

CHAPTER LXXVII.

An ACT to enable the Governor to incorporate a Company to make an artificial Road from the Spring-House Tavern, in Montgomery County, through Strawntown, in Bucks County, to Bethlehem, in Northampton County.

Section I. **B**E it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Jacob Clemmens, John Roberts, Esq. and Christian Dull, of Montgomery county; David Thomas, Thomas Matthias and John Stokes, of Bucks county; and Abraham Levering, Thomas M'Keen and Abraham Minch, of Northampton county, 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 Spring-house and Bethlehem 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, entitled, 'An act to enable the Governor to incorporate a company for making an artificial road from the Spring-house tavern, in Montgomery county, to Bethlehem, in Northampton county;' witness our hands the day of _____ in the year of our Lord one thousand eight hundred and five;" and shall give notice in two of the public news-papers printed in the city

Commissioners appointed to receive subscriptions for the Spring-house & Bethlehem turnpike road.

Form of subscriptions.

Notice to be published of the times and places when &

where subscription books will be opened.

Who may subscribe.

Number of shares to be subscribed for; if not obtained in three days, the commissioners may adjourn, from time to time.

Subscribers to pay 10 dollars on each share, at the time of subscribing.

For what purpose.

city of Philadelphia, and one in each of the counties of Montgomery, Bucks and Northampton, to be continued 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 which times and places, 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, which shall be kept open for the purpose, at least four hours in every juridical day, for the space of three days, if three days shall be necessary, and if, at the expiration of the said three first days, the said books shall not have seven hundred shares therein subscribed, the said commissioners may adjourn, from time to time, until the said number of shares shall be subscribed, of which adjournment public notice shall be given in at least two public papers; and when the said subscriptions in the said books shall amount to the number aforesaid, the same shall be closed: *Provided always*, That every person offering to subscribe in the said books, in his own name or in the name of any other person, shall previously pay to the attending commissioners 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 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 sixty persons or more shall have subscribed three hundred shares or more of the said stock, the said commissioners may, or when the whole number of shares aforesaid shall be subscribed, they shall certify, under

When a sufficient number of shares are subscribed for, the commissioners to cer-

under their hands and seals, the names of the subscribers and number of shares subscribed by each subscriber, to the Governor, whereupon he shall, by letters patent under his hand and the seal of the State, create and erect the subscribers, and if the said subscription be not full at the time, then also those who shall thereafter subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The Spring-House and Bethlehem 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 less 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.

tify, &c. to the Governor;

who shall thereupon incorporate the company.

Style of the corporation;

its privileges and powers.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the commissioners herein before named shall, as soon as conveniently may be after the letters patent are obtained, give thirty days notice in two public news-papers printed in Philadelphia, one in each of the counties of Montgomery, Bucks and Northampton, one of which papers shall be printed in the German language, of the time and place by them appointed

Commissioners to notify the company to meet for the purpose of organizing the corporation.

Officers to be chosen.

No stockholder to have more than five votes.

The times of annual & special meetings of the company;

and power of the company at such meetings.

pointed 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, to conduct the business of the said company, until the second Monday of November 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.

Sec. 4. *And be it further enacted by the authority aforesaid*, That the said company shall meet on the second Monday of November in every year, at such place as shall be fixed by their bye-laws, for the purpose of choosing such officers for the ensuing year, in manner aforesaid, and at such other times to which they shall be summoned by the managers, 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.

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

Certificates of

gers first chosen as aforesaid, shall procure certificates for all the shares of the stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person, for every share by him subscribed and held, he paying ten dollars for each share; which certificate shall be transferrable at his pleasure, in person or by attorney duly authorized, in the presence of the president or treasurer, subject however to all payments due and to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for the purpose, shall be a member of the corporation; and for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock of all the estate and emolument of the company, and to vote as aforesaid at the meetings thereof.

shares to be issued;

which shall be transferrable, &c.

Sec. 6. *And be it further enacted by the authority aforesaid,* That the said president and managers shall meet at such times and places as shall be ordained by their bye-laws, and any seven members shall form a quorum, who, in the absence of the president, may choose a chairman; they 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, in order to carry on the work, and to draw orders on the

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

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

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

Sec. 7. *And be it further enacted by the authority aforesaid*, That if, after thirty days notice in two of the public news-papers printed in the city of Philadelphia, and one in each of the counties of Montgomery, Bucks and Northampton, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or dividend at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the dividends so called for, pay after 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 be sold to any person or persons willing to purchase, for such price as can be obtained for the same.

Authority for the president, managers, &c. to enter lands, quarries, &c.

Sec. 8. *And be it further enacted by the authority aforesaid*, That it shall be lawful for the said president and managers, their superintendants, surveyors, artists and chain-bearers to enter into and upon all and every the lands

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 other materials in the vicinity that will be necessary for 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.

and lay out the route or track of the road.

Sec. 9. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said president and managers, their superintendants, engineers, artists and labourers, with their tools and instruments, carts, waggons, wains and other carriages, and with beasts of draught and burthen 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, upon 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, 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 the county not interested on either side, and the said freeholders, or any two of them, agreeing, shall deliver their award to the said justice in writing, and on payment or tender of the appraised

Power of the president, managers, &c. to take materials;

and mode of estimating the compensation therefor.

praised value, the said president and managers and their workmen may proceed to dig, take and carry away any stone, gravel, sand or earth being most conveniently situated for making or repairing the said road: *Provided*, That under the last manner of appointment 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.

Mode of assessing damages to persons over whose land the road may pass.

Sec. 10. *And be it further enacted by the authority aforesaid*, That if the said road shall be laid out 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 is sustained, 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.

Regulations for laying out the 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 not less than fifty feet, nor more than sixty feet in width, in such manner as that the present buildings on said road be not injured, 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

four degrees, with an horizontal line, and shall forever hereafter maintain and keep the same in good and perfect order, from the Spring-house tavern, in Montgomery county, through Strawntown, in Bucks county, to Bethlehem in Northampton county; and the said president, managers and company shall have power to erect permanent bridges over all the waters crossing the the said road.

Sec. 12. *And be it further enacted by the authority aforesaid,* That so soon as the company shall have perfected the said road, from the Spring-house tavern the distance of two and a half miles, and so from time to time any distance not less than five miles progressively, likewise when the remainder shall be finished, they shall give notice thereof to the Governor, who shall thereupon forthwith nominate and appoint three disinterested persons to view and examine the same, and report to him, in writing, whether the said road is so far executed in a masterly and workman-like manner, according to the true intent and meaning of this act; and if their report shall, in either case, be in the affirmative, then the Governor shall, by licence under his hand and the less 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 be demanded or taken from any person or persons passing or repassing from one part of his or her farm to another, and all persons attending funerals, places of worship, and all militia-men, on days of training

Authority to erect bridges.

When licence to erect gates may be obtained.

Who shall be exempt from toll.

training, their horses and carriages, shall be exempt from the payment of tolls in going to and returning therefrom.

When the company may appoint toll-gatherers.

Sec. 13. *And be it further enacted by the authority aforesaid,* That when the said company is licenced 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 or persons, using the said road, the tolls and rates herein after mentioned, and to stop any person riding or leading any horse, or driving any horses, cattle or hogs, sheep, coach, coachee, fulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or any other carriage of burthen or pleasure, from passing through the said turnpikes, until they shall respectively have paid the same; *that is to say,* For every five miles in length of the said road, completed and licenced as aforesaid, the following sums of money, and so in proportion for any less distance, or for any greater or less number of sheep, hogs or cattle; *to wit,* For every score of hogs, six cents; for every score of sheep, six cents; for every score of cattle, twelve cents; for every horse and his rider or led horse, three cents; for every fulkey, chair or chaise, with one horse and two wheels, six cents; and with two horses, nine cents; for every chariot, coach, phaeton or chaise, 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 be known, the like sums, according to the number of wheels and horses drawing the same; for every stage-waggon, with two horses, twelve cents; and for every such waggon, with four horses, twenty

Rates of tolls.

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ty cents; for every sleigh, three cents for each horse drawing the same; and for every sled, two cents for each horse drawing the same; for every cart or waggon, the breadth of the wheels of which shall exceed four inches and not exceed seven inches, three cents for every 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, two cents for every horse drawing the same; for every cart or waggon the breadth of the wheels of which shall be more than ten inches and not exceed twelve inches, or being ten inches shall roll more than fifteen inches, one cent for every horse drawing the same; for every cart or waggon, the breadth of the wheels of which shall be more than twelve inches, one cent for every horse drawing the same; and if any person or persons shall represent to the said company, or any of their officers, that he, she or they have travelled a less distance than he, she or they have actually travelled along the said road, with intent to defraud the said company of 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 toll from any person or persons than such toll-gatherer is authorised to demand and receive, by virtue of this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars, for every such offence, to the use of the poor of the township in which the forfeiture is incurred; but if there be

Penalty for intending to defraud the company of toll.

Penalty for demanding more toll than is allowed by law.

Appropriation thereof.

no

no poor, then to the supervisors for the repair of the roads in said township, and for the payment of which the said company shall be responsible.

Comparative
toll of oxen,
mules & horses.

Sec. 14. *And be it further enacted by the authority aforesaid,* That all such carriages as aforesaid, which may 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.

Proceedings
in case the road
shall not be
kept in good
repair.

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 for the space of five days, and information thereof shall be given to any justice of the peace of the neighbourhood, within the county where the repair ought to be made, such justice shall issue a precept to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time, in the said precept to be mentioned, at the place in the said road of which complaints is made, 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 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 so certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective

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 into good and perfect order and repair as aforesaid; and if the same shall not be so put into good and perfect order and repair, before the next general court of quarter-sessions of the peace, to be held for the county in which the defect is proved to 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 entrusted by the said company as aforesaid, and upon conviction shall give such judgment, according to the nature and aggravation of the neglect, as the said court may deem just and 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 the public roads within such township.

In certain cases toll shall not be demanded.

Sec. 16. *And be it further enacted by the authority aforesaid,* That if any person or persons whomsoever, owning, riding in, or driving any fulkey, chair or chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of pleasure or burthen, riding or leading any horse, mare or gelding, or driving any hogs, sheep or other

Penalty for endeavouring to avoid the payment of toll.

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 sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of pleasure or burthen, 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, every person or persons, in all or any of the ways or manners aforesaid, offending, shall, for every such offence respectively, forfeit and pay to the president, managers and company of the Springhouse and Bethlehem turnpike road, any sum not exceeding ten dollars; to be sued for and recovered, with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations as debts of a similar amount may be sued for and recovered: *Provided always*, That if any person or persons shall be 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 vexatious prosecution; recoverable as other fines under this act.

Proviso in case an action for such penalty is not sustained.

Fair accounts of the company to be kept;

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

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 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.

and submitted annually to the stockholders.

If the capital stock shall be found insufficient to complete the road, the shares may be increased.

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 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,

Accounts of monies collected for toll to be kept;

and the profits thereof, and shall make and declare a dividend divided among the stockholders 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.

Notice to be published when and where the dividends will be paid.

Sec. 19. *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 an abstract of their accounts, shewing the whole amount of capital expended in prosecution of the said work, and of the income and profits arising from the tolls for and during the said respective periods, together with an exact account of the costs and charges of keeping the said road in repair, and all other contingent costs and charges, 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 before allowed, so much upon each and every allowance thereof, as well raise the dividend up to six per cent. per annum, and at the end of every year after the said road shall be completed

An abstract of the accounts to be laid before the Legislature.

And if the profits will not yield a dividend of six per cent. the tolls may be increased;

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, for which shares the said company shall pay the sums which were originally paid for each respective share, and when the whole number of shares shall be purchased as aforesaid, then the said road shall be free and no toll whatever shall be exacted.

but when they exceed a dividend of nine per cent. the surplus to be appropriated in buying off the shares.

When all the shares are bought off the road shall be free.

Sec. 20. *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 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.

Direction posts and index-hands to be erected at the intersection of every road with the turnpike.

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 Spring-house, and extending thence to the termination of the turnpike aforesaid, whereon shall be marked, in plain legible characters, the respective number of miles which

Mile-stones, &c. to be erected on the road;

and at every gate the distance from certain places to be marked.

Penalty for destroying mile-stones, &c.

or throwing any rubbish in the road.

which each stone is distant from Philadelphia, and, at every gate or turnpike by them to be fixed on the said road, shall cause the distance from the Spring-house 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, weeds or rubbish of any kind, such person, being convicted thereof by the evidence of one or more credible and disinterested witnesses or witnesses, before any justice of the peace of the county not interested in the road, he or she 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 said company.

Directions for drivers on said road.

Sec. 22. *And be it further enacted by the authority aforesaid,* That all waggoners and drivers of carriages of all kinds, whether of burthen 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

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 recoverable.

Penalty for offending against this provision.

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 three years after the passing of this act, or shall not, within fifteen 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 the Commonwealth.

Time allowed for commencing and finishing 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 thirty, think proper to take possession of the said road, three persons shall be appointed by the Governor, 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, 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 the said company, their right to take toll on the said road,

Proceedings in case the Legislature should think proper to purchase the road.

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

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

JOHN STEELE, *Speaker*
of the *Senate.*

APPROVED—the fourth day of April, in the year of our Lord one thousand eight hundred and five.

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

CHAPTER LXXVIII.

An ACT enjoining certain Duties on the Holders of Land-Warrants not executed, and on the Holders of unseated Lands.

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 it shall be the duty of all persons now holding or that may hereafter hold unexecuted land-warrants, to file or enter the same with the surveyors of the proper district within two years after the passing of this act, or within two years after the date of such warrants respectively, and on failure thereof, such warrant or warrants shall not have any force or effect against a warrant of later date, nor against an actual settler on the lands called for in such unexecuted warrant.

Within what time unexecuted land warrants are to be filed with the deputy-surveyor.

Sec. 2.