

least ninety days prior to the time of their appointment, shall be appointed by the commissioners of the county of Montgomery, for the time being, or a majority of them, annually, on the day the other four shall be elected by the stockholders, or (on) some other day in the same week, and it shall be the duty of the treasurer of said company to furnish said commissioners, on the said day of election, with a list of the stockholders who have held stock for at least ninety days prior to said day.

Treasurer to furnish list.

SECT. 7. *And be it further enacted by the authority aforesaid,* That unless the said president, managers, and company, shall within six months from and after the passage of this act, forward to the secretary of this commonwealth, under their corporate seal, their acceptance of this act as a part of their charter, then the enactment herein contained shall be void and of no validity.

This act void if not accepted within six months.

FRED'K SMITH, *Speaker*
of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—the sixth day of April, Anno Domini one thousand eight hundred and thirty.

GEO. WOLF.

No. 174.

AN ACT

To provide for the settlement of the concerns of the Farmers' and Mechanics' bank of Greencastle.

WHEREAS, It has been represented to the legislature that a large number of the stockholders in the Farmers' and Mechanics' bank of Greencastle were permitted to withdraw, and did withdraw their stock, or a great portion thereof, and that debts due by said bank to a considerable amount remain unpaid, and many stockholders have received no portion of their stock; that there are now no officers of said institution, and no funds to pay the debts thereof or to divide among the last mentioned stockholders:

Preamble.

Therefore,

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 from and after the first day of December next, the court of common pleas of the county of Franklin shall have all the authority, powers and jurisdiction of a court of equity, so far as relates to the Farmers' and Mechanics' bank of Greencastle; its officers, debtors, creditors and stockholders, or any other person or persons, bodies politic or corporate, interested in the concerns of the said bank.

Court of com. pleas of Franklin co. invested with certain powers.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said court shall have power, on the petition of five or more creditors or stockholders of said bank, to appoint five persons commissioners, in whom shall be vested all the powers and authority heretofore vested in the president and directors thereof, and who or a majority of them, are hereby authorised and required to examine into the affairs of the said bank; and for that purpose the said commissioners shall have power to call before them all persons who have been concerned in said bank, either as officers, debtors, creditors, stockholders or otherwise, and to compel the production of all documents, books and papers which they may deem necessary to the investigation of the affairs of the said institution, and that the said commissioners or a majority of them, shall, at the next term of said court ensuing their appointment, or as soon after as may be, make report to the said court, detailing at length the amount of stock which had been subscribed and by whom, the amount of stock which had been paid in and by whom, the amount of stock which had been withdrawn or paid to holders of stock and by and to whom, and in what manner and on what account the amount of debts due to said bank on the twentieth day of May, in the year one thousand eight hundred and twenty, and by whom, and also how said debts have been paid, and what amount thereof still remains due and unpaid, and by whom, and what amount thereof is recoverable, also the amount of debts yet due by the said bank, and to whom, and all other facts which they may deem necessary to shew the situation of the affairs of the said institution.

Court on petition of five creditors, to appoint five commissioners, invested with power, &c. of bank officers.
To investigate affairs.

Report to court.

Detail of report.

President of board.

Power to issue precepts and attachments.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said commissioners or a majority of them, shall, at their first meeting, appoint one of their number president, and shall have power to issue precepts in the nature of a summons, to be signed by the president, requiring the attendance of any person or persons as witnesses or parties, at a time and place to be set forth in

such precept, and commanding the production of any papers, books or documents relating to the affairs of said bank, which precepts so issued shall be served by any sheriff or constable of said county to whom they may be directed; and in case of disobedience to such precept, attachments may be issued, to be subscribed by said president, to enforce such precepts, which attachments shall be directed to and executed by the sheriff of said county, and the fees allowed for like duties shall be paid to the said sheriff and constables.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said commissioners shall give notice by publication, in such papers as they may deem best, for six weeks preceding, of the time and place at which all parties are required to attend, and that they shall have power to adjourn their meetings from day to day, and to meet at such other times and places as they may deem proper.

Six weeks notice of time, &c. of meeting.

SECT. 5. *And be it further enacted by the authority aforesaid,* That after the report of said commissioners shall have been made to the court, the said court is hereby authorised and required to issue their summons, returnable at the next term thereafter, commanding the party or parties who shall appear by said report to be indebted to the said bank, either as borrowers of money, as payers or indorsers of notes, or by bond as principal or surety, or in any other manner bound to pay monies to said bank, to appear severally or jointly, as may be judged proper, and shew cause why judgment shall not be rendered against him, her or them, for the amount so reported to be due, which summons shall be served on the party or parties, if he, she or they reside in the county, personally, or by a copy left at the dwelling house at least ten days before the return day thereof; and if the party or any of them do not reside in the county, then notice thereof shall be given by publication in such newspapers as the court may judge necessary, for at least three weeks before the return day of said summons, and on the return day of said summons the court shall have power to render judgment against the several parties, for such sums as shall appear to be due by them, in such form and manner as the said court shall judge to be just and equitable: *Provided,* That each party so summoned may appear at the return day of said summons, by himself or his attorney, and if on his, her or their appearance, he, she or they shall deny on oath or affirmation the whole or any part of the charges in said report, the court shall direct the same to be entered on the docket, in the form of an action of debt, in which the Farmers' and Mechanics' bank of Greencastle shall be the plaintiff, and the said party or parties defendant or defendants; and the said

Court to issue summons to reported creditors.

How served.

Power to render judgment.

Proviso.

Creditor may deny charge on oath.

Proceedings thereon.

report shall be considered as a statement or declaration in the cause, and the defendant or defendants shall put in his or their plea, and the cause shall be tried and judgment rendered thereon as in other cases, and the parties on the trial shall be at liberty to give in evidence any paper or document or other evidence material to the cause, although not mentioned in said report or plea: *Provided*, That notice thereof in writing shall be given, if required by the opposite party, one month before the trial: *And provided also*, That the court may require the party setting up such defence to enter special bail to the action.

2d proviso.
Notice to op-
posite party.
3d proviso.
To enter
special bail.

Entry of de-
crees, &c.
on docket.

Recovery of
judgments.

Sums recover-
ed to pay
expenses.
compensate
comm'rs and
pay debts of
Bank.

Balance to
stockholders

Power of
court to call
comm'rs to
account.

Corporate
powers of
bank revived
for the pur-
poses of this
act.

SECT. 6. *And be it further enacted by the authority aforesaid*, That in all cases under this act, the said court of common pleas shall direct their decrees and judgments to be entered on their docket in the common form of judgments for debt, against each individual found in arrears or indebted to said bank, in which judgments the Farmers' and Mechanics' bank of Greencastle shall be the plaintiff, and on such judgments the said commissioners are hereby authorised and empowered to proceed by execution and other process, in the usual manner, for the recovering thereof.

SECT. 7. *And be it further enacted by the authority aforesaid*, That on the recovery of any of the moneys aforesaid, the same shall be placed in the hands of said commissioners, and after payment of the expenses of their proceedings, and of a reasonable compensation to the commissioners for their services, to be approved by the court, shall be applied first to the discharge of the debts due by said bank, and the residue shall be divided among all the stockholders, in proportion to the amount of stock actually paid in.

SECT. 8. *And be it further enacted by the authority aforesaid*, That the said court is hereby empowered to call the said commissioners to account as assignees are now liable to account by the act entitled "An act to compel assignees to settle their accounts, and for other purposes," passed the twenty-fourth day of March, one thousand eight hundred and eighteen, the first, second, third, fourth and seventh sections of which act are hereby declared to extend to and be a part of this act.

SECT. 9. *And be it further enacted by the authority aforesaid*, That the name, style and corporate capacity of "the Farmers' and Mechanics' bank of Greencastle" are hereby revived and continued in full force, with like effect as if the charter thereof had not been forfeited, for the recovery of all debts and demands under the provisions of this act, and for the purpose of carrying the provisions of this (act) into full effect.

SECT. 10. *And be it further enacted by the authority aforesaid;* That the said commissioners so appointed shall continue in office for the term of two years from the time of their appointment, and whenever any vacancy shall occur by reason of death, refusal to act, resignation or otherwise, it shall be the duty of said court, at any regular term or adjourned court, to fill such vacancy by a new appointment; and at the expiration of said term, or any future term of office, the said court is hereby authorised to appoint the said number of commissioners, with the same powers, for the further term of two years, and so from time to time until the affairs of said bank are closed.

Comm'rs to
serve 2 years.

Court to fill
vacancies, &
renew ap-
pointments.

FRED'K SMITH, *Speaker*
of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—the seventh day of April, Anno Domini
one thousand eight hundred and thirty.

GEO. WOLF.

No. 175.

AN ACT

For the appointment of Commissioners to run, mark and fix the division line between the township of Cattawissa, in the county of Columbia, and the township of Shamokin, in Northumberland county.

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 Elias Hoyt, of Luzerne county, and Joseph Whitacre of Lycoming county, and John Hayes, Esquire, of Union county, or any two of them, are appointed commissioners to do and perform the several things in this act directed, viz: the said commissioners, or any two of them, shall as soon as convenient, proceed to run, mark, and fix, the division line between the township of Shamokin, in the county of Northumberland, and the township of Cattawissa, in the county of Columbia, agreeably to the courses and distances following: Beginning at the mouth of Little Roaring creek, thence up said creek to the head thereof, thence on the ridge to the south branch

Commis-
sioners ap-
pointed.

Line.