

CHAPTER MCMLXXXIX.

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AN ACT TO CONFIRM THAT PART OF THE ROAD LAID OUT FROM PHILADELPHIA TO THE BOROUGH OF YORK, BY WEST CHESTER, STRASBURG AND THE BLUE ROCK, WHICH LIES BETWEEN FAWKS' TAVERN AND WEST CHESTER.

[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 so much of the road laid out from Philadelphia to the borough of York, by West Chester, Strasburg and the Blue Rock, as lies between Fawk's tavern and West Chester, is hereby confirmed, agreeably to the review and report made and filed in the office of the Secretary of this commonwealth, bearing date the eighteenth day of November, one thousand seven hundred and ninety-six,<sup>1</sup> by virtue of an act of General Assembly passed the fourth day of April, one thousand seven hundred and ninety-six, and the courts of quarter sessions of the respective counties, through which the said road passes, are hereby authorized and required to cause the same to be opened, agreeably to the said report and the existing laws of this commonwealth.

Passed March 21, 1798. Recorded L. B. No. 6, p. 246, etc.

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CHAPTER MCMXC.

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AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY, FOR MAKING AN ARTIFICIAL ROAD FROM THE CITY OF PHILADELPHIA, THROUGH GERMANTOWN, BY THE ROUTE OF CHESTNUT HILL, TO THE TWELVE MILE STONE ON THE READING ROAD, AND THENCE TO READING, IN THE COUNTY OF BERKS.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Penn-

<sup>1</sup>Chapter 1899.

sylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Joseph Heister, Jacob Bower, Daniel Rose, Samuel Lafferty, George Douglass and Abraham Lincoln, of the county of Berks, and Benjamin Chew, junior, Casper W. Haines, Samuel Betton, John Fromberger, George Logan and Isaac Franks, of the city and county of Philadelphia, be, and they are hereby, appointed commissioners, to do and perform the several duties hereinafter mentioned, that is to say, they shall, on or before the first day of May next, procure two books, and in each of them enter as follows: "We, whose names are hereto subscribed, do promise to pay to the president, managers and company of the Germantown and Reading Turnpike Road Company, the sum of one hundred dollars for every share of stock in the said company 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 the city of Philadelphia, through Germantown, by the route of Chestnut Hill, to the twelve mile stone on the Reading road, and thence to Reading, in the county of Berks." Witness our hands the                    day of                    , in the year of our Lord one thousand seven hundred and ninety                    ; and shall give notice, in three of the public newspapers in the city of Philadelphia, one whereof shall be in the German language, and in one of the public newspapers in the borough of Reading, for one calender month at least, of the times when, and places where, the said books will be open to receive subscriptions of stock for the said company; at which 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 four hours in every juridical 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 liberty to subscribe, in his own name, or in the name or names of any other person or persons by whom he shall be authorized, for one share; on the

second day, for one or two shares; on the third day, for one, two or three shares, and on any succeeding day while the said books shall remain open, for any number of shares of the said stock; and if, at the expiration of the said three first days, the said books shall not have five thousand shares therein subscribed, the said commissioners may adjourn from time to time, until the said number of shares shall be subscribed, of which adjournments public notice shall be given in at least two public papers; and when the said subscriptions in the said books shall amount to the number aforesaid, the same shall be closed; and if on that day, and before the said subscriptions shall be declared to be full, applications shall be made to subscribe more shares than will fill the said books, then the said commissioners shall apportion the whole number of shares unsubscribed on the morning of that day among all those, who shall have unsubscribed 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 number of shares aforesaid. Provided always, That every person offering to subscribe in the said books, in his own name, or in the name of any other person, shall previously pay to the attending commissioners fifteen 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 one hundred persons or more shall have subscribed five hundred or more shares of the said stock, the said commissioners 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 said subscription be not full at the time, then also those who shall after subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The President, Managers and Company of the Germantown and Reading Turnpike Road;" and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfill the intent of this act, and of purchasing, taking and holding, to them and their successors and assigns, in fee simple, and for any lesser estate, all such lands, tenements, hereitaments and estate, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and of 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, give thirty days' notice in three public newspapers in Philadelphia, one whereof shall be in the German language, and in one of the public newspapers in the borough of Reading, of the time and place by them appointed for the said subscribers to meet, in order to organize the said corporation, and to choose, by a majority of votes of the said subscribers, by ballots to be delivered in person, one president, twelve managers, one treasurer, and such other officers as shall be deemed necessary to conduct the business of the said company, until the second Monday in January next, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations, as do not contravene the constitution and laws of this commonwealth, and may be necessary for the well governing the affairs of the said company. Provided always, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he may

be entitled to, and that each person shall be entitled to one vote for every share by him held under eleven shares.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said company shall meet on the second Monday of January 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 meeting 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 made 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 chosen, as aforesaid, shall procure certificates 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 fifteen dollars for each share, which certificate shall be transferable at his pleasure in person, or by attorney, duly authorized, in the presence of the president or treasurer, subject, however, to all payments due and to grow 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 the purpose, shall be a member of the corporation, and for every certificate assigned to him as aforesaid 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 said president and managers shall meet at such times and places as shall be ordained by their by-laws, and, when met, seven members shall form a quorum, and 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 formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents and other artists and officers, as they shall deem necessary to carry on the intended works, and to fix their salaries and wages, to ascertain the times when and manner and proportions in which the stockholders shall pay the moneys due on their respective shares, to draw orders on the treasurer for all moneys necessary to pay the salaries or wages of persons by them employed, and for the materials 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 all such other acts, matters and things, as by this act, and by the by-laws, rules, orders and regulations of the company, they shall be authorized to do.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any stockholder, after thirty days' notice in three of the public newspapers printed in the city of Philadelphia, and in one of the public newspapers printed in the borough of Reading, 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 proportions or dividend 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 dividend so called for, pay after the rate of five per centum per month for every month's delay of such payment, after the time first appointed for it to be made; 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 to any person or persons willing to purchase, for such price as can be obtained for the same.

[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 superintendants, surveyors, engineers, artists and chain-bearers, to enter into and upon all and every the lands and enclosures, in,

through and over which the said intended turnpike road may be thought proper to pass, and to examine the ground most suitable for the purpose, and the quarries and beds of stone and gravel, and other materials, in the neighborhood, that will be necessary in making and constructing the said road.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said road shall be made in, over and upon the bed of the present road, beginning at the intersection of Front street with the Germantown road, and extending hence through Germantown to the top of Chestnut Hill, thence to Hickory town, thence to the Trappe, thence to Pottstown, and thence through the borough of Reading to the river Schuylkill, as nearly as may be consistently with economy and utility. Provided always, That in case benefit may arise from diverting the course of the said artificial road from the bed of the old road, it may be lawful for the said president and managers to alter and change the course thereof, so as to avoid difficult hills or waters, or obtain better sites for bridges, by and with the consent and approbation of the owners of the lands through which the proposed variations shall be made.

[Section X.] (Section X, 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, by and with their superintendents, engineers, artists, workmen and laborers, with their tools and 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 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, and also for the value of the materials, by appraisements, made in the manner hereinafter directed, and upon reasonable agreement, if they can agree, if they cannot agree, then upon an appraisement to be made, upon oath or affirmation, by three disinterested 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 damages 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, there being most conveniently situated for making or repairing the said road.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company shall cause a road to be laid out, sixty feet wide, and at least thirty feet thereof to be made an artificial road, bedded with wood, stone, gravel or any other hard substance, well compacted together, and of 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 of it, 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 city of Philadelphia, by the route or track aforesaid, through the said town of Reading, to the river Schuylkill, in Berks county; and the said president, managers and company shall have power to erect permanent bridges over all the waters crossing the said route or track.

[Section XII.] (Section XII, 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, from the city of Philadelphia to the ten mile stone on Chestnut Hill, and so on, from time to time, any other like distance of ten miles progressively from the said city to the town of Reading, in the county of Berks, they shall give notice thereof to the governor of the commonwealth, who shall thereupon forthwith nominate and appoint three disinterested and skill-



ful 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 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 hereinafter granted to the said company, from all persons traveling on the same, with horses, cattle, carts and carriages.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the said company, having perfected the said road, or such part thereof, from time to time, as aforesaid, 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 road, the tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horses, cattle, hogs, sheep, sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriages of burden 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 lesser distance, or for any greater or lesser number of sheep, hogs or cattle, to wit: for every score of sheep, twelve cents; for every score of hogs, twelve cents; for every score of cattle, twenty-five cents; for every horse and his rider, or led horse, six cents; for every sulkey, chair or chaise, with one horse and two wheels, twelve cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, forty cents; for either of the carriages last mentioned, with four horses, sixty 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, twenty-five cents; and for every such wagon with four horses, forty cents; for every sleigh, six cents for each

horse drawing the same; and for every sled, four cents for each horse drawing the same; for every cart or wagon whose wheels do not exceed the breadth of four inches, ten cents 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 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 exceed 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; and if any person or persons shall represent to the said company, or any of their 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 its toll, or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of the said company the sum of twenty dollars; and if any tollgatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded shall have traveled along the said turnpike road, or shall demand and receive greater toll from any person or persons than such tollgatherer is authorized to demand and receive by virtue of this act, such tollgatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the use of the overseers of the poor of the township in which the forfeiture is incurred, and for the payment of which the said company shall be responsible. Provided always nevertheless, That this penalty shall not be incurred by the said gatekeeper, unless where the old York road, the Whitmarsh road, the Swamp road, or the old Reading road shall lead into the said artificial road between the gates for which toll is charged.

[Section XIV.] (Section XIV, 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 the residue 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 residue 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 residue 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 residue 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 an half tons, between the said first days of December and May, or with more than three tons during the residue of the year; that no such carriage, whose wheels shall not be of 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 an half tons, or with more than four tons during the residue of the year; that no greater weight than seven tons shall be drawn along the said road in any carriage whatever, between the said first days of December and May, nor more than eight tons during the residue of the year; that 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 an 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 allowed, 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 of 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 or carriages above described.

[Section XV.] (Section XV, 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 XVI.] (Section XVI, 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 receipt, to be directed to any constable, commanding him to summon three distinterested 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 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 and repair, as aforesaid, and shall cause an inquisition to be made, under the hands of himself and 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, 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, 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 road 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 and repair before the next general court of quarter sessions of the peace, to be held for the county wherein the said defective part or parts of the said road shall be, the aforesaid justice 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 b[e]ing in the body or bodies of the person or persons intrusted by the company with the care and superintendance of such part of the said road, as shall be so found defective, and shall proceed upon such inquisition, in the same manner and form, as upon indictments found by the grand inquest for the body of the county against supervisors of the highways for neglect of their duty; and if the person or persons intrusted by the said company as aforesaid shall be convicted of the offence by the said inquisition charged, the said court shall 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 court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing such highways as the township or county is bound to maintain and repair at the public expense thereof.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons whatsoever owning, riding in, or driving any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, or owing, riding, leading, or driving any horse, mare, gelding, hogs, sheep, or cattle, shall therewith

pass through any private gate 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 evade 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, mare, 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 and 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, managers and company of the Germantown and Reading turnpike road the sum of thirty 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 under twenty pounds may be sued for and recovered.

[Section XVIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That 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 delay in the payment thereof, and of the amount of the profits on the shares 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 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 capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said road, according to the true intent and meaning of this act (it shall and may be lawfully 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 receive and demand the moneys subscribed for such shares, in like manner and under the like penalties as are hereinbefore provided for the original subscriptions, or as shall be provided by their by-laws.

[Section XIX.] (Section XIX, 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 received by their several and respective collectors of tolls, at the several and respective 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 XX.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall, at the end of every year, from the date of the incorporation until 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 tolls, 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 at the end of 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 and may be lawful to and for the said president, managers and company to increase the tolls hereinabove allowed, so much upon each and every allowance thereof, as will raise the dividends up to six per centum per annum; and at the end of every year after the said road shall be completed, they shall render the general assembly a like abstract of this accounts; and if at any time the said clear income and profits thereof shall exceed a dividend of nine per centum per annum, the surplus above that amount, when sufficient shall arise, shall be appropriated by the said president and managers to the purchase of such share or shares of the said stock, as the money arising from the said surplus as aforesaid will be found adequate to purchase, until all the said shares shall be so purchased; and the said subscribers shall determine, by lot from time to time, whose share or shares shall be paid off by the money raising as aforesaid, for which shares the said company shall pay the sums which were originally paid for each respective share; and when the whole number of shares shall be purchased as aforesaid, then the said road shall be free, and no toll whatever shall be exacted.

[Section XXI.] (Section XXI, 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 index hand pointing to the direction of such road, on both sides whereon 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 XXII.] (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That the said company shall cause milestones to be placed on the side of the said road, beginning at the distance of one mile from the city of Philadelphia, and extending thence to the termination of the turnpike aforesaid, through the town of Reading, in the county of Berks, where said, through the town of Reading, in the county of Berks, whereon shall be marked, in plain legible characters, the respective number of miles which each stone is distant from the bounds of the city of Philadelphia; and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from Philadelphia, and the distance 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 gates, or some other conspicuous place, for the information of travelers, and other using the said road; and if any person shall wilfully destroy the said posts, boards, index-hands or milestones, or deface the same, or deface the directions made on the said gates or other conspicuous places as aforesaid, such persons, being convicted thereof by the evidence of one or more creditable and disinterested witness, before any disinterested justice of the peace of the county where any of the said posts, boards, index-hands, mile-stones and directions on the said gates, or other conspicuous places, shall be destroyed or defaced, he shall adjudged by the said justice to pay a fine not exceeding ten dollars, to be recovered, with costs, as debts under twenty pounds are by law recoverable, which fine, when recovered, shall be paid by the said justice to the treasurer of the said company, for the use of the said company.

[Section XXIII.] (Section XXIII, P. L.) And be it further enacted 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 draft keep their horses and carriages on the right hand side of the said road in the passing direction, leaving the other side of the road free and clear for other carriages to pass and to 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 forty shillings are by law recoverable.

[Section XXIV.] (Section XXIV.) 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 ten years afterwards complete the said road, according to the true intent and mean-

ning of this act, then, in either of those cases, all and singular the rights, liberties, privileges and franchises hereby granted to the company, shall revert to this commonwealth.

Passed March 29, 1798. Recorded L. B. No. 6, p. 261.

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## CHAPTER MCMXCI.

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AN ACT FOR RUNNING AND ASCERTAINING CERTAIN LINES OF THE COUNTIES OF BEDFORD, HUNTINGDON, SOMERSET AND WESTMORELAND.

[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 the governor shall be, and he is hereby, authorized to appoint three commissioners, for the purpose of running, marking and ascertaining part of the lines between the counties of Bedford and Huntingdon, according to the following boundries, that is to say; beginning at the Old Gap, in Sideling Hill, where Sideling Hill creek crosses the same; thence in a straight line by the northerly side of Sebastian Shoup's mill, on the Raystown branch of Juniata; thence in a straight line to the Elk Gap, in Tussey's Mountain.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall mark, run and ascertain part of the lines between the counties of Huntingdon and Somerset, according to the following boundaries, that is to say; beginning on that part of the line between the counties of Bedford and Huntingdon, near the southerly side of Blair's Mill, at the foot of the Allegheny mountain; thence across the said mountain, in straight line, to and along the ridges dividing the waters of Conemaugh from the waters of the Clearfield and Chest creeks, to the line of Westmoreland county; thence by the same to the Old Purchase line, which was run from Kittanning to the west branch of the Susquehanna.