

No. 102.

AN ACT

Relating to the Hanover and Carlisle turnpike road.

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 the election for managers of the Hanover and Carlisle turnpike road, shall be held annually on the second Tuesday of December, at the public house now occupied by William W. Hamersly, in Petersburg, Adams county, at which the bona fide stockholders, (including the holders of the stock formerly held by the commonwealth,) either in person or by proxy, duly appointed according to law, shall elect five stockholders to be managers for one year, commencing on the first day of January next thereafter, and until others shall be elected in their place; also one stockholder to be treasurer of said company, and notice of such election to be published before the holding of the same, for three weeks in one newspaper in Gettysburg, one in Carlisle and one in New Bloomfield: *Provided, however,* That any stockholder residing within five miles of the place of holding said election, shall not vote by proxy. To elect five stockholders to be managers.

SECTION 2. The first meeting of the managers so elected, shall be held on the first Monday in January, and they shall elect one of their own number to be president and another to be secretary, and shall appoint all necessary gate-keepers, superintendents and other agents. In case of vacancy in the board of managers, or in any office or appointment aforesaid, the board shall have power to fill the same, and also to remove any president, secretary, gate keeper or other agent. First meeting of managers.

SECTION 3. The act authorizing the commissioners of Adams and Cumberland counties to elect managers of said road, is hereby repealed: and after the passage of this act, William Moore, Thomas Paxton and George D. Foulke of Cumberland county, William W. Hamersly and Daniel Shaffer of Adams county, shall be managers of said road, and Samuel Given of Cumberland county, shall be treasurer of said turnpike road company, who, on being duly qualified, shall serve until the second Tuesday of December, eighteen hundred and forty-five, and until successors shall be elected and qualified according to the provisions of the first section of this act, and existing laws in relation to the said company; and the managers and treasurer of said company appointed by this act, shall be qualified and commence the performance of their duties immediately after the passage of this act: *Provided,* That no person shall vote at any future election held in pursuance of this act, who has not held the stock in right of which he claims to vote at least three months before such election, nor shall any stockholder be entitled to more than five votes at such election: *And provided further,* That the election of such managers and treasurer shall not be opened before one o'clock, P. M., of the day of holding the same; and nominations for judges of such election shall not be made before twelve o'clock, M., of said day. Repeal of a former act.
Managers names.
Term of service.
Proviso.
Second proviso.

SECTION 4. The compensation of the president, secretary and managers aforesaid, shall not exceed one dollar and fifty cents per day each. Compensation of president, &c.

The treasurer shall receive a compensation of fifty dollars per annum, and it shall be his duty to receive and pay over to such persons as the managers shall direct, all tolls collected by him : *Provided*, That such per diem allowance of the managers aforesaid shall not exceed fifty dollars per annum, nor shall any allowance for expenses or other purposes be allowed to them ; the secretary, however, shall receive, in addition to the compensation aforesaid, the sum of thirty dollars per annum.

Tolls, how regulated. SECTION 5. No special license or permit shall be given by any president, manager, treasurer, or gate keeper, to any person to travel on said road, or to pass its gates for less than the full amount of lawful toll ; but the board of managers shall have power, by general regulation, to allow a reasonable per centage to be deducted from the aggregate amount of tolls of customers of said road, to be settled and allowed quarter yearly.

Workmen, how paid. SECTION 6. The board of managers may allot the superintendence of sections of said road to the several members of said board, who shall have power to give to the workmen employed in repairing the same, orders for sums due them upon the treasurer, which orders shall be signed by the president, and countersigned by the secretary of said company, and said manager being responsible for the correctness thereof ; and if any manager, treasurer, or gate keeper, shall take, or in any way secure to himself, or to any person for his benefit, any discount, abatement, or profit, in the payment of such order, he shall forfeit a sum equal to double the amount of such order, to be sued for in the name of said company, before any magistrate or court having jurisdiction over actions of debt for like amounts, one-half to be paid to the treasurer of the company, and the other half to the prosecutor ; and such discount, abatement, or profit, shall also be deducted from the amount of such order, or the settlement of the account of the manager, treasurer, or gate keeper, so offending.

Commissioners appointed to perform certain duties. SECTION 7. That Henry Fetter of Perry county, William R. Saddler of Adams county, and James M'Collough (of William) of Cumberland county, are hereby appointed commissioners to enquire and ascertain who were originally, and who are at the time they shall meet, owners of the capital stock in said company, and having ascertained the same as accurately as shall be in their power, they shall file a list of such stockholders with the treasurer of said company, and also a similar list in the offices of the clerk of quarter sessions of Adams and Cumberland counties, duly certified by them ; which lists respectively shall be legal evidence of such ownership, subject however to the right of any other person to show to either of said courts of quarter sessions, on petition to such court, and on due proof, he, or she, or they are entitled to stock in said company ; which being established to the satisfaction of said board, or of such court, such persons' names shall be added to such list, or shall be substituted in place of the names of such persons as may be so adjudged to be erroneously entered therein ; and the said commissioners shall be entitled to receive one dollar and fifty cents each per day, from the said company, for every day they may be employed in carrying out the duties enjoined upon them by this act : *Provided*, That in no instance shall said per diem allowance exceed fifteen dollars to each of the said commissioners.

Proviso. SECTION 8. No president, manager, treasurer, or superintendent, shall be concerned, either directly or through any sub-contract, or other arrangement, or by the agency of any other person, in the making of any repairs on said road, and any contract or arrangement, or by the agency of any other person in the making of any repairs on said road, and any contract, or arrangement made for that purpose, shall be deemed wholly void ; and any such president, manager, or treasurer, offending against the provisions of this section, shall forfeit and pay the sum

President, &c., not to be concerned in making repairs.

of one hundred dollars, to be sued for and recovered in any court having jurisdiction over actions of debt for like amount, one-half whereof shall be paid to the treasurer of said company, for the use of the company, and the other half to the prosecutor.

SECTION 9. The treasurer shall make out, at the end of every year. *Duty of treasurer* a statement, to which he shall be sworn or affirmed, containing a full and accurate account of the receipts and expenditures of the company for the preceding year, and file a copy of the same in the office of the clerk of the quarter sessions of each of the counties of Adams, Cumberland, and Perry, and the said statement shall also be published in one newspaper, in each of the said counties.

SECTION 10. That the stockholders of the Pittsburg and New Pittsburg & New Alexandria turnpike road company shall hereafter, so long as said road *Alexandria turnpike.* continues sequestered, annually, on the first Monday in November in each and every year, meet at the house now occupied by Simon

Hugus, in Franklin township, in the county of Westmoreland, and elect three auditors, who are hereby authorized and required to audit and settle the annual accounts of the sequestrator of said turnpike road, and make report thereof to the court of common pleas of said county: *Auditors to be elected annually.*

Provided, That if the said sequestrator shall make oath that injustice *Their duty,* has been done him by any such settlement of his accounts by such auditors, the said court shall entertain an appeal by such sequestrator in the same manner and on the same terms as appeals from the settlements by county auditors are now by law allowed: *And provided also,* That the auditors under this section shall be entitled to one dollar per *Pay per diem.* day for their services, to be paid as shall be ordered by said court.

SECTION 11. All laws altered or supplied by the provisions of this *Repeal.* act, are hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The thirteenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.