

## CHAPTER XXIX.

*An ACT to enable the Governor of this Commonwealth to incorporate a Company for making an artificial Road from Erie to Waterford.*

Section 1. **B**E 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 George Buhler, Callender Irvine, Judah Colt, Thomas Forster, Abraham Smith, Martin Strong, James Naylor, Wilson Smith, Charles Marten, John Couchrin, Roger Alden, David Mead, Thomas R. Kennedy, Joseph Hackney, Jabez Colt, John Wilkins, junior, Henry Bauldin, John M'Masters, Samuel Ewalt, William Gazzam, James Gibson, Paul Bustie, William Crammond, Andrew Petit and Michael Keppele, 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 June next, procure five 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 Erie and Waterford turnpike road company, the sum of fifty 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 Erie to Waterford;" witness our hands, the            day of            , in the year of our Lord one thousand eight

Commissioners appointed to open books, & receive subscriptions for the Erie and Waterford Turnpike-Road.

Form of subscription.

eight hundred and ;” and shall give notice in the public papers, printed at Pittsburg, Washington and Greensburgh, and in two of the public papers in Philadelphia ; and also by at least three written or printed notices, set up at the most public places, in the towns of Erie, Waterford and Meadville, for one calender month, at least, of the times and places in Philadelphia, Pittsburg, Meadville, Waterford and Erie 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 two 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 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 at liberty to subscribe in his own, or any other name or names, 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, whilst the said books shall remain open, for any number of shares in the said stock, and at the expiration of the said three first days, the said commissioners respectively, may adjourn to such times as they shall judge proper, and if upon ascertaining the number of shares subscribed, at the places aforesaid respectively, they shall not in the whole amount to five hundred, the said commissioners may receive subscriptions at any of the said places, until five hundred shares shall in the whole be subscribed ; but if more than five hundred shares in the whole shall have been subscribed, before the expiration of the said three first days, one hundred and fifty of the

Notice of the  
time & places  
of subscription;

who may sub-  
scribe, &c.

How long the  
books shall be  
kept open.

Commissioners  
may adjourn,  
&c.

the

the shares, which shall have been subscribed at Philadelphia, one hundred of the shares which shall have been subscribed at Pittsburgh, fifty of the shares which shall have been subscribed at Meadville, fifty of the shares which shall have been subscribed at Waterford, one hundred and fifty of the shares which shall have been subscribed at Erie, shall be retained, if so many shares shall have been subscribed at the places aforesaid respectively; and the whole number of shares shall be reduced to five hundred, 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, six 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 herein after mentioned.

Subscribers to pay six dollars for every share, &c.

Sect. 2. *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,

When a certain number of shares, or the whole are subscribed, Commissioners to certify, &c. to the Governor:

governor, by letters patent under his hand and 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 Erie and Waterford 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 the 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 being sued, and of doing all, and every other matter and thing, which a corporation, or body politic may lawfully do.

Who shall thereupon incorporate them.

Style of the Corporation.

Its privileges and powers.

Sec. 3. *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 at least two of the public papers printed in Philadelphia and Pittsburgh, also by at least three written or printed notices set up at the most public places in the towns of Erie, Waterford, and Meadville, of the time and place by them appointed for the said subscribers to meet, in order to organize the said corporation, and to choose,

Subscribers to meet for the purpose of organizing the Corporation.

Officers to be chosen.

by a majority of votes of the said subscribers, by ballots, to be delivered in person or by proxy, one president, eight managers, one treasurer, and such other officers as shall be deemed necessary to conduct the business of the said company until the first Monday in March then next, and until like officers shall be chosen, and may make such bye-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 not exceeding five shares.

Number of votes limited.

The times of annual & special meetings of the company;

Sec. 4. *And be it further enacted by the authority aforesaid*, That the said company shall meet on the first Monday of March in every year, at such place as shall be fixed by their bye-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 bye-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 bye-laws, rules, orders and regulations made as aforesaid, and to do and perform any other corporate act.

and powers of the company at such meetings.

Certificates of shares to be issued on part payment.

Sec. 5. *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,

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 six dollars on account of 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 the 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.

Certificates  
transferable,  
&c.

Sec. 6. *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 bye-laws; and when met, five 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, superintendants 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 monies due on their respective shares; to draw orders on the treasurer for all monies necessary to pay the salaries or wages of persons by them employed, and for the materials provided;

Meetings of  
the President  
and Managers,  
& proceedings  
at such meet-  
ings, &c.

vided; 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 bye-laws, rules, orders and regulations of the company they shall be authorized to do.

Regulations in case of neglect to pay the subscription-money.

Sec. 7. *And be it further enacted by the authority aforesaid,* That if any stockholder, after thirty days notice in the public papers, printed in Pittsburgh and other places 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 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 three 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.

The President and Managers, &c. may enter lands, &c. through which the road may pass, to examine the ground, &c.

Sec. 8. *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 inclosures in, through and over which the said intended turnpike road may

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 vicinity, 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 intersection of State and Twelfth streets of the town of Erie aforesaid to the intersection of High-street of the town of Waterford aforesaid.

and survey, &c.  
the route or  
tracks of said  
road, &c.

Séc. 9. *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 superintendants, engineers, artists, workmen and labourers, with their tools and instruments, carts, waggons, wains and other carriages, and beasts of draught and 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 inclosures thereof, and making amends for any damages that may be done to any improvements thereon; and also for the value of the materials, by appraisement, to be made in the manner herein after 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,

The President  
and Managers,  
&c. may enter  
lands, &c. to  
take materials.

Modes of esti-  
mating the  
compensation  
to owners.



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, cut, take and carry away any timber, stone, gravel, sand or earth there being most conveniently situated for making or repairing the said road.

Of compensating the owners of lands on which the road, &c. may be founded.

Sec. 10. *And be it further enacted by the authority aforesaid,* That if the said road shall be laid out and founded over and upon any land whereby the owner thereof shall suffer damage, the person or persons sustaining such damage may make application to the court of the county in which such damage shall have been done, and thereupon the court shall appoint six fit and disinterested persons to view and adjudge the amount of the damage so done, which, if approved of by the court, shall be paid by the company.

The President and Managers shall cause a road to be laid out, made, & kept in repair.

Sec. 11. *And be it further enacted by the authority aforesaid,* That the said president, managers and company, shall cause a road to be laid out one hundred feet wide, and at least twenty 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, in such manner as to secure, as near as the materials will admit it, a firm and 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 a horizontal line, and shall forever hereafter maintain and keep the same

fame in good and perfect order and repair, from the town of Erie to the town of Waterford aforesaid.

Sec. 12. *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 the commonwealth, who shall thereupon forthwith nominate and appoint three skilful and judicious persons to view and examine the same, and report to him, in writing, whether the said road is executed in a masterly, workman-like 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 licence 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.

When turnpikes are to be erected, & tolls to be allowed,

Proceedings previous thereto.

Sec. 13. *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 road, the tolls and rates herein after mentioned, and to stop and detain any person riding, leading or driving any horses, cattle, hogs, sheep, fulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden

The company to appoint toll-gatherers, &c.

Amount of  
tolls pre-  
scribed.

or pleasure, from passing through the said gates or turnpikes, until they shall respectively have paid the same; that is to say, for the whole distance 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, twelve and a half cents; for every score of hogs, twelve and a half cents; for every score of cattle, fifty cents; for every horse and his rider, or led horse, twelve and a half cents; for every fulkey, chair or chaise, with one horse and two wheels, twenty-five cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, eighty cents; for either of the carriages last mentioned, with four horses, one hundred 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-waggon, with two horses, eighty cents; and for every such waggon, with four horses, one hundred cents; for every sleigh, twelve and a half cents for each horse drawing the same; and for every sled, eight cents for each horse drawing the same; for every cart or waggon, the wheels of which do not exceed the breadth of four inches, twenty-five cents for each horse drawing the same; for every cart or waggon, the wheels of which shall exceed in breadth four inches, and not exceed seven inches, fifteen cents for each horse drawing the same; for every cart or waggon, the breadth of the wheels of which shall be more than seven inches, and not more than ten inches, or being of the breadth of seven inches shall roll more than ten inches, twelve and one half cents for each horse drawing the same; for every cart or waggon, the breadth of the wheels of which shall

shall be more than ten inches, and not exceed twelve inches, or being ten inches shall roll more than fifteen inches, eight cents for each horse drawing the same; for every cart or waggon, the breadth of the wheels of which shall be more than twelve inches, six cents for each horse drawing the same: *Provided*, That no turnpike-gate shall be erected within one mile of either of the said towns of Erie and Waterford, neither shall any toll be demanded or taken from any person passing or repassing from one part of his or her farm to another, or to or from any place of worship or burial.

Proviso that no gate shall be erected within one mile of Erie or Waterford. Who shall be exempt from paying tolls.

Sec. 14. *And be it further enacted by the authority aforesaid*, That no waggon or other carriage with four wheels, the breadth of the wheels of which 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 one-half tons, or with more than three tons during the residue of the year; that no such carriage, the breadth of the wheels of which 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 one-half tons, or with more than four tons during the residue of the year; that no such carriage, the breadth of the wheels of which 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 a half tons during the residue of the year; that no cart or other carriage with with two wheels, the breadth of the wheels of

Regulation of the wheels of carriages, and the weight to be carried at different seasons.

which shall not be four inches, shall be drawn along the said road with a greater weight thereon than one and an half tons, between the said first days of December and May, or with more than two tons during the residue of the year; that no such carriage, the wheels of which shall not be of the breadth of seven inches, shall be drawn along the said road with more than two and a half tons between the first days of December and May, or with more than three tons during the residue of the year; that no such carriage, the wheels of which 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 a 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 if any cart, waggon 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 company: *Provided always*, That it shall and may be lawful for the said company, by their bye-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: *And provided also*, That such regulations shall not lessen the burden of carriages above described.

Power of the company to alter these regulations, but not so as to lessen the burdens of carriages.

Sec. 15. *And be it further enacted by the authority*

*thority 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.

Comparative toll for oxen, mules and horses.

Sec. 16. *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 neighbourhood, 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 henceforth the tolls hereby granted, to be collected at such turnpikes and 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

Proceedings in case the company neglect to keep the road in good order and repair.

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 bring in the body or bodies of the person or persons, entrusted 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, 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 expence thereof.

Appropriation  
of the penal-  
ties.

Penalty if toll-  
gatherers ex-  
tort more than  
the act allows;

Sec. 17. *And be it further enacted by the authority aforesaid,* That if any toll-gatherer on the said road shall demand and receive from any person or persons using the same any greater or higher toll than by this act is authorised,

rised,

rised, or shall receive toll for any part of said road which may be declared to be out of order and repair until it shall be repaired, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the use of the poor of the proper township, to be recovered as debts of equal amount are or may be by law recoverable.

or receive toll before the road is repaired.

Appropriation-

Sec. 18. *And be it further enacted by the authority aforesaid,* That if any person or persons whomsoever, owning, riding in, or driving any sulkey, chair, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, or owning, riding, leading or driving any horse, mare, gelding, or driving any hogs, 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 evade the payment of the toll or duty for passing through any such gate, or turnpike; or if any person or persons, 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, waggon, 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 and persons, in all 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 Erie and Waterford turnpike road, any sum not exceeding thirty dollars, to be sued for and recovered

Penalty on persons attempting to evade the payment of the tolls.

with



with costs of suit before any justice of the peace, in like manner, and subject to the same rules and regulations as debts of equal amount are or may be by law recoverable.

*Sec. 19. 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 monies 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 profits on the shares which may be forfeited as aforesaid, and also all monies 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 expences of effecting the same, shall be fully paid and discharged, and the aggregate amount of such expences 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 bye-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 monies subscribed for such shares, in like manner and under the like penalties as are herein before provided for the recovery of the original subscriptions, or as shall be provided by their bye-laws.

The president and managers to keep the company accounts of subscriptions, &c.

And submit the same to a general meeting of the stockholders, &c.

And if the capital is found insufficient to complete the road, it may be enlarged.

Sec. 20. *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 monies received by their severall and respective collectors of tolls at the severall and respective gates or turnpikes on the said road from the beginning to the end thereof, 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 companies stock, and shall on the first Monday in March and September 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 cause the same to be paid accordingly.

The president and managers to keep an account of the monies received, and declare dividends on the profits.

Sec. 21. *And be it further enacted by the authority aforesaid,* That the president and managers shall, at the end of three years next after the whole road shall be completed, lay before the General Assembly of this commonwealth an abstract of their accounts, shewing 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 period, together with an abstract 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 three years after the said road shall be completed from the beginning to the end thereof, it shall appear by such abstract that the clear profits and income of the said company will

Accounts to be laid before the legislature, in order to ascertain the clear income.

If the tolls exceed nine per cent. per ann. they may be reduced.

will bear a dividend of more than nine per centum per annum, then the said toll shall be so reduced as will bring the said dividend down to nine per centum per annum; and at the end of every ten years after the said road shall have been completed, the president and managers of the same shall lay before the General Assembly of this commonwealth an 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 income and profits of the said company will bear a dividend of more than nine per centum per annum, then the said toll shall be so reduced as will bring the said dividend down to nine per centum per annum.

Posts of direction to be erected.

Sec. 22. *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 boards 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.

Mile-stones to be placed on the side of the road.

Sec. 23. *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 town of Erie aforesaid, 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 said

TOWN

town of Erie, and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from the town of Erie aforesaid, 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 travellers and others using the said road; and if any person shall wilfully destroy the said posts, boards, index-hands or mile-stones, or deface the same, or deface the directions made on the said gates, or other conspicuous places as aforesaid, such person being convicted thereof by the evidence of one or more credible witness or witnesses, 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 be adjudged by the said justice to pay a fine not exceeding twenty dollars, to be recovered with costs as debts of equal amount are or may be 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 company.

Penalty for defacing index-posts, mile-stones, &c.

Appropriation.

Sec. 24. *And be it further enacted by the authority aforesaid,* That all waggoners 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

Drivers to keep the right hand side in the passing direction.

Penalty for non-compliance.

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 of equal amount are or may be by law recoverable.

Limitation of time for commencing and finishing the road.

Sec. 25. *And be it further enacted by the authority aforesaid,* That if the company shall not proceed to carry on the said work within three 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 in either of those cases, all and singular the rights, liberties, privileges, and franchises hereby granted to the company, shall revert to this commonwealth

The right reserved to the state of purchasing the road, and extinguishing the tolls.

Sec. 26. *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 the 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

ther with all their right, title, claim and interest therein shall cease and determine.

SIMON SNYDER, *Speaker*

*of the House of Representatives.*

ROBERT WHITEHILL, *Speaker*

*of the Senate.*

APPROVED—February the thirteenth, in the year of our Lord one thousand eight hundred and four.

THOMAS M'KEAN, *Governor*

*of the Commonwealth of Pennsylvania.*

CHAPTER XXX.

*An ACT declaring Clearfield creek, in the county of Huntingdon, and Sinemahoning creek, in the county of Lycoming, public highways.*

Section 1. **B**E 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 from and after the passing of this act, Clearfield creek, in the county of Huntingdon, from the mouth to the forks thereof, at the great Elk Lick, and Sinemahoning creek, in the county of Lycoming, from the mouth to the forks thereof, at the place called the Drift-wood, be, and the same are hereby declared public streams and highways, for the passage of boats, rafts and other vessels; and it shall be lawful for the inhabitants

Certain parts of Clearfield & Sinemahoning creeks declared to be public highways.

or