

CHAPTER LXX.

An ACT to enable the Governor of this Commonwealth to incorporate a Company to make an artificial Road from the Susquehanna River, at or near Wright's Ferry, to the Borough of York.

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 John Stewart, George Hay, George Spangler, Jonathan Mifflin, George Bard, Conrad Laub, John Stroman, Samuel Spangler, Christian Stoner, John Grier and Jacob Upp, 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 hereunto subscribed, do promise to pay the president, managers and company of the Susquehanna and York borough 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 an artificial road from the Susquehanna river, at or near Wright's ferry, to the borough of York. Witness our hands the

Commissioners appointed to open books & receive subscriptions.

day of _____ in the year of our Lord one thousand eight hundred and four;" and shall give notice in three of the public newspapers, one in Philadelphia,

Form of subscription.

Notice to be given of the times & places of subscription.

one in Lancaster, and one in York, for one 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

Who may subscribe, and for what time the books shall be kept open.

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 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 if at the expiration of the said three first days, the said books shall not have three hundred and fifty shares therein subscribed, the said commissioners may

The commissioners may adjourn from time to time, until 350 shares are subscribed, &c.

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 newspapers ; and when the said subscriptions in the said books shall amount to the number aforesaid, the same shall be closed :

Subscribers to pay a deposit of ten dollars for each share subscribed.

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 ten 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 shall be deposited in the bank of deposit at Lancaster, for the use of such corporation, as soon as the same shall be organized, and the officers chosen as herein-after mentioned.

When the whole number of shares are subscribed, commissioners to certify the

Sec. 2. And be it further enacted by the authority aforesaid, That when the whole number of shares aforesaid shall be subscribed, the said commissioners shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each subscriber,

criber, to the Governor of this commonwealth, whereupon he shall, by letters patent under his hand and seal of the state, create and erect the subscribers into one body politic and corporate, in deed and in law, by the name, stile and title of "The Susquehanna and York borough turnpike company;" 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.

same to the Governor; who shall thereupon incorporate the subscribers.

Stile & powers of the corporation.

Sec. 3. *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 as aforesaid, 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 ballot, 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,

The commissioners to notify the subscribers to meet for the purpose of organizing the corporation.

Officers to be chosen.

to

Number of
votes limited.

to conduct the business of the said company, until the second Monday in March 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.

The times of
annual and
special meet-
ings of the
company.

Sec. 4. *And be it further enacted by the authority aforesaid*, That the said company shall meet on the second Monday in 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 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
shares to be
issued;

Sec. 5. *And be it further enacted by the authority aforesaid*, That the president and managers, 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 or her subscribed
and

and held, he or she paying thirty dollars for each share; which certificate shall be transferable at his or her pleasure, in person or by attorney duly authorized, in the presence of two reputable witnesses, 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 or her 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.

which shall be transferable.

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 directed by their bye-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, superintendants and other artists and officers as they shall deem necessary, to carry on their intended works, and fix their salaries and wages, to ascertain the times when, and manner and proportion in which the stockholders shall pay the monies due on their respective shares; to draw on the bank for all monies which shall have been so as aforesaid deposited, necessary to pay the salaries or wages of persons by them employed, and for the materials: *Provided* such drafts shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their

Meetings of the president and managers, and proceedings at such meetings.

their treasurer, and generally to do all such other acts, matters and things, as by this act, or by the bye-laws, rules, orders and regulations of the company they shall be authorized to do.

Penalty on stockholders neglecting to pay their proportions of the capital stock.

Sec. 7. *And be it further enacted by the authority aforesaid,* That if after thirty days notice in three of the public newspapers printed 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, 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, his or her assignee, shall, in addition to the dividends so called for, pay at the rate of five per cent. per month for delay of such payment; and if the same and the said additional penalty shall remain unpaid for such space of time, as that the accumulated penalties shall become equal to the sums before paid in part and on account of such shares, 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, &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, 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 be thought proper to pass, and to examine the ground most proper for the purpose and the quarries and beds of stone and gravel, and

and other materials in the vicinity, that will be necessary in making and constructing 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 west side of the river Susquehanna, at or near Wright's ferry, to the borough of York.

and to survey
the route or
track of the
road.

Sec. 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, with their superintendants, engineers, artists and labourers, with their tools and instruments, carts, waggons, wains and other carriages and beasts of draft 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 the 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, by appraisement to be made in the manner herein-after directed, and upon a reasonable agreement, if they can agree, or if they cannot agree, then upon an appraisement to be made, upon oath or affirmation, by three disinterested freeholders, or any two of them agreeing, to be mutually chosen; or if the owners, upon due notice, shall neglect or refuse to join in the choice then to be appointed by any justice of the peace of the county, not interested on either side, and on tender of the appraised value, to dig, take and carry away any stone, gravel, sand or earth, being most

May enter
lands, &c. to
take materials;

first giving notice,
& making
amends for any
damages done.

most conveniently situated for making or repairing the said road.

How the amount of damage done to persons thro' whose lands the road may pass is to be ascertained.

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 of York, and thereupon the court shall appoint six disinterested persons, to view and adjudge the amount of the damage so done; which, if approved of by said court, shall be paid by the company.

The president and managers to lay out a road, &c.

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, of fifty feet in width, and at least twenty-one feet thereof to be made an artificial road, bedded with wood, stone, gravel or any other hard substance, well compacted together, and of sufficient depth to secure a solid foundation to the same; and the said road shall be faced with gravel or stone, pounded, or other small hard substance, in such manner as to secure a firm, and as near as the materials will admit of it, an even surface, 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 the whole distance aforesaid; and the said president, managers and company, shall have power to erect permanent bridges over all the waters crossing the said road.

and forever hereafter keep the same in repair.

Sec. 12. *And be it further enacted by the authority*

thority 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 disinterested persons to view and examine the same, and report to him in writing, whether the said road is executed in a masterly and 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 license under his hand and the lesser seal of this commonwealth, 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 toll and duties herein-after granted to the said company, from all persons travelling on the same with horses, cattle, carts and carriages: *Provided*, That no toll shall be demanded or taken from any person passing or re-passing from one part of his or her farm to another; and 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.

Mode of proceeding to obtain licence to erect turnpike gates, and collect tolls.

In what cases there shall be an exemption from payment of tolls.

Sec. 13. *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, cattle or hogs, sheep, coach, coachee, fulkey, chair, chaise, phaeton, cart, waggon, wain,

The company being licensed, may appoint toll-gatherers,

Rates of toll.

sleigh, sled or any other carriage of burden or pleasure from passing through the said turnpikes, until they shall respectively have paid for the whole distance of the 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 hogs, fourteen cents; for every score of sheep, fourteen cents; for every score of cattle, twenty-eight cents; for every horse and his rider, or led horse, seven cents; for every sulkey, chair or chaise, with one horse and two wheels, fourteen cents, and with two horses, twenty cents; for every chariot, coach, phaeton, or chaise, with two horses and four wheels, twenty-eight cents; for either of the carriages last mentioned, with four horses, fifty cents; for every other carriage of pleasure, under whatsoever 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, twenty-eight cents; and for every such waggon, with four horses, fifty cents; for every sleigh, twelve and a half cents, for each horse drawing the same; and for every sled, twelve and a half cents, for each horse drawing the same; and for every cart or waggon, whose wheels do not exceed in breadth four inches, fourteen 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, seven 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, six cents for every horse drawing the same; for every cart or waggon,

waggon, the breadth of whose wheels shall be more than ten inches, and not exceed twelve inches, or being ten inches shall roll more than fifteen inches, four cents for every horse drawing the same; for every cart or waggon, the breadth of whose wheels shall be more than twelve inches, two cents for every horse drawing the same; and if any person or persons shall represent to the said company, or any of their officers, that he, she or they have travelled a less distance than he, she or they have actually travelled along the said road, with intent to defraud the said company of its toll, or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of the said company the sum of 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 travelled along the said turnpike road, or shall demand and 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 be paid to the supervisors of the roads, for the purpose of repairing the public roads and highways of the township in which the forfeiture is incurred, and for the payment of which the said company shall be responsible.

Penalty on persons attempting to defraud the company of its tolls.

On toll-gatherers demanding and receiving greater tolls than they are authorized to demand.

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 November and the first day of May following in any year, with a greater weight thereon than two and a half tons, or with more than three tons the residue of the year; that

Description & burthen of waggons and other carriages permitted to travel within specified seasons 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 first days of November and May, with more than three and a 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 first days of November 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 two wheels, the breadth of the wheels of which shall not be four inches, shall be drawn along the said road with a greater weight thereon than one and a quarter tons, between the said first days of November and May, or with more than one and a half tons during the residue of the year; that no such carriage, the wheels of which shall not be the breadth of seven inches shall be drawn along the said road with more than two and a half tons, between the first days of November 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 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 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 November and May, nor more than eight tons during the residue of the year; that if any cart, waggon or carriage of burden whatsoever;

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

Provido that the foregoing regulations may be altered by bye-laws of the company.

Sec. 15. *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.

In charging tolls, two oxen to be estimated as one horse, & every mule as one horse.

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, for the space of five days, and information thereof shall be given to any justice of the peace of the county, 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 be complained of; of which meeting 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

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

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 persons; 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; 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 in good and perfect order and repair, before the next general court of quarter sessions of the peace, to be held for the county in which the defect is proved to be, 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 superintendance of such part of the said road as shall be so found defective, and shall proceed thereon as in cases of the 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 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

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 the public roads within such township.

Sec. 17. *And be it further enacted by the authority aforesaid,* That if any person or persons whosoever, owning, riding in, or driving any fulkey, 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 hogs, sheep 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 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 fulkey, 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 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 Susquehanna and York borough 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

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

regulations as debts of a similar amount may be sued for and recovered: *Provided always,* That if any person or persons shall be prosecuted under this section of the act, 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 company the sum of ten dollars, in lieu of damages arising from delay, and a vexatious prosecution, recoverable as other fines under this act.

Provido in case a prosecution under this section of the act is not sustained by the prosecutor.

Sec. 18. *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 the 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 complete, 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

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

and submit the same to a general meeting of the stockholders;

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

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.

Sec. 19. *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 of 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 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 of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

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

Sec. 20. *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 corporation, 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 the capital expended in prosecution of the said work, and of the income and profits arising from the said tolls, for and during the said

To lay an abstract of the accounts before the Legislature, &c. in order to ascertain the clear income.

If the profits do not amount to six per cent. the tolls may be increased.

All the profits beyond nine per cent. to be applied in extinguishing the tolls.

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 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 above allowed, so much upon each and every allowance thereof, as will raise the dividend up to six per cent. per annum; and at the end of every year after the said road shall be completed, they shall render unto 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 as aforesaid will be found adequate to purchase, until all the said shares shall be so purchased; and the said subscribers shall determine, by lot, from time to time, whose share or shares shall be paid off, by the money arising as aforesaid; for which shares the said company shall pay the said sums which were originally paid for each respective share; and when the whole number of shares shall be purchased as aforesaid, then the said road shall be free, and no toll whatever shall be exacted.

Sec. 21. *And be it further enacted by the authority aforesaid,* That the said company 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.

Posts of direction to be erected.

Sec. 22. *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 river Susquehanna, 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 Philadelphia, Susquehanna and York; and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from York, 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 of the same, and suffer to remain, for the space of one day, any mould, dirt, shavings,

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

Penalty on persons destroying or defacing mile-stones, index-hands, &c.

ings, weeds, or rubbish of any kind, such person, being convicted thereof by the evidence of one or more creditable witness or witnesses, before any justice of the peace of the county, 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 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 said company.

Drivers to keep the right hand side of the road in the passing direction,

Penalty for offending against this provision.

Sec. 23. *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 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 of equal amount are or may be by law recovered.

If the road be not begun in three or finished in seven years, the rights of the company under this act to cease.

Sec. 24. *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

ed to the company, shall revert to this commonwealth.

Sec: 25. *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, three persons shall be appointed by the Governor, and three by the president and managers of the said company, and three by the judges of the supreme court, who are hereby 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.

The right of purchasing the road reserved to the state.

SIMON SNYDER, *Speaker*

of the House of Representatives.

ROBERT WHITEHILL, *Speaker*

of the Senate.

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

THOMAS M'KEAN, *Governor*

of the Commonwealth of Pennsylvania.