

CHAPTER MMMLXVII.

AN ACT TO ENABLE THE GOVERNOR TO INCORPORATE A COMPANY TO MAKE AN ARTIFICIAL ROAD FROM THE TOWN OF HANOVER, IN THE COUNTY OF YORK TO THE BOROUGH OF CARLISLE.

Section I. (Section I, P. L.) 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 Jacob Metzgar, Samuel Fahnestock, John Hildebrand, Daniel Funk, Nimrod Maxwell, John Hersh, ——— Blake, Peter Brough, Sebastian Heaffer, ——— Jenkins, ——— Moore, George Ege, William Harkness, jun., James Nealy, John Arnold, and Michael Slagle, 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 Monday in November next, procure two books and in each of them enter as follows, "We whose names are hereunto subscribed, do promise to pay to the president, managers and company of the Hanover and Carlisle turnpike road, the sum of one hundred dollars for every share of stock in said company, set opposite to our respective names, in such manner and proportions, 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 enable the Governor to incorporate a company for making an artificial road from the town of Hanover in the county of York, to the borough of Carlisle, "Witness our hands, the day of . And shall thereupon give notice in three of the public newspapers, one in the town of Hanover, one in Carlisle, and one in Gettysburg, and the borough of York, for one calendar month at least, of the times and places, when and where the said books shall be kept open to receive subscriptions for the stock of the said company, at which respective times and places some two of the said commissioners shall attend and permit and suffer all persons of lawful age

who shall offer to subscribe in the said books in their own name or the names of any other 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 days, or until the said books shall have fifteen hundred shares, therein subscribed, and if at the expiration of the said six days the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time and transfer the said books from the town of Hanover elsewhere, until the whole number of shares shall be subscribed, of which adjournments and transfers the commissioners aforesaid shall give public notice, as the occasion may require; and when the whole number of shares subscribed in all the said books, shall amount to fifteen hundred, the same shall be closed: Provided always, that every person offering to subscribe in the said books in his own, or any other name, shall previously pay to the attending commissioners, the sum of 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 hereafter mentioned.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That when fifty persons or more shall have subscribed one thousand 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 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, 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 in deed and in law, by the name, style and title of "The president, managers and company of the Hanover and

Carlisle Turnpike road," 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 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 of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the commissioners aforesaid as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give notice in three of the public newspapers, one in the town of Hanover, one in the borough of Carlisle, and one in Gettysburg and the borough of York, of a time and place by them to be appointed, not less than twenty 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 twelve 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 chosen, and shall and may make such by-laws, rules, orders 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, and shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient, beginning at the town of Hanover and ending at the borough of Carlisle, 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 Susquehanna and York borough turnpike road:⁽¹⁾ Provided, that if the company shall not proceed to carry on the said work in three years after the passing of this act, or shall not within seven years afterwards 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.

Approved March 25, 1809. Recorded in L. B. No. 11, p. 330.
Note (1). Chapter 2470; 17 Statutes at Large, p. 726.

CHAPTER MMMLXVIII.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT SUPPLEMENTARY TO AN ACT TO RAISE BY WAY OF LOTTERY, A SUM NOT EXCEEDING EIGHT THOUSAND DOLLARS, FOR THE USE AND BENEFIT OF THE MINISTER, WARDENS AND VESTRY OF THE AFRICAN EPISCOPAL CHURCH OF ST. THOMAS, IN THE CITY OF PHILADELPHIA." (1).

Whereas it has been represented to the legislature by the minister, wardens, and vestry of the Church of St. Thomas, in the city of Philadelphia, that the commissioners heretofore appointed have drawn a class of the said lottery, but owing to difficulties in the sale of the tickets, as well as other unforeseen events, they have only been able to raise the sum of two thousand five hundred dollars, which sum is totally inadequate to relieve them from the debt which they have incurred in the finishing of their church. And whereas it has been represented that Samuel Wheeler, Thomas Cumpston, William Murdock, Peter Brown, Daniel Smith, Joseph B. Eves, and Ephraim Clark, the present commissioners, have declined proceeding further in the said lottery, for remedy whereof,