

standing: *Provided always*, That nothing herein contained shall in any degree prejudice or affect the right of private property. 1801.

SECT. III. *And be it further enacted by the authority aforesaid*, That the expenses attending the execution of the duties enjoined upon the commissioners, to be appointed by the first section of this act, as also the expenses which shall be incurred in running the lines between said counties, shall be paid out of the treasuries of the counties of Lancaster and Chester respectively, in equal proportion.

How the expense of running the line shall be paid.

Passed 10th February, 1801.—Recorded in Law Book No. VII. page 222.

CHAPTER MMCLXVII.

An ACT to erect and regulate sundry election districts in the county of York.

SECT. I. *BE 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 from and after the passing of this act, it shall and may be lawful for the electors of those parts of Manheim and Heidelberg townships, included within the bounds of York county, with that part of Paradise township on the west of a line to begin at the house of George Beack, thence by Nicholas Andrew, George Mayer and Michael Fissel, inclusive, together with that part of Codorus township on the west of a line to begin at the house of Jost Runk, thence by Henry Strikehouser, Christian Rohrback, Peter Kreps and Ludwig Frasher, inclusive, shall be a district, to be called the second election district, and the electors thereof shall hold their elections at the house now occupied by Daniel Clapsadle in the town of Hanover.

Second election district of York county.

SECT. II. *And be it further enacted by the authority aforesaid*, That the township of Newbury shall be a district, to be called the third district, and the electors thereof shall hold their elections at the house of Eli Lewis in the town of Lewisbury.

Third district.

SECT. III. *And be it further enacted by the authority aforesaid*, That those parts of Warrington, Reading, Monahan and Huntingdon townships, included within said county, shall be a district, to be called the fifth election district, and the electors thereof shall hold their elections at the house now occupied by John McClellan, on the road leading from York to Carlisle.

Fifth district.

Passed 10th February, 1801.—Recorded in Law Book No. VII. page 223.

CHAPTER MMCLXVIII.

An ACT to enable the Governor of this Commonwealth to incorporate a company for making an artificial road from the city of Philadelphia, through Germantown, to the ten-mile stone on Chesnut-hill, and from thence to the new stone bridge, over Perkiomen creek, in the county of Montgomery.

SECT. 1. [COMMISSIONERS for receiving subscriptions for the Germantown turnpike road. Their duty in receiving subscrip-

1801. tions. Payment to be made by the subscribers. 2. Proceedings to obtain a charter of incorporation. Corporate style to be "The President, Managers and Company of the Germantown and Perkiomen Turnpike road," and to have the usual corporate privileges. 3. Proceedings to organize the corporation, and to choose corporate officers. No person to have more than five votes, &c. 4. Time and place of company meetings prescribed. 5. Certificates of stock to be issued, and to be transferable. 6. Time and place of meetings of the president and managers to be as directed by the by-laws. Of the quorum, records, and powers of the president and managers. 7. Proceedings if stockholders do not pay the dividend on their shares. 8. Courses and distance of the road prescribed, and also, 9. The width, level and structure of the road. Power to erect bridges. 10. Proceedings to obtain a license to erect turnpike gates. 11. Rates of toll prescribed, And, penalty on false representations of the distance travelled, and for extorting more than legal tolls. 12. Weight of loads to be carried during specified periods of the year, in carriages whose wheels are of certain width, prescribed. Penalty for transgressing and power to alter the regulations of the act by by-laws. Limited. 13. Comparative tolls of horses, oxen and mules fixed.]

Proceedings
if the road is
not kept in
order.

SECT. XIV. *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 which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto within the said county, and the said justice shall at such time and place, on the oaths or affirmations of the said persons, inquire 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 certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates, between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid: And if the same shall not be so put 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 Justices shall certify and send a copy of the inquisition aforesaid to the Justices of the said court, and the said Justices shall thereupon cause process to issue, and bring in the body or bodies of the person or persons intrusted by the company with the care and superintendance of such part of the said road as shall be so found defective, and shall proceed upon such inquisition in the same manner and form as upon indictments found by the

grand inquest for the body of the county against supervisors of the highways, for neglect of their duty; and if the person or persons intrusted by the said company as aforesaid shall be convicted of the offence by the said inquisition charged, the said court shall give such judgment, according to the nature and aggravation of the neglect, as according to right and justice, would be proper in the case of supervisors of the highways neglecting their duties; and the fines and penalties so to be imposed, shall be recovered in the same manner 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.

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SECT. xv. *And be it further enacted by the authority aforesaid,* That if any person or persons whomsoever, owning, riding in, or driving any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled, or other carriage of burthen or pleasure, or owning, riding, leading or driving any horse, mare, gelding, hogs, sheep or other cattle, shall therewith pass through any private gates or bars, or along or over any private passage, way or other ground, near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company and avoid the payment of the toll or duty for passing through any such gate or turnpike; or if any person or persons shall with such intent, take off, or cause to be taken off, any horse, mare, or gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled, or other carriage of burthen or pleasure, or practise any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons, in all or every, or any of the ways or manners aforesaid offending, shall for every such offence respectively, forfeit and pay to the president, managers and company, of the Germantown and Perkiomen turnpike road, the sum of 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 under twenty pounds may be sued for and recovered: *Provided always,* That if any person or persons shall be prosecuted under this section of the act, and the said prosecution shall not be sustained on the part of the prosecutors, then, and in such case the person or persons prosecuted as aforesaid, shall receive from the company the sum of ten dollars, in lieu of damages arising from delay and a vexatious prosecution, recoverable as other fines under this act.

Frauds on
the turnpike
how punish-
ed.

SECT. 16. [Accounts of the company to be kept, and power to extend the capital of the company. 17. Of dividends, how to be made and declared. 18. An abstract of the accounts to be laid before the Legislature. Provision for increasing the tolls, for purchasing the shares, and extinguishing the tolls. 19. Index posts to be erected.]

SECT. xx. *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 Philadelphia, and extending thence to the termination of the turn-

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

1801. pike aforesaid, whereon shall be marked in plain legible characters the respective number of miles which each stone is distant from the bounds of the city of Philadelphia, and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from Philadelphia, 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 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 before any disinterested Justice of the Peace of the county, he or she shall be adjudged by the said Justice to pay a fine not exceeding five dollars, to be recovered with costs, as debts under five pounds are by law recoverable: which fine when recovered, shall be paid by the said Justice to the Treasurer of the said company, for the use of said company.

Penalty for wilfully destroying the index posts and mile-stones.

Manner of driving on the road.

SECT. XXI. *Aud 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 clear for other carriages to pass and to repass; and if any driver shall offend against this provision, he shall forfeit and pay the sum of 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 under forty shillings are by law recoverable.

SECT. 22. [Limitation for commencing and finishing the road, and 23. Provision for the Legislature paying the expense, and extinguishing the toll.]

Passed 12th February, 1801.—Recorded in Law Book No. VII. page 224.

CHAPTER MMCLXIX.

[Ante. page 224, chap. 1830.]

A SUPPLEMENT to an act, entitled "An Act to authorize the inhabitants of the Northern-Liberties, within a certain described part thereof, to regulate the streets, lanes and alleys within the same, and for other purposes therein mentioned."

SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the supervisors of the roads of the township of the Northern-Liberties, shall regulate or cause to be regulated, all the streets, lanes and alleys, within that part of the said township, described in and

Regulation of the streets in the Northern Liberties.