

Directors.

Annual election.

Proviso.

When policy to
be surrendered.Provisions and
restrictions of
certain act ex-
tended to this
company.

SECTION 5. The members of said company, upon twenty days' notice, shall meet at their office in the borough of Elizabethtown, on the first Monday of January, in the year of our Lord one thousand eight hundred and forty-nine, and hold their first election for directors; and the directors so elected shall continue in office until the first Monday in January, one thousand eight hundred and fifty, or until others are elected; on which day annually thereafter an election for directors shall be held: *Provided*, No policy shall be issued by said company until the property insured shall amount to fifty thousand dollars.

SECTION 6. That any member of this company wishing to withdraw his or her insurance from said company, shall surrender his or her policy to the directors to be cancelled; and upon such surrender shall be entitled to receive his or her deposit note, on payment of his or her proportion of losses and expenses accrued prior to such surrender, and the payment of ten per cent. on the balance of said note, for the use of the company.

SECTION 7. The said company shall enjoy and be subject to all the provisions and restrictions of an act to incorporate the Northern mutual insurance company of Lancaster county, approved fourth day of April, one thousand eight hundred and forty-four.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

WM. F. JOHNSTON,

Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 403.

AN ACT

To authorize the governor to incorporate the Glen Hope and Little Bald Eagle turnpike road company.

Commissioners.
Duties.Form of sub-
scription.

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* Israel Cooper, John T. Mathias, Henry B. Wright, John G. Nevlin, William Smiley, Lewis Palmer and John Swan, junior, be and they are hereby appointed commissioners to do and perform the duties hereinafter mentioned, that is to say: they shall procure two or more books and therein enter as follows: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Glen Hope and Little Bald Eagle turnpike road company, the sum of twenty-five dollars for every share of stock in said company by us subscribed, in such manner and proportions, and at such times and places as shall be deter-

Proviso.

Privileges.

Organization and election of officers.

pany for one year, and from thence until 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 subscriber shall be entitled to one vote for every share of stock by him or her held, not exceeding five; but no number of shares above five shall entitle the holder thereof to more than two votes 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 shares by him or her held at the time of such election or meeting, shall have been fully paid and discharged.

Proviso.
Votes.

Proviso.

Proviso.

In case of death,
resignation or
refusal to act, of
treasurer, board
of managers to
appoint, &c.

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 the 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.

Annual meetings.

SECTION 5. The stockholders shall meet on the first Monday in November in each and every 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.

Certificates of
stock.

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 five dollars, which certificate shall be transferable in person or by attorney, on the books of the said company, only subject to the sum due or to become due on the share or shares so transferred.

Transferable.

Enter upon
lands, &c.

SECTION 7. It shall and may 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 combine shortness of distance with the most eligible ground; [beginning at Glen Hope, in Clearfield county; thence the nearest and best route to the mouth of the Little Bald Eagle creek, in Blair county.

Quorum.

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 and things as by the by-laws, orders and regulations of the said company shall be entrusted to them.

Powers and duties of board.

SECTION 9. If any stockholder, whether original subscriber or assignee, after thirty days' notice in two newspapers printed in the counties of Blair and Clearfield, 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 sixty 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 cent. per month for every delay of such payment; and if the same and such 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 any stockholder 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.

Payment of instalments.

SECTION 10. It may lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen and laborers, with their tools 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 for the county wherein the said 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 private property shall be taken without making compensation to the owner or owners thereof, or giving adequate security therefor.

Enter upon lands.

Payment of damages, regulated.

Proviso.

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 accounts 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

Accounts.

Increase of shares.

subscribed for such additional shares, in like manner and under like penalties as are provided by this act in case of the original subscription.

Power to erect bridges.

Width of road.

Proviso.

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, whenever the same shall be found necessary, and shall cause a road to be laid out not exceeding forty 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, where practicable, 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 thirty feet from the centre of the said road, they making just and equitable compensation to the owners at the time of so doing.

Governor to appoint viewers.

Governor to grant license to take toll.

SECTION 13. Whenever, and as soon as the said company shall have finished five continuous miles or more of road, the president thereof may give notice to the governor, who shall thereupon forthwith appoint three skillful, 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 his license under his hand and the seal of the state, permit and suffer said company to erect and fix such and so many toll gates 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 mentioned and authorized: *Provided*, That all persons attending funerals, military parades and trainings or divine worship, shall at all times be exempted from payment of any toll on said road.

Toll-gatherers.

Tolls.

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, to collect and receive of and from all and every person or 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, coachee, 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 traveled, 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 one-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 one-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 every 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 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 of the officers, that he, she or they have traveled a less distance than he, she or they have actually traveled along the said road, with intent to defraud the said company of their toll or any part thereof, each person or persons shall for every such offence, forfeit and pay to the use of 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 township in which the forfeiture is incurred, for the repair of the roads in the said township: *Provided always*, That it shall and may be lawful for the said company by their laws, to regulate the burthen or 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 the company.

Frauds, how
punished.

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 the tolls, the erection of index posts, and for the injuring and defacing of the same, for the regulation of the traveling on the said road, and for the limitation 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 and privileges, and be subject to all the penalties which are given and granted by the act incorporating the Clearfield and Allegheny turnpike road company, approved the second day of July, one thousand eight hundred and thirty-nine.

Proceedings to
keep the road in
good repair, &c.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. F. JOHNSTON,
Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.