

eral election; if an election shall not be held at the time appointed, the corporation shall not for that cause be dissolved, but an election shall be held as soon afterwards as may be, and until such election, the officers in place shall continue to act; the present officers, viz. George Clymer, president, William Tilghman, William Rawle, Moses Levy, Joseph Hopkinson, Joseph B. M'Kean, William Meredith, William Rush, John R. Coxe, John Dorsey, William Pointell, Thomas C. James and Charles Wilson Peale, directors, shall continue to hold and exercise their respective offices.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the powers and duties of the officers herein mentioned, and of all others, who may be hereafter appointed; the times of meeting of the said corporation; the admission of new members and the other concerns of the said corporation, shall be regulated by the bylaws and ordinances of the said corporation hereafter to be made.

Approved March 28, 1806. Recorded in L. B. No. 10, p. 374.

CHAPTER MMDCCVII.

AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR MAKING AN ARTIFICIAL ROAD BY THE BEST AND NEAREST ROUTE, FROM BERWICK, ON THE NORTHEAST BRANCH OF THE SUSQUEHANNA, OR FROM THE MOUTH OF THE LOWER WHOPEHAWLEY, TO THAT POINT ON THE NORTH LINE OF THE STATE WHICH IS NEAREST TO NEWTOWN, ON THE RIVER TIOGA, IN THE STATE OF NEW YORK.

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 Levi Hollingsworth, William Turnbull, Anthony Morris, Benjamin R. Morgan, Samuel M. Fox, and Samuel Miffin, of Philadelphia city; Nathan Beach, Abel Fellows, of Luzerne county; Thomas Bowman of Northumberland county; and John Franklin, Stephen Tuttle and Reuben Hale, of Lycoming county, be, and they hereby are appointed commissioners, to do and perform the several

things hereinafter mentioned; that is to say, they shall on or before the first Monday in June next, procure three 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 Susquehanna and Tioga turnpike road, the sum of one hundred dollars for every share of stock, in said company, set opposite 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 of this commonwealth to incorporate a company for making an artificial road, by the best and nearest route, from Berwick on the north-east branch of the Susquehanna, or from the mouth of Lower Whopewhawley, to that point on the north line of the state which is nearest to Newtown, on the river Tioga, in the state of New York" and shall thereupon give notice in two of the public papers printed in the city of Philadelphia, (one of which to be in the German language,) and in one or more of the public papers printed at Easton, Northumberland and Wilkesbarre, respectively, 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 opened at Philadelphia shall have two hundred shares therein subscribed, and the said book opened at Sunbury or Northumberland, two hundred shares therein subscribed, and the said book opened at Berwick, two hundred shares therein subscribed; and if at the expiration of the said six days the books

aforesaid, or any of them, shall not have the respective number of shares as aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the said books from place to place aforesaid, or elsewhere, until the whole number of shares shall be subscribed; of which adjournments and transfer, the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares subscribed, in all the said books, shall amount to six 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 ten 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 hundred shares of the said stock, the said 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 subscriptions 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 Susquehanna and Tioga Turnpike Road," 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 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 fulfill 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 said letters patent shall be sealed and obtained, shall give notice in two of the public papers in Philadelphia, (one of which shall be in the German language,) and also in the Easton, Northumberland and Luzerne papers, respectively, 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 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 other such officers shall be chosen; and shall and may make such bylaws, 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 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 as is given and granted to the president, managers and company of the Susquehanna and Lehigh turnpike road, in and by an act passed the nineteenth day of March, one thousand eight hundred and four.⁽¹⁾

Approved March 28, 1806. Recorded in L. B. No. 10, p. 376.

Note (1) Chapter 2475; 17 Statutes at Large, p. 745.