

for the books from place to place, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the said commissioners shall give such notice as the occasion may require, and when the whole number of shares subscribed shall amount to one thousand shares, the books shall be closed. *Provided always,* That any person offering to subscribe in his own name, or any other name, shall previously pay to the attending commissioner or commissioners the sum of three dollars for every share to be subscribed, out of which shall be defrayed such incidental expenses as may be necessary for taking such subscription, 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. Proviso

SECTION 2. When ten or more persons shall have subscribed five hundred or more shares, and the said commissioners or a majority of them, shall have certified under their hands and seal to the governor, the names of the subscribers, and the number of shares subscribed by each, it may be lawful for the governor, by letters patent under his hand and seal of the state, to create and erect the subscribers, and also, all those who may afterwards subscribe, into one body politic and corporate in deed and in law, by the name, style and title of the Bald Eagle and Clearfield turnpike road company, and by the said name the subscribers shall have perpetual succession, and 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 intention of the 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 estate, real and personal, as shall be necessary to them in the prosecution of their work, 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. When 500 shares are subscribed
Gov. to issue letters patent
Name, style and title
Privileges and franchises

SECTION 3. The stockholders, or any two of them named in the letters patent, shall, as soon as conveniently may be, after issuing of the same, give notice in one or more of the newspapers published in the county of Centre, 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 then present, shall then proceed to organize the said company, and shall choose, by a majority of the said subscribers, by ballot, in person, one Organization of company
Officers to be chosen

president, six managers, one treasurer and such other officers as may be necessary to conduct the business of said company for one year, and from thence till 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 or manager, the board of managers may choose another to supply the vacancy until the next annual election of said company; they may make and have one common seal, and the same may break, alter or renew, at their pleasure, and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, as shall be necessary for the well ordering of the affairs of the corporation. *Provided*, That each stockholder shall be entitled to one vote for every share of stock by him or her held, not exceeding five, and for every five shares above five, one vote, at any election or meeting of said company. *And provided also*, That no person shall be entitled to hold the office of president, manager or treasurer, of the said company, who is not a stockholder thereof. *And provided also*, That no stockholder, whether the original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the share or shares by him or her held, at the time of such election, shall have been fully paid and discharged.

SECTION 4. If any treasurer elected by virtue of this act, shall die, resign or refuse to act or neglect to give 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 himself, and perform all 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 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.

SECTION 5. The stockholders shall meet on the first Monday in January, in each 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 for the year ensuing the term of service of those previously elected.

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 one such certificate to each subscriber for any share or number of shares by him or her held, on him or her paying to the treasurer, on each share so held, the sum of three dollars, which certificate shall be transferable in person

or by attorney, on the books of the said company only, sub-^{Transferrable}ject to the sum due, or to become due, on the share or shares so transferred.

SECTION 7. It shall be lawful for the said president and managers, their superintendents, surveyors, engineers, artists, and chain bearers, to enter in and upon all and every, the lands, tenements and enclosures, in, through and over which the said intended turnpike road may be thought proper to pass, and for that purpose to examine the ground and quarries of stone, and gravel, and other materials that may be necessary in making and constructing the said road, and to survey, lay down, ascertain, mark and fix such route for said road, as in the best of their judgment and skill will combine shortness of distance, with the most eligible ground, beginning at or near the mouth of Beech creek, thence by the valley of said creek to intersect the Milesburg and Smithport turnpike, at or near Snow Shoe, and thence westwardly to unite with the Snow Shoe and Packerville turnpike, in Clearfield county.

^{Authority to enter upon lands and locate road}
^{Commencement and termination of road}

SECTION 8. The said president and managers, five of whom shall for all purposes 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, or contract with such engineer, 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 their 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 or things, as by the by-laws, orders and regulations of the said company, shall be entrusted to them.

^{Duties of president and managers}
^{To draw orders on treasurer}

SECTION 9. If any stockholder, whether original subscriber or assignee, after thirty days notice, in two newspapers, one printed in Centre county, the other in Clearfield county, 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 thirty days 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 may be sold by them for such price as may be obtained therefor, or in default of payment of

^{Penalty for neglect to pay instalments}

any stockholders of 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 penalty aforesaid.

Authority to extend upon lands to construct road
Of damages and mode of assessment
Proviso

SECTION 10. It may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workman, and laborers, their tolls and instruments, carts, wagons and other carriages, and beasts of draught or burden, to enter in, and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice of their intentions to the occupiers thereof, and doing as little damage thereto as possible, and making amends for damages, upon a reasonable and equitable agreement by the parties, or if they cannot agree thereupon, a just and equitable assessment, to be made upon oath or affirmation, by three disinterested freeholders, or any two of them, to be mutually chosen, or if either party, upon due notice, shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace, of the county wherein the land lies, who shall not be interested therein, and upon the tender of the assessed value, to dig and carry away any timber, stone, sand, earth, or other materials necessary or suitable for making said road. *Provided,* That no part of this act shall authorize the taking of any property by said company, unless the same be previously paid for, or adequate security, given to the owner for the payment thereof.

President and managers to keep just accounts
Number of shares may be increased

SECTION 11. The said president and managers shall keep fair and just accounts, as well of all moneys received by them as of those paid out and expended in the prosecution of the work, and shall at least once in every year submit their books and account to a general meeting of the stockholders; and whenever it shall be ascertained that the capital stock of the said company is not sufficient to complete the said road according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, at a stated or special meeting, convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such an extent, as they shall deem sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares, in like manner, and under like penalties, as are provided by this act, in the case of the original subscriptions.

To erect bridges

SECTION 12. The said president and managers shall have power to erect good and sufficient bridges, over all the streams of water crossed by said route, wherever the same shall be found necessary, and shall cause a road to be laid out, not exceeding fifty feet in width, and shall cause at least sixteen

feet of said width to be made an artificial road of wood, stone, gravel or other proper and convenient materials, such as the nature of the ground may require and will afford, to be constructed in such manner as will admit an even surface, and in no place in said road shall there be an elevation of more than five degrees from a horizontal line, and shall forever thereafter, maintain and keep the same in good order and repair. *Provided*, That it shall and may be lawful for the president and managers whenever they may deem it necessary to cut, deaden and prostrate the timber, on each or either side of the said road within a distance not exceeding sixty feet from the centre of the said road, they making just and equitable compensation to the owners.

SECTION 13. Whenever, and as often as the said company shall have finished five miles or more of road, the president thereof may give notice to the governor, who shall thereupon forthwith appoint three skilful, judicious and disinterested persons to view and examine the same, report on oath or affirmation to him, whether the said road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the governor shall by license under his hand and the seal of the state, permit and suffer said company to erect and fix such, and so many gates or turnpikes, upon and across the said road, as will be necessary and sufficient to collect from all persons, otherwise than on foot, the same tolls which are hereinafter authorized and granted. *Provided*, That all persons attending funerals, military parades and trainings, or divine worship on the Sabbath day, shall at all times be exempted from payment of any toll on said road.

SECTION 14. The said company having perfected the said road, or such part thereof from time to time as aforesaid, and being examined, approved and licensed as aforesaid, it shall and may be lawful for them to appoint such, and so many toll gatherers as they shall think proper, collect and receive of and from all and every, person and persons using the said road, the tolls and rates hereinafter mentioned, and stop any person riding or leading any horse, or driving any cattle, hogs or sheep, or driving any coach, coaches, sulky, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriages of burden or pleasure, from passing through the said turnpike or gates, until they shall have respectively paid the same, that is to say, for every five miles in length of the said road completed, and licensed as aforesaid, the following sum of money, and so in proportion for any lesser or greater distance actually travelled, or for any greater or less number of sheep, hogs or cattle, to wit: For every score of hogs, six cents; for every score of sheep, six cents; for every score of cattle,

twelve and a half cents; for every horse and his rider, or led horse, three cents; for every sulky, chair, or chaise with one horse and two wheels, six cents; and with two horses, nine cents; for every chariot, coach, phaeton or chaise with four wheels and two horses, twelve and a half cents; for either of the carriages last mentioned, with four horses, twenty cents; for every other carriage of pleasure under whatsoever name it may go, the like sums according to the number of wheels and horses drawing the same; for every sled, two cents for each horse drawing the same; for every cart or wagon, the wheels of which do not exceed the breadth of four inches, six cents for each horse drawing the same; for every cart or wagon, the wheels of which shall exceed in breadth four inches, and not exceeding seven inches, three cents for each horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than seven inches, and not more than ten inches, or being of the breadth of seven inches shall roll more than ten inches, two cents for each horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than ten inches, and not exceeding twelve inches, or being ten inches shall roll more than fifteen inches, one cent for each horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than twelve inches, one cent for each horse drawing the same; and all carriages as aforesaid, which shall be drawn by oxen in the whole, or partly by oxen and partly by horses, two oxen shall be estimated as equal to one horse, in charging all the aforesaid tolls, and every mule as equal to one horse; and if any person or persons shall represent to the said company or any other of their officers, that he, she or they have travelled a less distance, than he, she or they have actually travelled along the said road, with intent to defraud the said company of their toll or any part thereof, such person or persons, shall, for every such offence, forfeit and pay to the use of the said company, any sum not exceeding five dollars; and if any toll gatherer shall demand and receive greater or other toll from any person or persons than such toll gatherer is authorized to demand and receive by virtue of this act, such toll gatherer shall forfeit and pay the sum of twenty dollars for every such offence to the supervisors of the highways of the townships in which the forfeiture is incurred for the repairs of the roads in the said township, and for payment of which the said company shall be responsible. Provided always, That it shall and may be lawful for the said company by their by-laws, to regulate the burden on carriages, to be drawn along the said road in such manner as shall be found from experience to be most conducive to the public convenience and the advantage of said company.

Penalty for
evading pay-
ment

Proviso

SECTION 15. For collecting and receiving tolls, for every attempt to evade the payment thereof, for every neglect to keep the said road in good repair, for the increase, 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 application of fines and penalties, for offences against this act, the said company shall have all the powers, authorities, right and privileges, and be subject to all the penalties which are given and granted by the act, entitled a supplement to an act, entitled an act authorizing the governor to incorporate a company for making an artificial road from the bank of the river Susquehanna, opposite the borough of Harrisburg to Pittsburg.

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

APPROVED—The twenty-fifth day of June, eighteen hundred and thirty-nine.

DAVID R. PORTER.

No. 185.

A N A C T

To incorporate the Hanover Academy, of York county.

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 academy hereby incorporated shall be known by the name, style and title of "The Hanover Academy," and shall be under the management, direction and government of the present stockholders, to wit: Jacob Albert Henry Wert, John L. Hinkle, Jacob Wert, Daniel P. Lange, Charles Barnitz, Benjamin Welsh, Daniel Gobrecht, Samuel Trone, Jacob Newman, George Egleberger, John Linert, Samuel Mumma, Daniel Barnitz, Charles E. Cremer, Jacob Dehoff, Daniel Dubs, David Diehl, Jacob Meisgar, Samuel Keller, Adam Fisher, George Gitt, Joseph W. Smith, Luther H. Skinner, and their successors.

SECTION 2. The said stockholders, and their successors, shall forever hereafter be, and they are hereby erected, established