

CHAPTER XLII.

An ACT to enable the Governor of this commonwealth to incorporate a company for making an artificial or turnpike road from the interfection of Bristol and Newtown roads, at the rock in Oxford, through Bustletown and Smithfield, in the county of Philadelphia, to the Buck tavern, in Southampton, in the county of Bucks.

Section I. **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 Henry Wynkoop, Richard Leedom and Augustine Willot, of Bucks county, Jacob Sommers, of Moreland, Thomas Paul, William Duncan, Isaac Worrell, Joshua Comly and Frederick Wolbert, of Philadelphia county, Clement Biddle, John Baker, north Second-street, and Stephen Girard, of the city of Philadelphia, 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 ensuing, 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 Bustleton and Smithfield turnpike road, 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 governor of this commonwealth to incorporate a company for making

Commissioners appointed to open books & receive subscriptions.

Form of subscription.

making an artificial or turnpike road from the interfection of Bristol and Newtown roads, at the rock in Oxford, through Bustleton and Smithfield, in the county of Philadelphia, to the Buck tavern, in Southampton, in the county of Bucks." Witness our hands, the

day of _____ in the year

of our Lord one thousand eight hundred and four; and shall give notice, in at least three of the public newspapers in the city of Philadelphia, one whereof shall be in the German language, for one month at least, of the times when, and the 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 all persons who shall offer to subscribe in the said books, which shall be kept open for that 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 six 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 shall amount to the number aforesaid, the said books 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 expence attending the taking such subscriptions and other incidental charges, and the remainder they shall deposit in the bank of Pennsylvania, for

Notice of the times and places of subscription to be published.

Who may subscribe.

How long the books shall be kept open.

Commissioners may adjourn from time to time.

Subscribers to pay 15 dollars on each share subscribed.

For what purpose.

the use of such corporation, as soon as the same shall be organized, as herein-after mentioned.

When and how a patent of incorporation shall be obtained.

Sec. 2. *And be it further enacted by the authority aforesaid,* That when forty persons or more shall have subscribed three hundred 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 the number of shares subscribed by each, to the Governor of this commonwealth, whereupon he shall, by letters patent under his hand and the seal of the state, create and erect the subscribers, and if the said subscriptions be not full at the time, then also those who shall thereafter subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, stile and title of “ The president, managers and company of the Buxton and Smithfield 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, 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

Stile of the corporation;

its privileges and powers.

thing which a corporation or body politic may lawfully do.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the commissioners herein before 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 said company, until the first Monday in January 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 under the said number.

When & how the officers of the corporation shall be appointed,

and bye-laws made.

Limitation of votes.

Sec. 4. *And be it further enacted by the authority aforesaid,* That the said company shall meet on the first Monday of November 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,

Times and places for the meeting of the corporation.

gers, in such manner and form as shall be prescribed by their bye-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 bye-laws, rules, orders and regulations, made as aforesaid, and to do and perform any other corporate act.

Certificates of stock to be given to each subscriber.

How transferable.

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, 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 transferrable 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 that 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 estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

Meetings of the president and managers;

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 seven members shall form a quorum,

rum, 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 their 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 bank of Pennsylvania for all monies necessary to pay the salaries or wages of persons by them employed, and for the materials: *Provided*, That such drafts do not exceed the sums deposited by the company; and such orders be signed by the president, or in his absence by a majority of a quorum, and countersigned by their treasurer, 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.

Sec. 7. *And be it further enacted by the authority aforesaid*, That if, after thirty days notice in three of the 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, any stockholder 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 dividends so called for, pay at the rate of five per centum per month, for the delay of such payment; and if the same and additional

their power & authority.

Penalty for not paying the dividend on subscriptions.

ditional penalty shall remain unpaid for, such space of time as that the accumulated penalty 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 shall be sold to any person or persons willing to purchase, for such price as can be obtained for the same.

Route or track of the road. *Sec. 8. And be it further enacted by the authority aforesaid,* That the said road shall be made, generally, in, over and upon the bed of the present road, beginning at the Frankford and Bristol turnpike road, at the rocks in Oxford township, where the same intersects the Bustleton road, and extending through Bustleton and Smithfield, in the county of Philadelphia, the nearest route that can be procured, to the Buck tavern, in Southampton township, in the county of Bucks: *Provided always,* That no surveyor, superintendant, artist or other person or persons employed by the said company to lay out the said road, shall enter upon or go through any land or lands belonging to any person or persons, without first obtaining permission of the owner or owners thereof, excepting where it may be found necessary for the widening the said road.

No agent of the company to enter upon lands without the owners consent.

Exception.

Form & structure of the road. *Sec. 9. And be it further enacted by the authority aforesaid,* That the said president, managers and company, shall cause a road to be laid out, of not less than fifty, nor more than sixty-five feet in width, in such manner as that the present buildings on said road be not injured, and at least twenty-four feet thereof be made an artificial road, bedded with wood, stone, gravel, or any other hard substance, well compacted together, and of sufficient depth to secure

Buildings on the present road not to be injured.

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 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 a horizontal line, and shall forever after maintain and keep the same in good and perfect order, from the intersection of the Bristol and Bustleton roads, at the rocks, in the township of Oxford, and county of Philadelphia, to the Buck tavern, in Southampton, in the county of Bucks; and the said president, managers and company, shall have power to erect permanent bridges over all the waters crossing the said road.

Sec. 10. *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, for the distance of five miles, beginning at the intersection of the Bristol and Bustleton roads, and also when they shall have completed the remaining part of the road, they shall give notice thereof to the Governor of the commonwealth, who shall thereupon forthwith nominate and appoint three disinterested 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 workman-like manner, according to the true intent and meaning of this act; and if their report shall, in either case, be in the affirmative, then the Governor shall, by license under his hand and the lesser seal of this commonwealth, permit and suffer the said president, managers and company, to erect and fix

When & how
a license to
erect gates and
take toll shall
be obtained.

Who shall be exempt from payment of tolls.

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, sheep, swine and carriages: *Provided*, That all persons attending funerals or places of worship, their horses and carriages, shall be exempt from the payment of tolls when going to and returning therefrom.

Power to appoint toll-gatherers.

Sec. 11. And be it further enacted by the authority aforesaid, That when the said company is 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 any person riding, leading or driving any horses, asses or mules, or leading or driving any cattle, hogs, sheep, or driving any coach, coachee, fulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, from passing through the said turnpikes until they shall respectively

Rate of tolls.

have paid the same; *that is to say*, For every five miles in length of the said road, completed and licensed as aforesaid, the following sums of money, and so in proportion for any lesser distance, or for any greater or less number of sheep, hogs or cattle, *to wit*: For every score of hogs, six cents; for every score of sheep, six cents; for every score of cattle, twelve cents; for every horse and his rider, or led horse, three cents; for every fulkey, chair or chaise, with one horse and two wheels, six cents; and with two horses, twelve and an half cents; for every chariot, coach, phaeton, chaise,

chaife, with four wheels and two horses, twenty cents; for either 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 the horses drawing the same; for every stage-waggon, with two horses, twelve cents; and for every such waggon, with four horses, twenty cents; for every sleigh, three cents, for each horse drawing the same; for every sled, two cents for each horse drawing the same; for every cart or waggon, the breadth of whose wheels shall not exceed seven inches, three cents for every horse drawing the same; for every cart or waggon, 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 waggon, the breadth of whose wheels shall be more than ten inches, and not exceeding twelve inches, or being ten inches shall roll more than fifteen inches, one cent for every horse drawing the same; for every cart or waggon, 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 travelled a less distance than he, she or they have actually travelled along the said road, with intent to defraud the said company of their toll, 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 eight dollars; and if any toll-gatherer shall demand and receive toll for a greater distance than the person of whom such

Penalty for attempting to defraud the company of tolls

Penalty if toll-gatherers extort toll not allowed by the act.

Toll is demanded shall have travelled along the said turnpike, or for such part of said road which shall be declared out of repair, until it is repaired, or shall demand or receive greater or other toll from any person or persons than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the use of the poor of the township in which the forfeiture is incurred, and for the payment of which the said company shall be responsible.

Appropriation.

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

Sec. 12. *And be it further enacted by the authority aforesaid,* That no waggon 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 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 first days of November and May, with more than three and an 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 first days of November and May with more than five tons, or with more than five and an half tons during the remainder of the year; that no cart or other carriage with two wheels, the breadth of which shall not be four inches, shall be drawn along the said road with a greater weight thereon

thereon than one and an quarter tons; between the said first days of November and May, or with more than one and an half tons during the remainder 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 November 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 first days of November 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 November and May, nor more than eight tons during the residue of the year; that if any cart, waggon or other carriage of burden whatever, 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 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 regulations shall be found conducive to the public good: *Provided always*; That such regulations shall not lessen the burdens of carriages above described.

Penalty for a breach of those regulations.

Power of the company to alter the regulations.

Sec. 13. *And be it further enacted by the authority aforesaid*, That all such carriages as aforesaid, which shall be drawn by oxen in the whole,

Comparative toll for oxen and horses.

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.

Proceedings in case the road is not kept in good order.

Sec. 14. *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 shall be given thereof to any justice of the peace of the neighborhood within the county where the repair ought to be made, such justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested persons, to meet at a certain time in the said precept to be mentioned, at the place in the said road which shall have been complained of, of which meetings notice shall be given to the keeper of the gate or turnpike nearest thereto within the said county, and the said justice shall, at such time and place, on the oaths or affirmations of the said persons, enquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid; and, if upon such enquiry, the said road shall be found to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall cause an inquisition thereof to be made, under his own hand, and at least two of the said persons, one copy whereof he shall certify and send 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, 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

Toll-gatherers not to receive toll for parts declared out of order, until repaired.

if the same shall not be so put into good and perfect order and repair before the next court of quarter sessions of the peace, to be held for the county in which the defect is proved to be, the said justice shall certify and send a copy of the inquisition aforesaid to the justices of the said court, who shall thereupon cause process to issue, to bring in the body or bodies of the person or persons entrusted by the said company with the care and superintendance of such part of the said road as shall be so found defective, and shall proceed thereon as in the cases of supervisors of the highways for neglect of their duty; and if he or they shall be convicted of the offence charged by the said inquisition, the said court shall give such judgment, according to the nature and aggravation of the neglect, as they in their discretion shall judge proper: *Provided*, The fine in no instance shall be less than fifty dollars, nor exceeding one hundred dollars; and the fines so imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said county, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing the highways and public roads therein.

Sec. 15. *And be it further enacted by the authority aforesaid*, That if any person or persons

Penalty for passing thro' private gates or passages, with intent to defraud the company.

whosoever, owning, riding in, or driving any sulkey, chair or chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, riding or leading any horse, mare or gelding, or driving any sheep, hogs or other cattle, shall therewith pass through any private gates or bars, or along or over any private passage, way or other ground near to or

adjoining

adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the said 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, waggon, wain, sleigh, sled or other carriage of burden or pleasure, or practise any other fraudulent means or device, with 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 and managers and company of the Buxton and Smithfield 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 same rules and regulations as debts of a similar amount may be sued for and recovered: *Provided always*, That if any person or persons shall be thus prosecuted, and the said prosecution shall not be sustained on the part of the prosecutors, then and in such case the person or persons prosecuted as aforesaid, shall receive from the said company the sum of twenty dollars, in lieu of damages arising from delay and a vexatious prosecution, recoverable as other fines under this act.

Appropriation.

Proviso in case of vexatious prosecutions.

Accounts of subscriptions, by whom to be kept.

Sec. 16. *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, from the subscribers

scribers 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 of 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 when 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 like penalties as are herein-before provided for the original subscription, or as shall be provided by their bye-laws.

To be submitted yearly to the stockholders.

When and how the number of shares may be increased.

Sec. 17. *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 the monies received by their several and respective collectors of tolls, at the several and respective gates or turnpikes on the said road, from the beginning to the end thereof, and shall make and declare a dividend

The company to keep an account of tolls,

and make half-yearly dividends of the profits.

vidend 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 the first Monday in November and May in every year, publish the half-yearly dividend made of the said clear profits among the stockholders, and the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Accounts to be annually laid before the Legislature.

Sec. 18. *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, shewing the whole amount of capital expended in the prosecution of the 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, that the clear annual income and profits thereof may be known and ascertained; 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 will not yield a dividend of six per cent. per annum on the whole capital stock of the said company so expended, then it shall and may be lawful for the said president, managers and company, to increase the tolls herein-before allowed, so much upon each and every allowance thereof as will raise the said dividend up to six per centum per annum; and, at the end of

When & how the rate of tolls may be raised.

of every year after the said road shall be completed, they shall render to 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 cent. 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.

Surplus profits
how to be ap-
plied.

Sec. 19. *And be it further enacted by the authority aforesaid,* That the said president and managers shall cause posts to be erected and continued 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 measured or computed miles.

Index-Posts to
be erected.

Sec. 20. *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 rocks aforesaid, and extending thence to the termination of the turnpike road

Mile stones to
be erected.

aforesaid, whereon shall be marked, in plain legible characters, the respective number of miles each stone is distant from the rocks aforesaid, and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from the said rocks, 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, or shall, without permission of the acting superintendant of the said road, throw out upon the said road, or within the limits thereof, 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 creditable and disinterested witnesses or witnessess, before any justice of the peace of that county in which the offence shall have been committed, he or she shall be adjudged by the said justice to pay a fine not exceeding three dollars, to be recovered with costs, as debts under five 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 said company.

Distance of turnpikes to be marked on the gates.

Penalty for destroying index-hands, mile-stones, &c.

or for throwing rubbish into the road.

Appropriation.

Waggoners to keep the right hand side of the road in the passing direction.

Sec. 21. *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

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 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 so 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.

Penalty for non-compliance.

Sec. 22. *And be it further enacted by the authority aforesaid,* That if the said 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, privileges, liberties and franchises hereby granted to the said company, shall revert to this commonwealth.

Limitation of the time for commencing and finishing the road.

Sec. 23. *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-one, 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

Proceedings if the Legislature should think proper to purchase the road.

so

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.

SIMON SNYDER, *Speaker*

of the House of Representatives.

ROBERT WHITEHILL, *Speaker*

of the Senate.

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

THOMAS M'KEAN, *Governor*

of the Commonwealth of Pennsylvania.

CHAPTER XLIII.

An ACT appointing the place whereupon to erect the court-house and public offices for the county of Crawford.

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 the commissioners of the county of Crawford shall, as soon as convenient, erect the court-house and public offices for said county,