and regulations of the said company shall be entrusted to them.

Penalty for
neglecting to
pay instal-
ments

SECTION 8. If any stockholder, whether original subscriber or assignee, after thirty days notice in two newspapers printed in the city of Lancaster, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion at the place appointed, for the space of sixty days next after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment, and if the same and additional penalty shall become equal to the sums before paid in part on account of such share, the same may be forfeited by and to the said company, and be sold by them for such price as can be obtained

Forfeiture

therefor, and in default of payment of any stockholder of any such instalments as aforesaid for the space of sixty days as aforesaid, the president and managers may at their election cause suit to be brought in the same manner as debts of like amount are now recoverable for the recovery of the same, together with the penalties aforesaid.

SECTION 9. The said president and managers shall keep a fair and just account, as well of all moneys by them received as of those laid out and expended in the prosecution of said work, and shall at least once in every year submit their books and accounts to a general meeting of the stockholders.

Just accounts to be kept

SECTION 10. The road hereby authorized to be constructed shall not exceed thirty-six feet in width, and in no place thereof shall there be an elevation of more than five degrees from a horizontal line, and the company hereby incorporated shall forever thereafter maintain and keep the same in good repair and travelling order.

Width of road

SECTION 11. For collecting and receiving tolls, and for every attempt to evade the payment thereof, for every neglect to keep the said road in order and good repair, for the increase or diminution and application of tolls, the erection of index-posts, and for injuring and defacing the same, for the regulation of the travelling on the said road, and for limitations of actions, and for the recovery and applications of fines and penalties for offences against this act—the said company shall have all the powers, authorities, rights, privileges and immunities, and be subject to all the penalties which are given and granted to the president and managers of the Lancaster and Susquehanna turnpike road company, incorporated by an act of the general assembly of this commonwealth: *Provided*, That all damages occasioned, or likely to be occasioned by the construction of said road, or by the taking of materials for the same, shall be paid or adequate security given for the payment thereof before the property is taken in possession by said company.

Tolls—evasion of payment, &c

Index posts injuring and defacing, &c

Fines and penalties

Powers and privileges

Provido

SECTION 12. Whenever the said company shall have finished so much of the aforesaid road as lies between the intersection of Manor and West King street, in the city of Lancaster, and the public house now occupied by Abraham Peters, in the village of Millersburg, and so also when they shall have finished the remaining portion of said road, between the aforesaid public house of Abraham Peters and the lake mill, the president thereof shall give notice to the governor, who shall thereupon forthwith appoint three skillful, judicious and disinterested persons to view and examine the same, and report on oath or affirmation to him, whether the road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act;

Governor to appoint view-ers

License and if their report shall be in the affirmative, then the governor shall license, under his hand and seal of the state permit and suffer said company to erect and fix such, and so many gates and toll-houses on and across the said road as shall be necessary and sufficient to collect from all persons travelling be same, otherwise than on foot, the same tolls which are hereinbefore authorized and granted: *Provided*, That all persons attending funerals, military parades or trainings, or divine worship, shall at all time be exempted from the payment thereof.

Gate and toll houses

Proviso

Banking prohibited SECTION 13. It shall not be lawful for the president and managers, nor any other officer of said company to issue in their corporate capacity any bills of credit, or notes, in the shape of bank notes, or to exercise any banking privileges whatever.

When work shall be commenced and completed SECTION 14. If the said company shall not proceed to carry on said work within three years from the passing of this act, and shall not complete the same to the public house of Abraham Peters aforesaid in six years, according to the true intent and meaning of this act—then, and in either case, all and singular, the rights, privileges, franchises and immunities hereby granted, shall revert to the commonwealth, and if the said company shall not proceed to construct that portion of the said road, which lies between the public house of Abraham Peters aforesaid and the lake mill, within eight years from the passing of this act, and shall not complete the same in ten years, according to the true intent and meaning of this act, then and in such case, all the rights, privileges and franchises hereby granted for the construction of that part of the said road shall revert to the commonwealth.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The thirteenth day of March, eighteen hundred and thirty-nine.

DAVID R. PORTER.