

Therefore,

*Resolved*, That John J. Kerr, guardian of the minor children of the said Maria M'Ilheny, deceased, be, and he is hereby authorized and required to make and execute to the said Samuel Harper, a good and sufficient conveyance, in fee simple, of all the right, title, interest, and estate which the said Maria M'Ilheny held in the said plantation or tract of land, at the time of her death; and, also, all the interest and estate of said minors of, in, or to the plantation, or tract of land, aforesaid, and the proceeds arising from the sale of the said real estate, shall be invested by the said guardians, under the direction of the orphans' court of Adams county, aforesaid, for the use of the parties entitled according to law: *Provided*, That the said guardian, before the execution of the power and authority hereinbefore granted, shall give sufficient security, to be approved of by the said court, for the faithful execution of the same.

Guardian of  
Maria M'Ilheny  
to execute  
a deed to  
Saml. Harper

Proviso

WM. HOPKINS,

*Speaker of the House of Representatives.*

CHARLES B. PENROSE,

*Speaker of the Senate.*

APPROVED—The second day of July, eighteen hundred and thirty-nine.

DAVID R. PORTER.

No. 196.

## AN ACT

To incorporate the president and managers of the Clearfield and Allegheny Turnpike Road Company.

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 William Bigler, Robert Wallace, William L. Moore, Philip Antes, Christopher Kratzer, Jas. T. Leonard, John Mitchell, Joseph Irwin, Joshua J. Tate, Samuel Tate, Amos Reed, senior, John R. Bloom, John R. Reed, William Spackman, Thomas Reed, William Dunlop, James Cathcart, and John W. Wright, of the county of Clearfield, be, and they are hereby appointed commissioners.

to do and perform the several things hereinafter mentioned, that is to say—they shall, on or before the first day of September next, procure two books, and in each of them enter as follows: We whose names are hereunto subscribed, do promise to pay the president and managers of the Clearfield and Allegheny turnpike road company; the sum of twenty dollars, for every share of stock 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 said company, in pursuance of act of the general assembly of this commonwealth, entitled "An act to incorporate the president and managers of the Clearfield and Allegheny turnpike road company." Witness our hands, the

**To procure books**

**Form of subscription**

day of \_\_\_\_\_ in the year of our Lord, one thousand eight hundred and thirty-\_\_\_\_\_ ; and thereupon shall give notice in one or more public papers, printed in the county of Clearfield, for twenty days at least of the time and places, when and where the said books shall be opened to receive subscriptions for the stock of the said company; at which times and places, one 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 names, or in the name or names of any other persons who shall duly authorize the same for any number of shares of stock; and the said books shall be kept open, respectively, for the purposes aforesaid, at least six hours in every juridical day, for the space of six days, or until the said books shall have six hundred shares therein subscribed.

**Who may subscribe**

**No. of shares**

And if at the expiration of the said six days, the books, aforesaid, shall not have the number of six hundred shares therein subscribed, the commissioners, respectively, may adjourn from time to time, and transfer the said books from place to place, until the whole number of shares shall be subscribed; of which adjournment and transfer, the commissioners, aforesaid, shall give such public notice as the occasion may require; and when the whole number of shares subscribed, shall amount to six hundred, the same shall be closed: *Provided always,* That every person offering to subscribe in said books in his own, or any other name, shall previously pay to the attending commissioner or commissioners, the sum of one dollar for every share to be subscribed, out of which shall be defrayed such incidental charges and 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.

**SECTION 2.** When twenty persons or more shall have subscribed fifty shares of the said stock, the said commis-

sioners, respectively, may, or when the whole number of shares, aforesaid, shall be subscribed, they 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, whereupon it shall and may be lawful for the governor, by letters patent, under his hand and seal of state, to create and erect the subscribers; and if the subscription be not full at the time, then 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 and managers of the Clearfield and Allegheny turnpike road company, and by the said name, the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation; and shall be capable of taking and holding the 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, 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 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 3. The commissioners, aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice in one or more of the public papers, printed in the county of Clearfield, of the 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 subscribers, by ballot to be delivered, in person or by proxy, duly authorized, one president, seven managers, one treasurer, and such other officers as may be necessary to conduct the business of the said company until the first Monday in November next; and until such other officers shall be chosen; and shall and may make such by-laws, orders, and regulations, not inconsistent with the constitution and laws of the United States, and of this commonwealth, as shall be necessary for the well ordering the affairs of said company: *Provided always*, That no person shall have more than twelve votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and

Letters patent

Name, style and title

Privileges and franchises

Organization of company, and the manner

Officers

Proviso

that each person shall be entitled to one vote for every share held by him under that number.

**SECTION 4.** The said company shall meet on the first Monday of October, in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such other officers, as aforesaid, for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws; at which annual or special meetings, they shall have full power and authority to make, alter, or repeal, by a majority of votes, in manner, as aforesaid, all such by-laws, rules, orders, and regulations made, as aforesaid, and to do and perform any other corporate act.

**SECTION 5.** The president and managers first to be chosen, as aforesaid, shall procure certificates, to be written or printed, for all the shares of the said stock of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person, for every share by him subscribed and held, which certificate shall be transferable at his pleasure, in person or by attorney, in the presence of the president or treasurer, subject, however, to all payments due, and to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for that purpose, shall be a member of said corporation, and for every certificate by him held, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote, as aforesaid, at the meeting thereof.

**SECTION 6.** If after thirty days notice in one of the public newspapers, printed in the county of Clearfield, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay any such proportion or instalment, at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the instalments so called for, pay after the rate of two per cent. per month, for delay of such payment; and if the same, and the said additional penalty shall remain unpaid, for such space of time as that the accumulated penalties shall become equal to the sums before paid in part, and on account of such shares, the same shall be forfeited to the said company, and may and shall be sold to any person or persons willing to purchase, for such price as can be obtained for the same.

**SECTION 7.** The said president and managers shall meet at such times and places as shall be ordained by their by-

Annual meet-  
ing of compa-  
ny to elect  
officers

Of certificates  
of stock

Transferable

Penalty for  
neglect to pay  
instalments

laws, and when met, five members shall form a quorum, who, in Meeting of absence of the president, may choose a chairman, and shall president and the keep minutes of all their transactions fairly entered in a managers book, and a quorum being formed, they shall have full power To keep min- and authority to appoint all such surveyors, engineers, super-utes of trans- intendants, and other artists and officers, as they shall deem Powers and necessary to carry on their intended works, and fix their authorities salaries and wages; to ascertain the times when, and the manner and proportions in which the stockholders shall pay the moneys due on their respective shares, in order to carry on the work; to draw orders on the treasurer for moneys necessary to pay the salaries or wages of persons by them employed, and for labor done, and materials provided in the prosecution of the work; which orders shall be entered on their book of minutes, and shall be signed by the president, or in his absence, by a majority of the board, and countersigned by their secretary, and generally to do all such other acts, matters and things, as by this act, and by the by-laws, rules, orders, and regulations of the company, shall be committed to them.

SECTION 8. It shall be lawful for the said president and managers, to cause a road to be laid out, forty feet wide, and at least sixteen feet thereof to be made an artificial road, Width of road and of what bedded with wood, stone, gravel, or other hard substance materials to well compacted together, and of sufficient depth to secure a be made solid foundation to the same, and the said road shall be faced with gravel, or stone pounded, or other small hard substance, in such manner as to secure a firm, and as nearly as the materials will admit of, an even surface, rising towards the middle by a gradual arch, and so nearly level in its progress, as that it shall, in no place, rise or fall more than will form an angle of four degrees, with an horizontal line, and shall forever hereafter maintain and keep the same in good and perfect order and repair, from the town of Clearfield, including the same, to some suitable and convenient point on the Curwensville and Waterstreet turnpike road.

SECTION 9. It shall be lawful to and for the said presi- Authority to dent and managers, by and with their superintendents, engi- enter upon neers, artists, workmen, and laborers, with their tools and lands instruments, carts, wagons, wains, and other carriages and beasts of draft or burden, to enter upon the lands in, over, contiguous, and near to which the route and track of the said road shall pass, first giving notice of their intention to the owners thereof, or their representatives, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done to any improvements thereon, and, also, for the value of the materials by appraisements, to be made in the manner hereinafter directed, or upon reason-

In case parties disagree, mode of assessing damages

able agreement, if they can agree, if they cannot agree, then upon an appraisement to be made, upon oath or affirmation, by three disinterested and reputable freeholders, to be mutually chosen, whose award, or the award of any two of them, shall be final; and if either the said president and managers, or the said owners shall, upon due notice, neglect or refuse to join in the choice, then it shall and may be lawful for any justice of the peace of the county where the said damage may be done, not interested on either side, to appoint the said freeholders; and upon tender of the value so appraised, as aforesaid, it shall and may be lawful for the said president and managers, or for any person or persons, by his or their directions, to dig, take, and carry away any stone, gravel, sand, or earth then being most conveniently situated for making or repairing the 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.

Governor to appoint viewers

SECTION 10. So soon as the said president, managers, and company, shall have perfected the said road from Clearfield town to the Curwensville and Waterstreet turnpike road, they shall give notice thereof to the governor of the commonwealth, who shall thereupon, forthwith, nominate and appoint three disinterested persons to view and examine the same, and report to him in writing whether the said road is so far executed in a masterly and workmanlike manner, according to the true intent and meaning of this act; and if their report shall, in either case, be in the affirmative, then the governor shall, by license, under his hand, and the lesser seal of this commonwealth, permit and suffer the said president, managers, and company, to erect and fix so many gates and turnpikes upon and across the said road, as will be necessary and sufficient to collect the toll and duties hereinafter granted to the said company, from all persons travelling on the same with horses, cattle, carts, and carriages.

When license may issue

Toll gatherers and their powers

SECTION 11. When the said company is licensed in manner aforesaid, it shall and may be lawful for them to appoint such, and so many toll-gatherers, as they shall think proper, to collect and receive of and from all and every person and persons using the road, the tolls and rates hereinafter mentioned, and to stop any person riding, leading, or driving any horses, cattle, hogs, sheep, coach, choachee, sulkey, chair, chaise, phaeton, cart, wagon, train, sleigh, sled, or any other carriage of burden or pleasure, from passing through the said turnpikes, until they shall, respectively, have paid the same, that is to say—for every five miles in length of the said road, completed and licensed, as aforesaid, the fol-

Tolls recoverable

lowing sums of money, and so on, in proportion for any lesser distance, or for any greater or lesser number of sheep, hogs, or catle, to wit: For every score of hogs, six cents; for every score of sheep, six cents; for every score of cattle, twelve cents; for every horse and his rider, or led horse, three cents; for every sulkey, chair, or chaise, with one horse and two wheels, six cents; and with two horses, nine cents; for every chariot, coach, phaeton, or dearborn, with one horse and four wheels, nine cents; for every chariot, coach, phaeton, or chaise, with two horses and four wheels, twelve cents; for either of the carriages last mentioned, with four horses, twenty cents; for every other carriage of pleasure, under whatever name it may go, the like sums, according to the number of wheels and horses drawing the same; for every stage wagon, with two horses, twelve cents; and for every such wagon, with four horses, twenty cents; for every sleigh three cents, for each horse drawing the same, and for every sled, two cents for each horse drawing the same; for every cart or wagon whose wheels shall not exceed four inches, six and a quarter cents for each horse drawing the same; and for every cart or wagon whose wheels shall exceed four inches, and not exceed seven inches, four cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches, and not more than ten inches, and being of the breadth of seven inches, shall roll more than ten inches, three cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than ten inches, and not exceeding twelve inches, or being ten inches, shall roll more than fifteen inches, two cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than twelve inches, two cents for every horse drawing the same; and if any person or persons shall represent to the said company, or any of their officers, that he, or she, or they, have travelled as less distance than he, she, or they have actually travelled along said road, with intent to defraud said company of its toll, or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of said company, the sum of five dollars; and if any toll-gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded, shall have travelled along said turnpike road, or shall demand and receive greater toll from any such 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 ten dollars for every such offence, to the supervisors of the township in which the forfeiture is incurred, to be expended in repairing

Penalty for  
fraud on  
company

township roads, and for the payment of which, the said company shall be responsible.

Carriages  
drawn partly  
by horses  
how rated

SECTION 12. All such carriages, as aforesaid, to be drawn by oxen in the whole, or partly by horses, and partly by two oxen, two oxen shall be estimated as equal to one horse: *Provided*, That all persons attending funerals, military parades or trainings, or divine worship, shall, at all times, be exempted from the payment thereof.

On neglect to  
keep road in  
repair, mode  
of proceeding

SECTION 13. If the said company shall neglect to keep the said road in good and perfect order for the space of thirty days, and information thereof shall be given to any justice of the peace of the neighborhood within the county where the repair ought to be made, such justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time, in said precept to be mentioned, at the place, in said road, which shall be complained of; of which meeting, notice shall be given to the keeper of the gate or turnpike nearest thereto, within the said county, and the said justice shall, at such time and place, on the oaths or affirmations of the said persons, inquire whether the said road, or any part thereof, is in such good and perfect order and repair, as aforesaid; and shall cause an inquisition to be made under the hands of himself, and a majority of the said persons; and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates, between which such defective place shall be, and from thenceforth, the tolls hereby granted to be collected at such turnpikes or gates, shall cease to be demanded, paid, or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair, as aforesaid; and if the same shall not be put into good and perfect order and repair, before the next general court of quarter sessions of the peace, to be held for the county in which the defect is proved to be, the aforesaid justices shall certify and send a copy of the inquisition aforesaid, to the justices of the said court, and the said justices shall thereupon cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed thereon, as in cases of supervisors of the highways for neglect of their duty; and if the person or persons entrusted by the said company, as aforesaid, shall be convicted of the offence, by the said inquisition charged, the said court shall give judgment according to the nature and aggravation of the neglect, as according

to right and justice would be proper in the case of supervisors of highways neglecting their duties, and the fines and penalties so to be imposed, shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisor of the highways of the township wherein the offence was committed, to be applied to repairing the public roads within such township.

SECTION 14. If any person or persons, whosoever, owning, riding in, or driving any sulkey, chair, or chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, riding or leading any horse, mule, mare, or gelding, or driving any hogs, sheep, or other cattle, shall therewith pass through any private gates or bars, or along, or over any gates or bars, or along, or over any private passage way, or other ground near to, or adjoining any turnpike, or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company, and avoid the payment of the toll or duty for passing through any such gate or turnpike; or, if any person or persons shall, with such intent, take off, or cause to be taken off, any horse, mule, mare, or gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons, in all, and every, or any of the ways or manners aforesaid offending, shall, for every such offence, respectively, forfeit and pay to the president and managers and company of the Clearfield and Allegheny turnpike road, any sum not exceeding five dollars, to be sued for, and recovered with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts of a similar amount are by law sued for and recovered: *Provided always*, That if any person or persons shall be prosecuted under this section of this act, and the said prosecution shall not be sustained on the part of the prosecutors, then, in that case, the person or persons prosecuted, as aforesaid, shall receive from the company, the sum of five dollars, in lieu of damages arising from delay and a vexatious prosecution, recoverable as other fines under this act. Penalty for attempting to avoid payment of toll

SECTION 15. The president and managers of the said company, shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the subscribers, to the said undertaking, on account of the several subscriptions, and of all penalties for the delay of payment thereof, and of the amount of profits on the shares Provided To keep just accounts

which may be forfeited, as aforesaid, and, also, all moneys by them expended in the prosecution of their said work; and shall once, at least, in every year, submit such accounts to a general meeting of the stockholders, until the said road shall be complete, and until all costs, charges, and expenses of effecting the same, shall be fully paid and discharged, and the aggregate amount of such expenses, shall be liquidated and ascertained.

**SECTION 16.** If the said company shall not proceed to carry on the said work, within six years after the passage of this act, or shall not, within nine years afterwards, complete the said road, according to the true intent and meaning of this act, then, in either of those cases, all and singular the rights, liberties, and privileges, and franchises hereby granted to the company, shall revert to this commonwealth.

WM. HOPKINS,

*Speaker of the House of Representatives.*

CHARLES B. PENROSE,

*Speaker of the Senate.*

APPROVED—The second day of July, eighteen hundred and thirty-nine.

DAVID R. PORTER.

No. 197.

## AN ACT

Regulating Election Districts, and for other purposes.

**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 township of Derry, in the county of Westmoreland, shall hereafter form two election districts, as follows, viz: The electors of said township, residing north of a line commencing at the Broad Fording, on the Conemaugh river; thence to Caldwell's blacksmith shop; thence to Salem meeting-house; and thence along the meeting-house road, by way of Burgoon's to the Loyalhanna creek, opposite Brady's mill, shall hereafter hold their general elections at the house of Jacob Alter, on the the New Alexandria and Conemaugh turnpike road; and the electors

Election districts in the county of Westmoreland