

ized and required to draw a warrant, or warrants, on the state treasurer, agreeably to the certificate of the register and controller generals, for the arrearages due on said pension, and the future half yearly payments of the same, as they shall grow due, which warrant, or warrants, the said treasurer is hereby authorized and enjoined to pay out of the fund appropriated for the support of government.

Passed March 23, 1796. Recorded L. B. No. 6, p. 72, etc.

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### CHAPTER MDCCCLXXXVIII.

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AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR MAKING ARTIFICIAL ROAD FROM LANCASTER THROUGH ELIZABETHTOWN AND MIDDLETOWN TO HARRISBURG.

[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 Alexander Berryhill, William Brown, William Crabb, Jasper Ewing, George Fisher, John A. Hanna, Christian Kunckle, Robert McKee, Mordecai McKinney, William Montgomery, John Norris, Adam Reigart, junior, James Russell, Daniel Smith, Thomas Stubbs, John Swar, Abraham Witmer, William Nelson, and Paul Zantzinger be and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say, they shall, on or before the first day of May next, procure four 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 Lancaster, Elizabethtown, Middletown and Harrisburg Turnpike Road Company, the sum of three hundred dollars for every share set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the said president and managers, 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 from Lancaster, through Elizabethtown and Middletown, to Harrisburg." Witness our hands the.....day of....., in the year of our Lord, one thousand seven hundred and ninety....." And shall give notice, in two of the public papers in the city of Philadelphia, one whereof shall be in the German language, and in the public papers printed in Lancaster, and also in Harrisburg, for one calendar month at least, of the times and places in Lancaster, Elizabethtown, Middletown and Harrisburg respectively, when and where the said books will be open to receive subscriptions of stock for the company, at which respective times and places, some three of the said commissioners shall attend, and shall permit and suffer all persons who shall offer to subscribe in the said books, which shall be kept open for the purpose at least six hours in every juridicial day, for the space of three days, if three days shall be necessary, and on the first of the said days, any person of the age of twenty-one years shall be at liberty to subscribe in his own, or any other name, or names, by whom he shall be authorized, for one share, one the second day, for one or two shares, on the third day for one, two, or three shares, and on any succeeding day, whilst the said books shall remain open, for any number of shares, in the said stock, and if, at the expiration of the said three first days, the said book opened at Harrisburg, shall not have one hundred and fifty shares therein subscribed, and the said book opened at Lancaster, shall not have one hundred and fifty shares therein subscribed, and the said book opened at Middletown, shall not have one hundred and fifty shares therein subscribed, and the said book opened at Elizabethtown, shall not have one hundred and fifty shares therein subscribed, the said commissioners respectively may adjourn, from time to time, until the said numbers of shares shall be subscribed, of which adjournments public notice shall be given in the Lancaster and Harrisburg papers, and when the said subscriptions in the said books shall amount to the respective numbers aforesaid, the same shall respectively be closed, and if, on that day, and before the said subscriptions shall be declared to

be full, application shall be made to subscribe more shares than will fill the said books, or either of them, to the numbers aforesaid respectively, then the said commissioners respectively shall apportion the whole numbers of shares unsubscribed at each respective place, on the morning of that day, among all those who shall have subscribed, or offered to subscribe as aforesaid, on that day, by deducting from the subscribers of more shares than one, such proportion of the shares by them respectively subscribed, as will, with the least fraction, and leaving every person one or more shares, come nearest to the exact numbers of shares aforesaid.

Provided always, That every person offering to subscribe in the said books, in his own name or any other name, shall previously pay to the attending commissioners thirty dollars, for every share to be subscribed, out of which shall be defrayed the expense 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 hereinafter mentioned.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That when sixty persons, or more, shall have subscribed for three hundred or more shares of the said stock, the said commissioners 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 number of shares subscribed by or apportioned to each subscriber 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 subscription be not full at the time, then also those who shall after subscribe to the numbers 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 Lancaster, Elizabethtown, Middletown, and Harrisburg turnpike road" and, by the said name, the said subscribers shall have perpetual succession, and all the privileges and franchises incidental 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, 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 III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the seven persons first named in the said letters patent, shall, as soon as conveniently may be after sealing the same, give notice in the public papers printed at Lancaster, and also at Harrisburg, of a time and place by them to be appointed not less than twenty days from the time of issuing 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 ballots, to be delivered in person or by proxy duly authorized, one president, ten 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 or may make such by-laws, 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.

Provided always, That no person shall have more than five votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to one vote for every share by him held, not exceeding the said number.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said company shall meet on the first Monday of February, in every year, for the purpose of choosing other such 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 aforesaid, all such by laws, rules, orders and regulations as aforesaid, and to do and perform any other corporate act.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the president and managers first to be chosen shall secure certificates to be written or printed, for all the shares of the 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, he paying to the treasurer, in part of the sum due thereupon, the sum of forty-five dollars for each share, 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 grow due thereupon, and the assignee holding any certificate having first caused the assignment to be entered in a book of the company to be kept for the purpose, shall be a member of the corporation, and for every certificate by him held, shall be entitled to one share of the capital stock, and of all the estate and emoluments of the company, and to vote as aforesaid, at the meetings thereof.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the president and managers shall meet at such times and places, and be convened in such manner, as shall be agreed on for transacting their business, at which meeting three members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book, and a quorum being met, they shall have full power and authority to agree with, and appoint, all such surveyors, engineers, superintendents, and other artists and officers as they shall judge necessary to carry on the intended works, and to fix their salaries, or other wages, to ascertain the time, manner and proportions, when, and 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 all moneys

necessary to pay the salaries of persons by them employed, and for the labor and materials done and provided, which orders shall be signed by the president, or in his absence, by a majority of a quorum and countersigned by their clerk, and, generally, to do and transact all such other acts, matters and things as by the by-laws, rules, orders and regulations of the company shall be committed to them.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any stock holder, after thirty days notice in the public papers printed in Lancaster and Harrisburg as aforesaid, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, in order to carry on the work, shall neglect to pay such proportion at the place appointed for the space of sixty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the dividend so called for, pay after the rate of five per centum per month for every 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 share, the same shall be forfeited to the said company, and may and shall be sold by them to any other person or persons willing to purchase for such price as can be obtained therefor.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said president and managers, their superintendents, surveyors, engineers, artists and chain-bearers to enter into 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 to examine the ground most proper for the purpose, and the quarries and beds of stone and gravel, and other materials that will be necessary in making and constructing the said road, and to survey, lay down, ascertain, mark, and fix such route or track for the same, as in the best of their judgment and skill, will combine shortness of distance with the most practicable ground from the borough of

Lancaster to Elizabethtown, from thence to Middletown, and from thence to Harrisburg aforesaid.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen and laborers, with their tools and instruments, carts, wagons, wains and other carriages, and beasts of draught, or burden, to enter upon the lands, in, over, contiguous, and near to which the route and track of the said intended 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, by appraisement to be made in the manner hereinafter directed, and upon a reasonable agreement, if they can agree, or, if they cannot agree, then upon an appraisement to be made upon oath or affirmation by three indifferent freeholders, or any two of them agreeing, to be mutually chosen, or, if the owners, upon due notice, shall neglect or refuse to join in the choice, then to be appointed by any justice of the peace of the county not interested on either side, and tender of the appraised value, to dig, take and carry away any stone, gravel, sand, or earth, there being most conveniently situated, for making or repairing the said road.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company shall erect permanent bridges over all the waters crossing the said route or track, between Lancaster and Harrisburg aforesaid, wherever the same may be found necessary. Swatara creek only excepted, and shall cause a road to be laid out fifty feet wide, and at least twenty-one feet in breadth thereof, to be made an artificial road, bedded with wood, stone, gravel, or any other hard substance, well compacted together, a sufficient depth to secure a 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 near as the materials will admit, an even surface, rising toward 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 borough of Lancaster through Elizabethtown and Middletown, to Harrisburg, agreeably to the route laid out by the said president and managers, provided that no turnpike gate shall be erected within one mile of either of the boroughs or towns before mentioned, neither shall any toll be demanded or taken from any person passing or repassing from one part of his or her farm to another.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That so soon as the said president, managers and company shall have perfected the said road, they shall give notice thereof to the governor of this commonwealth, who shall thereupon forthwith nominate three skillful and judicial persons to view and examine the same, and report to him in writing, whether the said road is executed in a masterly workmanlike manner, according to the true intent and meaning of this act, and if the report shall be in the affirmative, then the governor shall, by license under his hand and the lesser seal of the commonwealth, permit and suffer the said president, managers and 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 the tolls and duties herein after granted to the said company, from all persons travelling on the same with horses, cattle, carts and carriages.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the said company, having perfected the said road, and the same being examined, approved and 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 said roads, the tolls and rates herein after mentioned, and to stop and detain any person riding, leading, or driving any horse or horses, cattle, hogs, sheep, sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burthen or pleasure, from passing



through the said gates, or turnpikes, until they shall respectively have paid the same, that is to say, for every space of ten miles in length of the said road, the following sums of money, and so, in proportion for any greater or less distance or for any greater or less number of hogs or cattle, to wit; for every score of sheep six cents; for every score of hogs twelve cents and an half; for every score of cattle twenty-five cents; for every horse and his rider, or led horse, six cents and an half; for every sulkey, chair, or chaise, with one horse and two wheels, twelve cents and an half; for every chariot, coach, stage-wagon, phaeton, or chaise, with two horses and four wheels twenty-five cents; for either of the carriages last mentioned, with four horses, thirty-seven cents, and an half; 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 cart or wagon, whose wheels do not exceed the breadth of four inches, twelve cents and an half for each horse drawing the same; for every cart or wagon, whose wheels shall exceed in breadth four inches and not exceed seven inches, six cents and an half 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, or, being of the breadth of seven inches, shall roll more than ten inches, five 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, three 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.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That no wagon or other carriage with four wheels, the breadth of whose wheels shall not be four inches, shall be drawn along the said road, between the first day of December, and the first day of May following, in any year or years, with a greater weight thereon than two and an half tons, or with more than three tons during the rest of the year; that no such carriage, the breadth of whose wheels shall not be seven inches, or being six inches or more, shall not roll

at least ten inches shall be drawn along the said road between the said first days of December and May, with more than three and an half tons, or with more than four tons during the rest of the year; that no such carriage, the breadth of whose wheels shall not be ten inches or more, or, being less, shall not roll at least twelve inches, shall be drawn along the said road between the said first days of December and May, with more than five tons, or with more than five and an half tons during the rest of the year; that no cart, or other carriage, with two wheels, the breadth of whose wheels shall not be four inches, shall be drawn along the said road with a greater weight thereon than one and a quarter tons between the said first days of December and May, or with more than one and an half tons during the rest of the year; that no such carriage, whose wheels shall not be the breadth of seven inches shall be drawn along the said road with more than two and a half tons, between the said first days of December and May, or with more than three tons during the rest of the year; that no such carriage, whose wheels shall not be the breadth of ten inches, shall be drawn along the said road, between the said first days of December and May, with more than three tons [*or with more than three and an half tons*] during the rest of the year, that no such carriage whose wheels shall not be the breadth of ten inches, shall be drawn along the said road, between the said first days of December and May, with more than three and a half tons, or with more than four tons during the rest of the year; that no greater weight than seven tons shall be drawn along the said road, in any one carriage whatever, between the first days of December and May, nor than eight tons during the rest of the year; and no cart, wagon, or carriage of burden whatsoever, whose wheels shall not be of the breadth of nine inches, at least, shall be drawn or pass in or over the said road, or any part thereof, with more than six horses, nor shall more than eight horses be attached to any carriage whatsoever, used on the said road, and if any wagon or other carriage shall be drawn along the said road by a greater number of horses, or with a greater weight than is hereby permitted, the owner or owners of such carriage shall forfeit and pay four times the customary toll to the use of the company.

Provided always, That it shall and may be lawful for the said company, by their by-laws, to alter any or all the regulations herein contained, respecting the burdens on carriages to be drawn over the said road, and to substitute other regulations, if, upon experience, such alterations shall be found conducive to the public good.

Provided always, That such regulations shall not lessen the burden of carriages above described.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That all such carriages as aforesaid, to be drawn by oxen, in the whole, or partly by horses, and partly by oxen, two oxen shall be estimated as equal to one horse, in charging all the aforesaid tolls and every mule as equal to one horse.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That if the said company shall neglect to keep the said road in good and perfect order and repair, for the space of five days, and information thereof shall be given to any justice of the peace of the neighborhood, such justice shall issue a precept, to be directed to any constable, commanding him to summon three judicious freeholders to meet at a certain time, in the said precept to be mentioned, at the place in the said road, which shall be complained of, of which meeting notice shall be given to the keeper of the gate, or turnpike, nearest thereto, and the said justice shall, at such time and place, by the oaths or affirmations of the said freeholders, inquire whether the said road, or any part thereof is in such good and perfect order as aforesaid, and shall cause an inquisition to be made, under the hands of himself, and of a majority of the said freeholders, and if the said road shall be found by the said inquisition to be out of order and repair, according to the true intent and meaning of this act, he 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 the tolls hereby granted to be collected at such turnpikes, or gates, for passing the interval of road between them, shall cease to be demanded, paid, or collected, until the said defective part or parts of the said roads shall be put in good and perfect order

and repair as aforesaid, and if the same shall not be so put into good and perfect order, before the next ensuing court of quarter sessions of the county wherein the same shall be, the said justice shall certify and send a copy of the said inquisition to the judges of the said court, and the said court shall thereupon cause process to issue, and bring in the 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 direct indictments to be sent to the grand inquest, against the person or persons entrusted as aforesaid, and the said court shall, after conviction, give such 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 the 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 courts, and shall be paid to the supervisors of the highways of the place wherein the offence was committed, to be applied to the repairing such highways as the township or county is bound to maintain and repair, at the public expense thereof.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the president and managers of the said company shall keep just and fair accounts of all moneys to be 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 delay in the payment thereof, and of the amount of the profits on the shares which may be forfeited as aforesaid, and also of all moneys by them to be 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 completed, and until all the 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, and if, upon such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the said road, according to the true intent and mean-

ing of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the moneys subscribed for such shares, in like manner, and under the like penalties, as herein before provided for the original subscriptions, or as shall be provided by their by laws.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company shall also keep a just and true account of all and every the moneys to be received, by their several and respective collectors of tolls, at the several gates or turnpikes on the said road, from beginning to end, and shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges being first deducted, among all the subscribers to the said company's stock, and shall, on every the first Monday in January and July, in every year, publish the half yearly dividend to be made of the said clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

[Section XVIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall, at the end of every third year, from the date of the incorporation until two years next after the whole road shall be completed, lay before the general assembly of this commonwealth, an abstract of their accounts, showing the whole amount of their capital expended in prosecution of the said work, and of the income and profits arising from the said toll for and during the said respective periods, together with an exact account of the costs and charges of keeping the said road in repair, and all other contingent costs and charges, to the end that the clear annual income and profits thereof may be ascertained and known, and if, at the end of two years after the said road shall be completed from the beginning to the end thereof, it shall appear, from the average profits thereof for the said two years, that the said clear income and profits thereof will not bear a

dividend of six per centum per annum, on the whole capital stock of the said company so expended, then it shall be lawful to and for the said president, managers and company to increase the tolls herein above allowed in equal proportions, upon each and every allowance thereof, so as to raise the dividends up to six per centum per annum, and, at the end of every ten years after the said road shall be completed, they shall render to the general assembly a like abstract of their accounts for three preceding years and if, at the end of any such decennial period, it shall appear from such abstract that the clear profits and income of the said company will bear a dividend of more than fifteen per centum per annum, then the said toll shall be so reduced, as to reduce the said dividend down to fifteen per centum per annum.

[Section XIX.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That the said company shall cause posts to be erected at the intersection of every road falling into, and leading out of, the said turnpike road, with boards and an index hand, pointing to the direction of such road, on both sides whereof shall be inscribed, in legible characters, the name of the town, village, or place, to which such road leads, and the distance thereof in computed miles.

[Section XX.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That the said company shall cause mile-stones to be placed on the side of the said road, beginning at the distance of one mile from the last mile-stone on the turnpike road from Philadelphia to Lancaster, and continued progressively to Harrisburg, on which shall be marked, in legible characters, the distance to Philadelphia, and, at every gate, or turnpike, to be fixed by them on said road, shall cause the distance from Philadelphia, and the distances from the nearest gates or turnpikes, in each direction, to be marked, in legible characters, designating the number of miles and fractions of a mile, on the said gate, or some other conspicuous place, and also to cause to be affixed, at such places, a printed list of the rates of toll, which, from time to time, may lawfully be demanded for the information of travellers and others using the said road.

[Section XXI.] (Section XXI, P. L.) And be it further en-

acted by the authority aforesaid, That all wagoners, and drivers of carriages of all kinds, whether of burden, or pleasure, using the said road shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of said road, in the passing direction, leaving the other side of the road free and clear for other carriages to pass and repass, and, if any driver shall offend against this provision, he shall forfeit and pay the sum of two dollars to any person who shall be obstructed in his passage, and will sue for the same, to be recovered, with costs, before any justice, in the same manner as debts under ten pounds are by law recoverable.

[Section XXII.] (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That if the company shall not proceed to carry on the said work within two years after the passing of this act, or shall not, within seven years afterwards, complete the said road, according to the true intent and meaning of this act, then, and in either of those cases, it shall and may be lawful for the legislature of the commonwealth to resume all and singular the rights, liberties, privileges, and franchises hereby granted to the company.

[Section XXIII.] (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That if the legislature should, at any time after the year one thousand eight hundred and twenty-five, think proper to take possession of said road, or to declare the same to be free of toll, five persons shall be appointed by the legislature, and five by the president and managers of the said company, who, or any six or more of them, shall proceed to examine and estimate the value of the property which the said company hath therein, and certify the amount thereof to the governor of this commonwealth, who shall cause the same to be laid before the legislature at their next session, and whenever the amount so certified shall be by law paid to the said company, their right to take toll on the said road, together with all their right, title, claim and interest therein, shall cease and determine.