

nothing herein contained shall be construed to affect or render illegitimate any child or children born of the body of the said Rebecca during the coverture, Proviso in favour of children born during the coverture.

SIMON SNYDER, *Speaker*
of the House of Representatives.

ROBERT WHITEHILL, *Speaker*
of the Senate.

APPROVED—the second day of March in the year of our Lord one thousand eight hundred and five.

THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennsylvania.

CHAPTER XXXV.

An ACT authorizing the Governor to incorporate a Company for making an artificial Road from the River Schuylkill at Reading, in the County of Berks, to or near Hummelstown, in the County of Dauphin.

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 Joseph Heister, Peter Frailey, John Huy, John Keim, senior, George Ege, Conrad Staugh, Christian Lower, of the county of Berks, and John Mayer, Philip Greenawalt, Peter Shindle, David Krause, Henry Gilpin, Henry Meyer, Abram Raguel, Commissioners appointed to open books & receive subscriptions to the Berks and Dauphin turnpike road.

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Henry Berry, Andrew Kellinger, John Kean, Jacob Greenawalt, George Hoyer and Robert Harris, of the county of Dauphin, be, and they are hereby appointed commissioners, to perform the several duties herein-after mentioned; *that is to say*, They shall procure eight books, and in each of them enter as follows: "We, the subscribers, promise to pay to the president, managers and company of the Berks and Dauphin turnpike road company, the sum of fifty dollars for every share set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the said company, in pursuance of an act of the General Assembly, entitled, 'An act authorising the Governor to incorporate a company for making an artificial road from the river Schuylkill at Reading, in the county of Berks, to or near to Hummelstown, in the county of Dauphin.' Witness our hands, the day of in the year one thousand eight hundred and five;" and shall give notice in the public newspapers printed at Reading and Harrisburgh, and also in one printed in Philadelphia, for two weeks at least, of the times and places when and where the said books will be open to receive subscriptions of stock for the company, at which respective times and places some three of the said commissioners shall attend, and shall permit and suffer all persons who shall offer to subscribe in the said books, in which any person of the age of twenty-one years shall be at liberty to subscribe in his or her own name or any other name or names, by whom he or she shall be authorised, for any number of shares in the said stock, until two thousand one hundred shares shall in the whole be subscribed, and every person offering to subscribe in the said books, shall, previously, pay to the attending commissioners, five dollars for every

Form of subscription.

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

Who may subscribe.

Subscribers to make a deposit of five dollars

every

every share to be by him or her subscribed; out of which shall be defrayed the expence of taking 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.

for every share
subscribed.

Sec. 2. *And be it further enacted by the authority aforesaid,* That when sixty persons or more shall have subscribed for ten hundred or more shares of the said stock, the said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall certify, under their hands and seals, the names of the subscribers and number of shares subscribed to the Governor of this Commonwealth, and thereupon it shall and may be lawful for the Governor, by letters patent under his hand and seal of the State, to create and erect the subscribers; and if the said subscription be not full at the time, then also those who shall after subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The President, Managers and Company of the Berks and Dauphin Turnpike Road;" and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary, to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, in fee-simple, and for any lesser estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution

When a charter of incorporation may be obtained.

Style of the corporation;

its privileges and powers.

cution

cution of their works, and of suing and of 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 seven persons first named in the said letters patent, shall, as soon as conveniently may be, give thirty days notice in the public papers aforesaid, 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, one president, eight managers, one treasurer, and such other officers as shall be deemed necessary, to conduct the business of the said company until the first Monday in March then next ensuing, 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 as 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 or she may be entitled to.

The seven first named in the charter to notify the stockholders to meet for the purpose of organizing the corporation.

Officers to be chosen.

Number of votes limited.

Sec. 4. And be it further enacted by the authority aforesaid, That the said company shall meet at such times and places, in every year, as shall be fixed by their bye-laws, for the purpose of choosing such other officers, as aforesaid, for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their bye-laws; at which annual or special meeting, they shall have full power

Of annual or special meetings of the company.

Powers of the company at such meetings.

er

er 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.

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, her or them subscribed and held, they or either of them paying five dollars for each share; which certificate shall be transferable at his, her or their pleasure, in person, or by attorney duly authorized, in the presence of the president or treasurer, subject however to all the payments due and to grow due thereon, and the assignee holding any certificate, having caused the assignment to be entered in a book of the company to be kept for the purpose, shall be a member of the corporation, and, for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

Certificates of shares to be issued to the subscribers.

Certificates 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 ordained by their bye-laws, and, when met, five 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;

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

book; and shall have full power and authority to appoint all such surveyors, engineers, superintendants, and other artists and officers, as they shall deem necessary to carry on the intended works, and to fix their salaries and wages; to ascertain the times, manner and proportions in which the stockholders shall pay the monies 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 materials provided, which orders shall be signed by the president, or, in his absence, by a majority of a quorum, and countersigned by their clerk; and generally to do all such other acts, matters and things as by this act, and by the bye-laws, rules, orders and regulations of the company they shall be authorized to do.

Sec. 7. *And be it further enacted by the authority aforesaid,* That if any stockholder, after thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, in order to carry on the work, shall neglect to pay such proportion or dividend at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the dividend so called for, pay after the rate of three per centum per month, for every month's delay of such payment after the time first appointed for it to be made, and if the same and the said additional penalty shall remain unpaid for such space of time, as that the accumulated penalties shall become equal to the sums before paid in part, on account of such share, the same shall be forfeited to the said company,

Regulations in case of neglect to pay the subscription money.

company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same.

Sec. 8. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said president and managers, their superintendants, surveyors, engineers, artists and chain-bearers, to enter into and upon all, and every the lands and inclosures, in, through and over which the said intended turnpike road may be thought proper to pass, and to examine the ground most suitable for the purpose, and the quarries and beds of stone and gravel, and other materials in the vicinity, that will be necessary in making and constructing the said road, and to survey, lay down, ascertain, mark and fix such route or track for the same, as, in the best of their judgment and skill, will combine shortness of distance with the most practicable ground from the river Schuylkill at Reading, through Middletown, in the county of Berks, thence through the borough of Lebanon, Millerstown and Palmstown, in the county of Dauphin, till it intersects the road leading from Cornwall-furnace to Hummelstown, at or near to Hummelstown aforesaid.

The president, managers, &c. may enter lands over which the road may pass, &c.

And 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, by and with their superintendants, engineers, artists, workmen and laborers, with their tools and instruments, carts, waggons, wains and other carriages and beasts of draught and burden, to enter upon the lands, in, over, contiguous and near to which the route and track of the said intended road shall pass, first giving notice of their intention to the owners thereof, or their representatives,

The president, managers, &c. may enter upon lands near the track of said road to take materials;

first giving notice to the owners & making compensation for materials or damage.

representatives, and doing as little damage thereto as possible, and repairing any breaches they may make in the inclosures thereof, and making compensation for any damages that may be done to any improvements thereon, and also for the value of the materials, by appraisement to be made in the manner herein after directed, and upon reasonable agreement, if they can agree; if they cannot agree, then upon an appraisement to be made, upon oath or affirmation, by three disinterested reputable freeholders, to be mutually chosen, whose award, or the award of any two of them, shall be final; and if either the said president and managers, or the said owners, shall, upon due notice, neglect or refuse to join in the choice, then it shall and may be lawful for any justice of the peace of the county where the said damages may be done, not interested on either side, to appoint the said freeholders: *Provided*, That under the last manner of appointing the said freeholders, either of the parties may appeal to the court, in the usual manner, within six days from the time of giving the award, and upon tender of the value so appraised and adjudged as aforesaid, it shall and may be lawful for the said president and managers, or for any person or persons by his, or their directions, to dig, cut, take and carry away any timber, stone, gravel, sand or earth there being most conveniently situated for making or repairing the said road.

The road to be laid out, made and kept in repair.

Sec. 10. *And be it further enacted by the authority aforesaid*, That the said president, managers and company shall cause a road to be laid out sixty feet wide, and at least twenty-one feet thereof to be made an artificial road, bedded with stone, gravel, or any other hard substance, well compacted together, and of sufficient depth to secure

secure a solid foundation, in such manner as to secure, as near as the materials will admit, a firm and even surface rising towards the middle by a gradual arch, and so nearly level in its progress as that it shall in no place rise or fall more than will form an angle of four degrees with a horizontal line, and shall forever hereafter maintain and keep the same in good and perfect order and repair: *Provided nevertheless*, That if the said road shall be laid out and founded over and upon any land, whereby the owner thereof shall suffer damage, the person or persons sustaining such damage may make application to the court of the county in which such damage shall have been done, and thereupon the court shall appoint six fit disinterested persons to view and adjudge the amount of the damage so done, which, if approved of by the court, shall be paid by the company.

But any damage to private property to be assessed & paid for.

Sec. 11. *And be it further enacted by the authority aforesaid*, That as soon as the said president, managers and company shall have perfected the said road from the Schuylkill bridge the distance of five miles, and so, from time to time, any distance not less than five miles progressively, they shall give notice thereof to the Governor, who shall thereupon forthwith nominate and appoint three skilful and judicious persons to view and examine the same, and report to him in writing, whether the said road, or so much thereof as is finished, is executed in a masterly workmanlike manner, according to the true intent and meaning of this act, and if their report shall be in the affirmative, then the Governor shall, by licence under his hand and the lesser seal of the Commonwealth, permit and suffer the said president, managers and company to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and

When turnpikes may be erected and tolls collected.

sufficient to collect the tolls and duties herein after granted to the said company, from all persons travelling on the same with horses, cattle, carts and carriages.

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 in manner aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper to collect, and receive of and from all and every person and persons using the said road, the tolls and rates herein-after mentioned, and to stop and detain any person riding, leading or driving any horse, or driving any cattle, hogs, sheep, fulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure from passing through the said gates or turnpikes until they shall respectively have paid the same; *that is to say,* for every ten miles of the said road, the following sums of money, and so in proportion for any lesser distance, or for any greater or lesser number of sheep, hogs or cattle; *to wit,* For every score of sheep twelve and an half cents; for every score of hogs twelve and an half cents; for every score of cattle twenty-five cents; for every horse and his rider, or led horse, six cents; for every fulkey, chair, or chaise, with one horse and two wheels twelve and an half cents; for every chariot, coach, phaeton or chaise with two horses and four wheels twenty-five cents; for either of the carriages last mentioned with four horses thirty-seven and one half cents; for every other carriage of pleasure, under whatever name it may go, the like sums according to the number of wheels

Toll gatherers
to be appointed.

Rates of tolls.

wheels and horses drawing the same; for every sleigh or sled six-cents, for each horse drawing the same; for every cart or waggon the wheels of which do not exceed the breadth of four inches, ten 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, six cents for each horse drawing the same; for every cart or waggon, the breadth of the wheels of which shall be more than seven inches and not more than ten inches, or being of the breadth of seven inches shall roll more than ten inches, five 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, four cents for each horse drawing the same; for every cart or waggon, the breadth of the wheels of which shall be more than twelve inches, three cents for each horse drawing the same: *Provided*, That no toll be demanded or taken from any person passing or repassing from one part of his or her farm to another, or going to or returning from public worship or a funeral, or going to or returning from performing militia duty, either on horseback or with carriages, on days appointed for such purposes.

Who shall be exempt from toll.

Sec. 13. *And be it further enacted by the authority aforesaid*, That no waggon or other carriage with four wheels, the breadth of the wheels of which shall not be four inches, shall be drawn along the said road between the first day of December and the first day of May following in any year, with a greater weight thereon than two tons and an half, or with more than three tons during the residue of the year; that

Regulations of the burthen of carriages to be drawn along said road.

no such carriage, the breadth of the wheels of which shall not be seven inches, or being six inches or more, shall not roll at least ten inches, shall be drawn along the said road between the said first days of December and May, with more than three tons and an half, or with more than four tons during the residue of the year; that no such carriage, the breadth of the wheels of which shall not be ten inches or more, or being less shall not roll at least twelve inches, shall be drawn along the said road between the said first days of December and May, with more than five tons, or with more than five tons and an half 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 ton and a quarter between the said first days of December and May, or with more than one ton and an half during the residue of the year; that no such carriage, the wheels of which shall not be of the breadth of seven inches, shall be drawn along the said road with more than two tons and an half between the first days of December and May, or with more than three tons during the residue of the year; that no such carriage, the wheels of which shall not be of the breadth of ten inches, shall be drawn along the said road between the said first days of December and May, with more than three tons and an half, or with more than four tons during the residue of the year; that no greater weight than seven tons shall be drawn along the said road in any carriage whatever between the said first days of December and May, nor more than eight tons during the residue of the year.

Sec. 14. *And be it further enacted by the authority*

thority aforesaid, That all such carriages as aforesaid, which shall be drawn by oxen, or partly by horses and partly by oxen, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse.

Comparative
toll for oxen,
mules & horses.

Sec. 15. And be it further enacted by the authority aforesaid, That if the said company shall neglect to keep the said road in good and perfect order and repair, for the space of five days, and information thereof shall be given to any justice of the peace of the neighbourhood, such justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested freeholders, to meet at a certain time in the said precept to be mentioned, at the place in the said road which shall be complained of, notice of which meeting shall be given to the keeper of the gate or turnpike nearest thereto, and the said justice shall, at such time and place, by the oaths or affirmations of the said freeholders, enquire whether the said road, or any part thereof, is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made, under the hands of himself and a majority of the said freeholders; and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes and gates, for passing the interval of road between them shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order

Proceedings
in case the road
is not kept in
repair.

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 aforesaid, until the same is put in repair, such keeper shall forfeit and pay, to any person who may sue for the same, five dollars, to be recovered as debts of equal amount are or may be by law recoverable ; and if the same shall not be so put into good and perfect order and repair before the next general court of quarter sessions of the peace, to be held for the county wherein the said defective part or parts of the said road shall be, the aforesaid justice shall certify and send a copy of the inquisition aforesaid to the justices of the said court, and the said justices shall thereupon cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company with the care and superintendance of such part of the said road as shall be so found defective, and shall direct a bill of indictment to be sent to the grand inquest against the person or persons interested as aforesaid ; and upon conviction, the said court shall give such judgment according to the nature and aggravation of the neglect, as according to right and justice may be proper ; and the fines and penalties so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed ; to be applied to repairing such highways as the township or county is bound to maintain and repair at the public expence thereof.

Mode of recovering forfeitures in such case.

Appropriation of the same.

Penalty for attempting to evade the payment of tolls.

Sec. 16. *And be it further enacted by the authority aforesaid,* That if any person or persons whomsoever, owning, riding in, or driving any sulkey, chair, phaeton, cart, waggon, wain, sleigh,

fleigh, sled or other carriage of burden or pleasure, or owning, riding, leading or driving any horse, mare or gelding, or driving any hogs, sheep or other cattle, shall therewith pass through any private gate or bars, or along or over any private passage, way or other ground near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company, and evade the payment of the toll or duty for passing through any such gate or turnpike; or if any person or persons, with such intent, take off or cause to be taken off, any horse, mare, gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, or practise any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person and persons, in all or any of the ways or manners aforesaid, offending, shall for every such offence, respectively, forfeit and pay to the president, managers and company, 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 an equal amount may be sued for and recovered.

And how to
be recovered.

Sec. 17. *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

Accounts of
subscriptions
to be kept;

in

and annually submitted to the stockholders.

If the capital stock shall be found insufficient, it may be increased by new subscriptions.

in the prosecution of their said work; and shall once at least in every year submit such accounts to a general meeting of the stockholders until the said road shall be completed, and until all the costs, charges and expences of effecting the same shall be fully paid and discharged, and the aggregate amount of such expences shall be liquidated and ascertained; and if upon such liquidation, or whenever the capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting to be convened, according to the provisions of this act, or their 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 money subscribed for such shares, in like manner and under the like penalties as are herein before provided for by the original subscriptions, or as shall be provided by their bye-laws.

Accounts of tolls to be kept;

and dividends made of the profits.

Sec. 18. *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 gates or turnpikes on the said road, from beginning to end, 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 March and September in every year, publish the half-yearly dividend to be made of the said clear profits among the stockholders, and of the

time

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

Sec. 19. *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, showing the whole amount of their capital expended in the prosecution of the said work, and 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 increase the tolls herein before 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 two years after the said road shall be completed, they shall render to the General Assembly, a like abstract of their accounts for two preceding years; and if, at the end of any such period, it shall appear by such abstract, that the clear profits and income of the said company will bear a dividend of more than nine per centum per annum, the

Triennial accounts of the corporation to be exhibited to the legislature.

And if in a certain time the profits will not yield six per cent. the tolls may be increased;

but when it exceeds nine per cent. the surplus to be applied in purchasing off the shares.

surplus above that amount, whenever 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 stockholders 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 have been purchased as aforesaid, then the said road shall be free, and no toll whatever shall be exacted.

Sec. 20. *And be it further enacted by the authority aforesaid,* That the said company shall cause posts to be erected at the intersection of every public road falling into and leading out of the said turnpike road, with boards and index-hand pointing to the direction of such road, on both sides whereof shall be inscribed, in legible characters, the name of the town, village or place, to which such road leads, and the distance thereof in computed miles.

Direction posts
to be erected
on said road;

Sec. 21. *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 Schuylkill aforesaid, and then extending 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 Reading and Harrisburg, and at every gate or turnpike by them to be fixed on the said road, shall cause the distance

and mile-
stones.

tance

tance from Reading aforesaid, and the distance from the nearest gates or turnpikes in each direction, to be marked, in legible characters, designating the number of miles and fractions of a mile on the said gates, or some other conspicuous place, for the information of travellers using the said road; and if any person shall wilfully destroy the said posts, boards, index-hands or mile-stones, or deface the same, or deface the directions made on the said gates or other conspicuous places as aforesaid, such person being convicted thereof, by the evidence of one or more credible and disinterested witness or witnesses, before any disinterested justice of the peace of the county where any of the said posts, boards, index-hands, mile-stones and directions on the said gates or other conspicuous places, shall be destroyed or defaced, he shall be adjudged by the said justice to pay a fine not exceeding ten dollars, to be recovered with costs, as debts of equal amount are or may be by law recoverable; which fine, when recovered, shall be paid by the said justice to the treasurer of the said company for the use of the company.

Penalty for destroying or defacing direction boards or mile-stones.

How to be recovered.

Sec. 22. *And be it further enacted by the authority aforesaid,* That all waggoners and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right-hand side of said road in the passing direction, leaving the other side of the road free and clear for other carriages to pass; and 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 recoverable.

Waggoners, &c. to keep the right hand side of the road.

Penalty for offending against this provision.

Sec. 23.

Limitation of time for beginning and for completing said road.

Sec. 23. *And be it further enacted by the authority aforesaid,* That if the company shall not proceed to carry on the said work within four years after the passing of this act, or shall not within ten years afterwards complete the said road, according to the true intent and meaning of this act, then, in either of those cases, all and singular the rights, liberties, privileges and franchises hereby granted to the company, shall revert to this Commonwealth.

Provision in case the Legislature should wish to purchase the road.

Sec. 24. *And be it further enacted by the authority aforesaid,* That if the Legislature should at any time after the year one thousand eight hundred and twenty-five, think proper to take possession of the said road, or to declare the same to be free of toll, five persons shall be appointed by the Legislature, and five by the president and managers of the said company, who, or any six or more of them, shall proceed to examine and estimate the value of the property which the said company hath therein, and certify the amount thereof to the Governor of this Commonwealth, who shall cause the same to be laid before the Legislature at their next session; and whenever the amount so certified shall be paid 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—the second day of March in the year of our Lord one thousand eight hundred and five.

THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennsylvania.

CHAP-