

ment of the said market as to them shall appear useful and necessary, and not inconsistent with the existing laws of this commonwealth: *Provided*, That one half of the buildings so erected, shall be and remain free for the use of the country people attending the said market, and that no fees, tolls or perquisites, shall be demanded or exacted from them for the use thereof.

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.

CHAPTER LXXV.

An ACT to enable the Governor of this Commonwealth to incorporate a Company for making an artificial Road, by the best and nearest route, from the North-Eastern Branch of the Susquehanna River, between the Lower Whopchawly and Nescopeck Creeks, in Luzerne County, to the North Side of Nesquehoning Creek, near its Entrance into the River Lehigh.

Section 1. **B**E it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and

Commissioners
appointed to
receive sub-
scriptions.

and it is hereby enacted by the authority of the same,
That William Tilghman, Benjamin Say, William
Turnbull, Samuel Hodgdon, Thomas C. James,
and Levi Hollingsworth, of the city of Phila-
delphia, general Thomas Craig, George Se-
vitz, and Peter Rhodes, jun. of Northampton
county, Nathan Beech, of Luzerne county,
Jacob Bittenbender, and John Brown, of Ber-
wick, in Northumberland county, be, and they
hereby are appointed commissioners, to do and
perform the several things herein-after men-
tioned; *that is to say,* They shall, on or before
the first Monday in June next, procure three
books, and in each of them enter as follows:

When subscrip-
tions shall be
received.

“ We, whose names are hereunto subscribed,
do promise to pay to the president, managers
and company of the Susquehanna and Lehigh
turnpike road, the sum of one hundred dol-
lars for every share of stock in the said com-
pany, set opposite to our respective names, in
such manner and proportions, and at such times,
as shall be determined by the president and
managers of the said company, in pursuance
of an act of the General Assembly of this com-
monwealth, entitled “ An act to enable the
Governor of this commonwealth to incorporate
a company for making an artificial road by the
best and nearest route, from the north-eastern
branch of the Susquehanna river, between the
lower Whopehawly, and Nescopeck creeks, in
Luzerne county, to the north side of Nesque-
honing creek, near its entrance into the river
Lehigh. Witness our hands the

day of _____ in the year of our Lord
one thousand eight hundred and four, and shall
thereupon give notice in two of the public
papers printed in the city of Philadelphia, one
of which to be in the German language, and
in one or more of the public papers printed

Public notice
to be given of
the time.

at

at Easton; Norristown; Northumberland and Wilkesbarre, respectively, for one calendar month at least, of the times and places when and where the said books shall be open, to receive subscriptions for the stock of the said company; at which respective times and places some two of the said commissioners shall attend, and shall permit and suffer all persons of lawful age who shall offer to subscribe in the said books, in their own name, or names of any other persons who shall duly authorize the same, for any number of shares in the said stock, and the said books shall be kept open, respectively, for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until the said book opened at Philadelphia shall have one hundred and fifty shares therein subscribed; the said book opened at Allentown, fifty shares therein subscribed; and the said book opened at Berwick, fifty shares therein subscribed; and if at the expiration of the said six days, the books aforesaid, or any of them, shall not have the respective number of shares as aforesaid therein subscribed, the said commissioners respectively may adjourn from time to time, and transfer the said books from place to place aforesaid, until the whole number of shares shall be subscribed; of which adjournments and transfer the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares subscribed in all the said books, shall amount to two hundred and fifty, the same shall be closed: *Provided always*, That every person offering to subscribe in the said books, in his own name, or any other name, shall previously pay to the attending commissioners the sum of ten dollars for every share to be subscribed, out of which shall be defrayed the expences

The manner of receiving them.

Payment on subscribing.

pences 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.

Sec. 2. And be it further enacted by the authority aforesaid, That when fifty persons or more shall have subscribed one hundred shares of the said stock, the said commissioners 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, and thereupon it shall and may be lawful for the Governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers; and if the said subscriptions be not full at the time, then also those who shall afterwards 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 Susquehanna and Lehigh turnpike road;" and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary, to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying, in fee simple, or for any lesser estate, all such lands, tenements, hereditaments, and estate, real and personal, as shall be necessary

The Governor
to grant letters
patent.

The name of
the company;
their powers.

cessary 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.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give notice in two of the public papers in Philadelphia, one of which shall be in the German language, and also in the Easton, Norriston, Northumberland and Luzerne papers, respectively, of a time and place by them to be appointed, not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers, by ballot to be delivered in person or by proxy, duly authorized, one president and twelve managers, one treasurer, and such other officers as they shall think necessary, to conduct the business of the said company for one year, and until other such officers shall be chosen; and shall and may make such bye-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this commonwealth, as shall be necessary for the well ordering the affairs of the said company: *Provided always,* That no person shall have more than five votes at any election, or in determining any questions 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: *Provided, nevertheless,* That all future annual elections of the said corporation, shall be held with such

Having obtained letters patent, public notice to be given for a meeting of the subscribers;

to organize the corporation.

No person to have more than five votes.

Future annual elections to be held as the managers shall direct.

such notice, and in manner and form aforesaid, at such places as the managers aforesaid shall direct and appoint.

Annual elec-
tions.

Special elec-
tions.

Power of al-
tering bye-
laws, &c.

Sec. 4. *And be it further enacted by the au-
thority aforesaid, That the said company shall
meet on the first Monday of January in every
year, at such place as shall be fixed by their
bye-laws, for the purpose of choosing 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 man-
ner 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 as aforesaid, and to do
and perform any other corporate act.*

Of certificates
of stock.

Sec. 5. *And be it further enacted by the au-
thority aforesaid, That the president and mana-
gers first to be chosen as aforesaid, shall pro-
cure certificates, to be written or printed, 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 trea-
surer, and sealed with the common seal of the
said corporation, to each person for every share
by him subscribed and held, he paying to the
treasurer in part of the sum due thereupon, the
sum of fifteen dollars for each share; which
certificate shall be transferable at his pleasure,
in person or by attorney, in the presence of
the president or treasurer, subject however to
all payments due and to grow due thereon;
and the assignee holding any certificate, having
first caused the assignment to be entered in a
book of the company, to be kept for the pur-
pose,*

pose, shall be a member of said corporation, and for every certificate by him held, 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.

Sec. 6. *And be it further enacted by the authority aforesaid,* That the said president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on, for transacting their business; at which meeting seven members shall form a quorum, 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 met, they shall have full power and authority to agree with, and appoint all such surveyors, superintendants, artists and officers as they shall judge necessary, to carry on the intended works, and to fix their salaries or wages; to ascertain the times, manner and proportions when and in which the stockholders shall pay the money due on their respective shares, in order to carry on the work; to draw orders on the treasurer for all monies necessary to pay the salaries or wages of persons by them employed, and for the labor done and materials provided in the prosecution of the work; which orders shall be entered or registered in their book of minutes, and shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their secretary, and generally to do all such other acts, matters and things, as by the by-laws, rules, orders and regulations of the company shall be committed to them.

President and
managers;
their powers
and duties.

Penalty in case of neglect in paying instalments.

Sect. 7. *And be it further enacted by the authority aforesaid,* That if any stockholder, whether original subscriber or assignee, after thirty days notice in two of the public papers in Philadelphia, one of which shall be in the German language, and also in the Easton, Norriston, Northumberland and Luzerne papers, respectively, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, shall neglect to pay such proportion at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of five per centum per month for every 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 penalty shall become equal to the sums before paid in part, and on account of such share, the same may be forfeited by, and to the said company, and may be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor, or in default of payment, by any stockholder, of any such instalment as aforesaid, the said president and managers may, at their election, cause suit to be brought in any court, having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided always,* That the recovery in any such suit, shall in no case exceed the amount of such instalment or instalments, as may be due on such share, together with such accumulated penalty at the rate aforesaid, as shall equal the sums before paid on the same share: *And provided also,* That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any

No stockholder entitled to vote unless the

any election, or at any general or special meeting of the said company, unless the whole sum due and payable as aforesaid on the share or shares by him held at the time of such election, or general or special meetings of the said company, shall have been fully paid and discharged as aforesaid.

sums due on his share or shares are paid.

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, tenements 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 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 road, as in the best of their judgment and skill will combine shortness of distance with the most practicable ground, from the said north-eastern branch of the river Susquehanna, to the Nesquehoning creek, where the wooden bridge, near the mouth thereof, crosses the same.

Empowering the managers, &c. to enter on lands thro' or near which the road may pass.

To lay out 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, 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 or burden, to enter upon the lands, in, over, contiguous and near to which the route and track

Managers, &c. empowered to enter lands, &c. to take materials.

of

First giving
notice,

and making a-
mends for da-
mages.

In case of disa-
greement as to
damage, how
to be settled.

of the said intended road shall pass, first giving notice of their intention to the owners or occupiers thereof, 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, 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, any two of them agreeing, mutually to be 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 either of the counties of Northampton, or Luzerne, not interested therein, and upon tender of the appraised value, to cut down, dig, take and carry away any timber, stone, gravel, sand, earth or other materials there being, most conveniently situated for making or repairing the said road.

To erect brid-
ges over Nes-
quehoning
creek.

Length and
width of the
road.

Manner of its
construction.

Sec. 10. *And be it further enacted by the authority aforesaid,* That the said president, managers and company, shall have power to erect permanent bridges over the Nesquehoning creek, as well as over all the waters crossed by the said route or track whereon the same shall be found necessary, and shall cause a road to be laid out, not exceeding one hundred feet in width, from the north-eastern branch of the Susquehanna aforesaid, to the Nesquehoning creek, where the wooden bridge, near the mouth thereof, crosses the same, and shall cause twenty feet thereof in breadth, at least, to be made an artificial road, which shall be bedded with wood, stone, gravel, or other proper and convenient materials, well compacted together, a sufficient depth to secure a solid foundation for

for the same; and the said artificial road shall be faced with gravel, or stone pounded, or other small hard substance, in such manner as to secure a firm, and as nearly as the nature of the country and the materials will admit, an even surface, rising towards the middle by a gradual arch; and shall forever hereafter maintain and keep the same in perfect order and repair: *Provided*, That no toll be demanded or taken from any person passing or re-passing, from one part of his or her farm to another, or to and from any place of public worship or funeral, on days appointed for that purpose.

No toll to be taken in certain cases.

Sec. 11. *And be it further enacted by the authority aforesaid*, That so soon as the said president, managers and company, shall have perfected the said road, from Nesquehoning creek, at the place aforesaid, any distance not less than fifteen miles, and so from time to time, any distance not less than five miles, progressively, towards the point on the Susquehanna aforesaid, 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 whether the road is so far executed, in a complete 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 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

When parts of the road are completed the Governor to appoint persons to view the same.

And on their report to grant license to receive toll.

from all persons travelling on the same with horses, cattle and carriages.

Sec. 12. *And be it further enacted by the authority aforesaid, That the said company, having perfected the said road, or such part thereof, from time to time as aforesaid, and the same being examined, approved and licensed as 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 horse, or mule, or driving any cattle, hogs, sheep, fulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled, or other carriage of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have respectively paid the same; that is to say, For every space of five miles in length of the said road, the following sums of money, and so in proportion for any greater or less distance, or for any greater or less number of hogs, sheep or cattle, to wit: For every score of sheep, four cents; for every score of hogs, six cents; for every score of cattle, twelve cents; for every horse or mule, laden or unladen, with his rider or leader, three cents; for every fulkey, chair, chaise, with one horse and two wheels, six cents; and with two horses, nine cents; for every chair, coach, phaeton, chaise, stage-waggon, coachee or light waggon, with two horses and four wheels, twelve 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 of*

The company to appoint toll-gatherers.

The rates of toll.

horses.

horses drawing the same; for every sleigh or sled, two cents for each horse drawing the same — for every cart or waggon, or other carriage of burthen, the wheels of which do not in breadth exceed four inches, four cents for every horse drawing the same; for every cart or waggon, the wheels of which shall exceed in breadth four inches, and shall not exceed seven inches, three 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, and shall roll more than ten inches, two cents for each horse drawing the same; for every cart or waggon, the breadth of the wheels of which shall be more than ten inches, and not exceeding twelve inches, or being ten inches, shall roll more than fifteen inches, one cent and a half for each horse drawing the same; and for any such carriage, the breadth of the wheels of which shall be more than twelve inches, one cent for each horse drawing the same; and when any such carriage as aforesaid, shall be drawn by oxen or mules in the whole, or in part, two oxen shall be estimated as equal to one horse, and every ass or mule as equal to one horse in charging the aforesaid tolls.

Sec. 13. *And be it further enacted by the authority aforesaid,* That if any person or persons owning, riding in, or driving any carriage of burthen or pleasure as aforesaid, or owning, riding, leading or driving any horse, or mule, or driving any hogs, sheep or cattle as aforesaid, shall, with an intent to defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass therewith through any private gate or bar, or along or

Penalty on defrauding the company, or evading payment of tolls;
over

over any private passage, way, or along or over any other ground, or land, near to or adjoining any turnpike or gate, which shall be erected in pursuance of this act; or if any person or persons shall, with the intent aforesaid, take off, or cause to be taken off, any horse or other beast or cattle, of draught or burthen, from any carriage of burthen or pleasure, or shall practise any other fraudulent means or device, with the intent to evade or lessen the payment of any such toll or duty, all and every such person or persons offending in manner aforesaid, shall, for every such offence respectively, forfeit and pay to the president, managers and company of the Susquehanna and Lehigh turnpike road, the sum of fifteen 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 equal amount are or may be by law recoverable.

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 fifteen days, and information thereof shall be given to any justice of the peace of the proper county, such justice shall issue a precept, to be directed to any constable, commanding him to summon three judicious freeholders, to meet at a certain time in the said precept to be mentioned, at the place in the said road which is 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

In case of neglect to keep the road in repair, receipt of toll to be suspended.

Proceedings in such case.

good and perfect order and repair as aforesaid, and shall cause an inquisition to be made, under the hands and seals 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, according to the true intent and meaning of this act, he shall so certify, and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, for the intermediate distance between them, shall cease to be demanded paid or collected, until the said defective part or parts of the said road shall be put into good and perfect order and repair as aforesaid; and if any of the keepers of the gates aforesaid shall take or attempt to exact tolls for the intermediate distance between the gates aforesaid, from any traveller, during the time the road shall continue out of repair, such keeper shall forfeit and pay to the person who shall prosecute for the same, the sum of five dollars, to be recovered before any justice of the peace, as debts of equal amount are or may be by law recoverable; but if the same road shall not be put into good and perfect order and repair, before the next ensuing court of quarter sessions of the proper county, the said justice shall certify and send a copy of the said inquisition to the justices of the said court; and the said court shall thereupon cause process to issue, and bring in the bodies of the person or persons entrusted by the company with the care and the superintendance of such part of the said road as shall be found defective as aforesaid, and shall direct a bill of indictment to be sent to the grand inquest, against the person or persons entrusted

trüsted as aforesaid, and upon conviction shall give such judgment, according to the nature and aggravation of the neglect, as the said court in their discretion shall judge proper: *Provided*, The fine in no instance shall be less than twenty dollars, nor exceeding one hundred dollars, and the fines so to be 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 place wherein the offence was committed, to be applied to repairing such highways as the township or county is bound to repair at the public expence thereof.

Accounts of the transactions of the company to be kept :

Sec. 15. *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 which shall be received by them from the said commissioners, and from the subscribers for the stock of the said company, on account of their several subscriptions, and of all penalties for the delay in the payment thereof, and of the amount of the profit on the shares which may be forfeited as aforesaid, and also of all monies by them to be 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 whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient

To be laid before the stockholders annually until the road be completed.

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 demand and receive the monies subscribed for such shares, in like manner and under the like penalties as are herein-before provided for the original subscriptions, or as shall be provided by their bye-laws.

In case the capital stock be not sufficient to complete the road, the number of shares may be increased.

Sec. 16. *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 to be received by their several and respective collectors of tolls, at the several gates or turnpikes on the said road, which shall not exceed one for every five miles after the road is completed, from the beginning to the end thereof, or such part thereof as shall from time to time be completed as aforesaid; and after the said road shall be completed, or so much thereof as it may from time to time be deemed expedient to make and finish, shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges, and a reasonable fund for repairs, and for the progressive improvement and accomplishment of the said work, being first deducted and reserved among all the subscribers to the stock of the said company, and shall on the first Monday in February and August in every year, publish the half-yearly dividend to be made of the clear profits, among the stockholders, and of the

An account of monies received for tolls to be kept.

Of the time & manner of making dividends.

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

Sec. 17. *And be it further enacted by the authority aforesaid,* That the said president and managers shall, at the end of every third year from the date of the incorporation, until two 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 respective periods, 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 two years after the said road shall be completed, from the beginning to the end thereof, it shall appear from the average profits thereof for the said two years, that the said clear income and profits thereof will not bear a dividend of six per centum per annum on the whole capital stock of the said company so expended, then it shall be lawful to and for the said president, managers and company, to encrease the tolls herein above allowed, in equal proportions upon each and every allowance thereof, so as to raise the dividends up to six per centum per annum; and at the end of every ten years after the said road shall be completed, they shall render to the General Assembly a like abstract of their accounts for three preceding years; and if at the end of any such decennial period, it shall appear from such abstract,

To lay before the legislature triennially an abstract of the accounts of the company;

and in case the profits do not bear a dividend of six per cent. on the stock, the toll may be encreased, but not exceeding nine per cent.

tract, that the clear profits and income 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 to reduce the said dividend down to nine per centum per annum.

Sec. 18. *And be it further enacted by the authority aforesaid,* That the said company shall cause posts to be erected at the intersection of every road falling into and leading out of the said turnpike road, with boards and an index-hand pointing to the direction of such road, on both sides whereof shall be inscribed in legible characters, the name of the town or place to which such road leads, and the distance thereof in measured or computed miles, and shall also cause mile-stones to be placed on the side of the said road, to designate the distances to and from the principal places thereon, and also shall cause to be affixed on the gates to be erected for the information of travellers and others using the said road, a printed list of the rates or toll which from time to time may be lawfully demanded.

Of direction-
posts.

Of mile-stones.

Rates of toll
to be affixed on
turnpike gates.

Sec. 19. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully break, deface, pull up or prostrate any mile-stone which shall be placed, in pursuance of this act, on the side of the said road, or shall obliterate the letters or figures inscribed thereon, or shall wilfully break, pull down, deface, destroy or injure any direction-post, which shall be erected in pursuance of this act, at the intersection of any road as aforesaid, or the board or index-hand affixed thereto, in conformity with the directions of this

Penalty for
wilfully pul-
ling down, de-
facing or in-
juring any
mile-stones, di-
rection-posts,
&c.

this act, or shall obliterate the letters or figures inscribed or marked thereon, or destroy, deface or obliterate the letters, figures or other characters, marked at any turnpike or gate, which shall be erected in pursuance of this act, for all or any of the purposes therein mentioned, or the whole or any part of any printed list of the rates of tolls, which shall be affixed in pursuance of the directions of this act, at any such gate or turnpike, he or they so offending in the premises, shall, and each of them shall, for every such offence, severally and respectively forfeit and pay to the said president, managers and company, the sum of twenty dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in manner aforesaid.

Penalty in case
waggoners,
carters, drivers
&c. do not
keep the right
hand side of the
road in the pas-
sing direction.

Sec. 20. *And be it further enacted by the authority aforesaid,* That all waggoners, carters and drivers of carriages of all kinds, whether of burthen or pleasure, using the said road, shall, except when overtaking and 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 said road free and clear for other carriages to pass and repass; and if any waggoner, carter or driver, shall offend against this provision, he shall forfeit and pay any sum not exceeding six dollars, to any person who shall, by reason thereof, be obstructed in his passage, and will sue for the same, before any justice of the peace, to be recovered with costs in like manner aforesaid.

Sec. 21. *And be it further enacted by the authority*

thority aforesaid, That if any toll-gatherer on the said road shall demand from any person or persons using the said road, any greater rate of toll than by this act is authorized and allowed, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, one half to the use of the supervisors of the roads or highways of the township in which the forfeiture shall be incurred, and the other half to the use of the person suing for the same, to be recovered before any justice of the peace of the county where such offence shall have been committed.

Penalty for receiving greater tolls than allowed by this act.

Sec. 22. *And be it further enacted by the authority aforesaid*, That if in the case of any suit or prosecution which shall be commenced under the directions of this act, for any penalty incurred under the same, whether by or against the said company, their servants or assignees, the said suit or prosecution shall not be sustained by the plaintiff or prosecutor, then and in such case the person or persons prosecuted as aforesaid, shall recover by the judgment of the justice before whom such suit or prosecution shall be depending, or by action before the court of the common pleas of the proper county (if such prosecution had been instituted before the court of general quarter sessions of the peace) such sum not exceeding the amount of the penalty for which the suit or prosecution shall be commenced, as shall be deemed a reasonable retribution for the vexation of such suit or prosecution.

When a suit is commenced & not sustained, remedy for the vexation.

Sec. 23. *And be it further enacted by the authority aforesaid*, That no suit or action shall be brought or prosecuted by any person or persons

Time within which penalties incurred under this act are to be sued for.

sons for any penalties incurred under this act, unless such suit or action shall be commenced within six months next after the fact committed, and the defendant or defendants in such suit or action, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by the authority of this act.

Sec. 24. 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 ten years thereafter, complete the said road, according to the true intent and meaning of this act, then, in either of those cases, it shall and may be lawful for the legislature of the commonwealth, to resume all and singular the rights, liberties, privileges and franchises by this act granted to the said company.

In case there be no proceeding under this act for three years, the legislature may rescind it.

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 thirty, 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

A right reserved to the state after the year 1830 to purchase the road.

shall be paid by the state to the 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.

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.

CHAPTER LXXVI.

An ACT for the Relief of the Supervisors of Somerset township, in Somerset county, for the year one thousand eight hundred and one.

WHEREAS by the settlement of the accounts of the supervisors of the roads, in and for the township of Somerset, for the year one thousand eight hundred and one, by the freeholders for that purpose duly elected, the said township was indebted and in arrears to the said supervisors, for the opening and repairing the roads, and erecting sundry bridges, in a considerable sum of money, as will appear by the said settlement: And whereas by an act of Assembly, passed the sixth day of April in