

required to appoint the same, who or any six or more of them not having any interest in the said road, shall proceed to examine and estimate the value of the property which the said company have 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 paid by the state to 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.

Approved March 24, 1803. Recorded L. B. No. 9, p. 26.

CHAPTER MMCCCLVI.

AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR MAKING AN ARTIFICIAL ROAD FROM THE INTERSECTION OF FRONT STREET AND THE GERMANTOWN ROAD, IN THE NORTHERN LIBERTIES OF THE CITY OF PHILADELPHIA, THROUGH FRANKFORD AND BRISTOL, TO THE FERRY AT MORRISVILLE, ON THE RIVER DELAWARE.

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, an it is hereby enacted by the authority of the same, That Joseph Clunn, John M'Elroy, Derick Peterson, Isaac Worrell, Nathan Harper, James C. Fisher, and Richard Gernon, 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 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 Frankford and Bristol 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 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 gov-

ernor of this commonwealth to incorporate a company for making an artificial road from the intersection of Front street and the Germantown road, in the Northern Liberties of the city of Philadelphia, through Frankford and Bristol, to the ferry at Morrisville in the county of Bucks," witness our hands the _____ day of _____, in the year of our Lord one thousand eight hundred and _____;" and shall give notice in three of the public newspapers in the city of Philadelphia, (one whereof shall be in the German language) for one calendar 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 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 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 if at the expiration of the said three first days, the said books shall not have five hundred shares therein subscribed, the said commissioners may adjourn from time to time until the said number of shares shall be subscribed, of which adjournment 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. 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 bank of Pennsylvania for the use of the company, intended to be incorporated by this act, 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 forty persons or more shall have subscribed two hundred and fifty shares or more 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 each 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 Frankford and Bristol 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 fulfil 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, hereditaments and estate real and personal, as shall be necessary to them in the prosecution of their works, and of suing and of being sued, and of doing all and every 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 commissioners hereinbefore named, 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, 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 or by proxy duly authorized, 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 five 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 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 second Monday of November in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such other officers as aforesaid, for the ensuing year in manner aforesaid; and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws; at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner 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 their intended works, and to fix their salaries and wages; to ascertain the times when, and manner and proportion in which the stockholders shall pay the moneys due on their respective shares, to draw orders on the bank of Pennsylvania for all moneys necessary to pay the salaries or wages of persons by them employed, and for the materials. Provided, said 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 public newspapers printed in the city of Philadelphia, 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 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 penalties shall remain unpaid for such space of time, as that the accumulated penalties shall become equal to the sums before paid, in part, and on account of such

shares, the same shall be forfeited to the said company, and may and shall be sold to any person or persons 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 the said road shall be made in, over and upon the present road, beginning at the intersection of Front street and the Germantown road, and extending through Frankford and Bristol, to the ferry at Morrisville on the river Delaware, in the county of Bucks, as nearly as may be, consistently with economy and utility.

Section IX. 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 twenty-six feet thereof to be made an artificial road, bedded with wood, stone, gravel or other hard substance well compacted together, and of sufficient depth to secure a solid foundation; and the said road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to form a firm, and as near as the materials will admit of an even surface; 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, from the beginning thereof by the route or track aforesaid, to the ferry at Morrisville aforesaid; and the said president, managers and company shall have power to erect permanent bridges over all the waters crossing the said road.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That the bridge which the said president, managers and company shall erect over Neshaminy creek, shall be so constructed that one part thereof, not less than twenty-four feet shall hoist or draw for the free passage of such masted vessels as shall from time to time have occasion to pass up and down the said creek; and the draw shall be set and placed in such part of the said bridge as will render the passage of masted vessels through the same most easy, safe and convenient; which draw shall be ten feet above the surface of the creek at common tides at time of

high water, and so as to be most conducive to the free navigation of the said Neshaminy creek; and for the accommodation of travelers, as well as the safety of the navigation, a lamp shall be placed by the said president, managers and company on the said bridge near or adjoining where the said draw shall be constructed; which lamp shall be lighted before dark every evening after the building the said bridge, so long as the said bridge shall stand, and continue lighted until daylight in the ensuing morning; and the said president, managers and company, shall give good and faithful attendance by some sufficient person or persons at the draw of the said bridge, and as speedily as the nature of the thing will permit, hoist or raise the said draw for all masted vessels for which a passage through the same may be required, without any toll or exaction whatever therefor; and on neglect or failure of the said president, managers and company to support, maintain and uphold the said bridge when built, and at all times to keep it in good repair, on presentment of the said president, managers and company by the grand inquest, enquiring for the county of Bucks, and conviction thereupon at the general quarter sessions for said county, they shall be fined at the discretion of the said court in any sum not exceeding two hundred dollars.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company, shall for every neglect or failure in lighting or giving attendance at the said draw aforesaid, forfeit and pay the sum of twenty dollars, one moiety to be equally divided between the poor of the township of Bensalem and Bristol, and the other moiety to the party complaining, or who shall sue for the same.

Section XII. (Section XII, P. L.) And be it further enacted by the authority aforesaid, That as soon as the said president, managers and company shall have perfected five miles of the said road, beginning at the intersection of Front street and the Germantown road, and also when they shall have completed each succeeding five miles, they shall give notice thereof to the governor of the commonwealth, who

shall thereupon forthwith nominate and appoint three disinterested and skillful persons to view and examine the same, and report to him in writing whether the same 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 and in either case the governor shall be licensed under his hand and the lesser seal of the commonwealth, to permit and suffer the said president managers and company to erect and fix 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. Provided always, that nothing in this act contained shall authorize the said president, managers and company to erect or fix any gate or turnpike as aforesaid, upon or across the said road, within the bounds of the borough of Frankford or within the bounds of the borough of Bristol. And provided also, that all persons attending funerals or places of worship, their horses and carriages, shall be exempt from the payment of tolls in going to and returning therefrom.

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 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, coach, coachee, sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled or any other carriage of burden or pleasure from passing through the said turnpikes, until they shall respectively have paid the same; that is to say, for every five miles in length of the said road the following sums of money, and so in proportion for any lesser distance, or for any greater or lesser number of sheep, hogs or cattle, to wit: For every score of sheep, six cents;

for every score of hogs, six cents; for every score of cattle, twelve cents; for every horse and his rider or led horse, three cents; for every sulkey, chair or chaise with one horse and two wheels, six cents; for every chariot, coach, phaeton or chaise with two horses and four wheels, twelve and one half cents; for every of the carriages last mentioned with four horses, twenty cents, for every other carriage of pleasure under whatever name it may go, the like sums according to the number of wheels and horses drawing the same; for every stage wagon with two horses, twelve cents; and for every such wagon with four horses, twenty cents; for every sleigh, three cents for each horse drawing the same; and for every sled, two cents for each horse drawing the same; for every cart or wagon whose wheels do not exceed the breadth of four inches, five 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, three 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, two 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 shall roll more than fifteen inches, one cent for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than twelve inches, one cent 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 tolls or any part thereof, such person or persons shall for every such offence forfeit and pay to the use of the said company, any sum not exceeding sixteen dollars; and if any toll gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded shall have traveled along the said turnpike road, or shall demand and receive greater 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 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.

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 which wheels shall not be four inches, shall be drawn along the said road between the first day of November and the first day of May following in any year, with a greater weight thereon than two tons and a half, 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 November and May with more than three tons and a half, 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 first days of November and May with more than five tons, or with more than five tons and a half 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 ton and a quarter between the said first days of November and May, or with more than one ton and a half 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 tons and a half between the first days of November and May, or with more than three tons 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 November and May, with more than three tons and a half, 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 November and May, nor more than eight tons during the residue of the year; and that if any cart, wagon or carriage of burden whatsoever, shall be drawn along the said road 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 said 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 carriage 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 burdens of 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 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 disinterested 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, enquire 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 counties of Philadelphia or Bucks, the aforesaid justices shall certify and send a copy of the inquisition aforesaid to the justices of the said court; and the said justices shall thereupon cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company, with the care and superintendence of such part of the said road as shall be 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 entrusted 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 whosoever, owning, riding in, or driving, any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled or

other carriage of burden or pleasure, or owning, riding, leading or driving any horse, mare, gelding, hog, sheep, or other 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 avoid the payment of the toll or duty for passing through any such gate or turnpike; or if any person or persons shall with such intent take off, or cause to be taken off, any horse, mare or gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriage of burden or pleasure; or practise any other fraudulent means or device with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons, in all or 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 Frankford and Bristol turnpike road, any sum not exceeding ten dollars; to be sued for and recovered with costs of suit, before any justice of the peace, in like manner, and subject to the 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, 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 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 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 them, and make and declare a dividend of the clear profits and income thereof among all the subscribers to the said company's stock, all contingent costs and charges being first deducted; and shall on the first Monday in November and May 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 capital expended in prosecution of the said work, 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 dividend 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 their 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 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 arising 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, then the said road shall be free.

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 [public] road falling into and leading out of the said turnpike road, with a board and 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 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 intersection of Front street and the Germantown road, and extending thence to the termination of the turnpike aforesaid, whereon shall be marked in plain legible characters, the respective number of miles which each stone is distant from the com-

mencement of the said turnpike road; 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 others 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, or shall without permission of the acting superintendent of the said road, throw out upon the road or within the limits of the same, and suffer to remain for the space of one day, any mould, dirt, shavings, weeds or rubbish of any kind, such person being convicted thereof by the evidence of one or more credible and disinterested witnesses, before any disinterested justice of the peace of the county, he or she shall be adjudged by the said justice to pay a fine not exceeding five dollars; to be recovered with costs as debts under forty shillings 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 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 draught, keep their horses and carriage 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 repass; and if any driver shall offend against this provision he shall forfeit and pay any sum not exceeding 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, 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 ten years afterwards complete the said road according to the true intent and meaning of this act, then in either of those cases all and singular the rights, liberties, privileges and franchises hereby granted to the company shall revert to this commonwealth.

Section XXV. (Section XXV, 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, think proper to take possession of the said road, three persons shall be chosen by the governor of the commonwealth, and three by the president and managers of the said company, and three by the judges of the supreme court, who or any six or more of them shall proceed to examine and estimate the value of the property, which the said company have therein, and certify the amount thereof to the governor, who shall cause the same to be laid before the legislature at their next session; and whenever the amount so certified shall be paid, the right of the said company to take toll on the said road, together with all their right, title, claim and interest therein shall cease and determine.

Approved March 24, 1803. Recorded L. B. No. 9, p. 42.

CHAPTER MMCCCLVII.

AN ACT TO AUTHORIZE THE SEVERAL COURTS OF QUARTER SESSIONS WITHIN THEIR RESPECTIVE COUNTIES, TO LAY OFF, ALTER AND DIVIDE TOWNSHIPS, AND FOR OTHER PURPOSES.

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 several courts of quarter sessions of the peace of the commonwealth of Pennsylvania, in their respective counties, shall from and after the passing of this act, have authority upon application by petition to them made, to erect new townships, to divide any township