

by the authority of the same, That the authority vested in the trustees of Mercer county, by an act passed March the twenty-fourth, one thousand eight hundred and three,<sup>(1)</sup> shall, from the first day of June next, cease and determine, and the said trustees shall, on or before the said day, deliver over and surrender to the commissioners of said county, for the time being, all monies, bonds, notes, books, documents, vouchers and papers which have come to their hands as trustees aforesaid, and are in anywise belonging or appertaining to their office and trust, under and in pursuance of the act aforesaid, and all the duties of the said trustees, which remained to be performed, shall therefrom be vested in and performed by the commissioners of Mercer county aforesaid.

Approved March 25, 1805. Recorded in L. B. No. 10, p. 118.

Note (1). Chapter 2354. Supra, this volume, p. 300.

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## CHAPTER MMDLXXVIII.

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AN ACT TO ENABLE THE GOVERNOR TO INCORPORATE A COMPANY FOR MAKING AN ARTIFICIAL ROAD, BY THE BEST AND NEAREST ROUTE, FROM THE BOROUGH OF SUNBURY, IN THE COUNTY OF NORTHUMBERLAND, TO THE BOROUGH OF READING, IN THE COUNTY OF BERKS.

Section I. (Section I, P. L.) 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 Joseph Priestly and John Cowden, of the town of Northumberland; Charles Hall, of Sunbury, Dr. James Doogall, of Milton, Daniel Montgomery, junior, of Danville, Jacob Toppel, of Hamburgh, alias Kerchers-town, John Heister and James May, of Reading, Samuel Morris, Thomas Leiper, William Tilghman, and James Gibson of the city of Philadelphia, and William Hepburn, of the county of Lycoming, be, and they hereby are appointed commissioners to do and perform the several things hereinafter mentioned; 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: "We, whose names are hereunto subscribed, do promise to pay to the president, managers and company of the Centre turnpike road leading from Reading to Sunbury, the sum of fifty dollars, for every share of stock in the said company 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 commonwealth, entitled, "An act to enable the governor to incorporate a company for making an artificial road, by the best and nearest route, from the borough of Sunbury, in the county of Northumberland, to the borough of Reading, in the county of Berks, and passing through Hamburg, alias Kercherstown, witness our hands, the                      day of                      in the year of our Lord one thousand eight hundred and five;" 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 at Reading and Northumberland 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 one of the said commissioners shall attend, and shall permit all persons of lawful age who shall offer to subscribe in the said books, in their own name, or the 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 in the city of Philadelphia, shall have one thousand shares therein subscribed; the said book opened at Reading, five hundred shares therein subscribed; and the said book opened at Northumberland, five hundred 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 thousand, 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 five dollars, for every share to be subscribed, out of which shall be defrayed the expenses 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 hereinafter mentioned, to be by him, from time to time, invested in the name of and for the benefit of the said corporation, in some public fund or stock within the state of Pennsylvania.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That when one thousand or the whole number of shares shall be actually subscribed, 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 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 Centre Turnpike Road leading from Reading to Sunbury;" 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 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.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the commissioners aforesaid, shall, as soon as conveniently may be, after the said letters patent are obtained, give notice in two of the public papers in Philadelphia, one of which shall be in the German language, and also in the Reading and Northumberland 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 make such by-laws, rules, orders and regulations, not inconsistent with the 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 ten 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 upon such notice, and in manner and form aforesaid, at such places as the managers aforesaid shall direct and appoint.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said company shall meet on the first Monday of June in every year, at such place as shall be fixed by their by-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 manner and form as shall be prescribed by their by-laws; at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform any other corporate act.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the president and managers first to be chosen as aforesaid, shall procure certificates, to be written or printed, for all the shares of 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 to the treasurer, in part of the sum due thereupon, the sum of eight 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 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 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.

Section VI. (Section VI, P. L.) 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 meetings 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; and a quorum being met, they shall have power and authority to agree with and appoint all such surveyors, superintendents, 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 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 this act, and the by-laws, rules, orders and regulations of the company shall be committed to them.

Section VII. (Section VII, P. L.) 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 newspapers published in Philadelphia, one of which shall be in the German language, and also in the Reading and Northumberland newspapers 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 to the said company, at any public meeting of the managers thereof, 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 no stockholder, whether original subscriber or assignee, shall be entitled to vote at 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.

Section VIII. (Section VIII, P. L.) 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 superintendents, surveyors, engineers, artists and chain-bearers to enter into and upon all, and every the lands, tenements and enclosures, 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 the making and constructing the said road, and also 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 practical ground from Sunbury to Reading as aforesaid.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That it shall be lawful for the said president and managers, with their superintendents, engineers, artists, workmen and laborers, with their tools and instruments, carts, wagons, wains and other carriages and beasts of draught and burden, to enter upon the lands, contiguous or near to the route and track of the said intended road, 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 compensation 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, mutually to be chosen, any two of them agreeing; or if either party, 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 Northumberland or Berks, not interested therein: 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 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.

Section X. (Section X, P. L.) 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 creeks and waters crossed by the said route or track, whereon the same shall be found necessary, and shall cause a road not exceeding sixty feet in width, in any part thereof, to be laid out and made, from the borough of Sunbury to the borough of Reading aforesaid, of which sixty feet, the said president, managers and company shall be bound to make an artificial road of eighteen feet, in all parts, except on mountains, where it shall not be less than fourteen feet in width, of firm, compact and substantial materials, composed of wood, gravel, pounded stone or other small hard substances, in such a manner as to secure a solid foundation and an even surface, so far as the nature of the country and the materials will admit, in the whole extent of the said road wherever it shall be necessary, and the natural surface require it, so as to fulfil the duties of the said company towards the public, and to conform to the true intent and meaning of the present act; and shall forever hereafter maintain and keep the same in good repair: 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 to and from any place of public worship or funeral on days appointed for that purpose, or from the militia on days of muster: Provided nevertheless, that if the said road shall be laid out and founded over and upon any land, whereby the owners 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 and 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.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That so soon as the said president, managers and company shall have perfected any distance of the said road not less than fifteen miles, and so from time to time, any distance not less than five miles, progressively from the same, towards either of the boroughs aforesaid, they shall give notice thereof to the governor of the commonwealth, who shall thereupon forthwith nominate and appoint three skillful and judicious persons to view and examine the same, and report to him whether the road is so far executed in a complete and 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 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 hereinafter granted to the said company, from all persons travelling on the same with horses, cattle and carriages.

Section XII. (Section XII, P. L.) 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 hereinafter mentioned, and to stop any person riding, leading or driving any horse or mule, or driving any cattle, hogs, sheep, sulky, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriage of burden 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 sulky, chair or chaise, with one horse and two wheels, six cents; and with two horses nine cents; for every chariot, coach, phaeton, chaise, stage-wagon, coachee or light-wagon 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 horses drawing the same; for every sleigh or sled, two cents, for each horse drawing the same; for every cart or wagon, or other carriage of burden, the wheels of which do not in breadth exceed four inches, four cents for every horse drawing the same; for every cart or wagon, the wheels of which shall exceed in breadth four inches and shall not exceed seven inches, three cents 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.

Section XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons owning, riding in or driving any carriage of burden 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 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 burden from any carriage of burden or pleasure, or shall practice any other fraudulent means or device, with 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 offense, respectively, forfeit and pay to the president, managers and company of the Centre turnpike road, leading from Reading to Sunbury, 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.

Section XIV. (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That if the said company shall neglect to keep the said road in good repair, for the space of twenty 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 of which complaint is made, of which meeting notice shall be given to the keepers of the gates or turnpikes between which such defective parts shall be, 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 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 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 dol-

lars, 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 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 body or bodies of the person or persons entrusted by the company with the care and superintendence 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 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 offense was committed, to be applied to repairing such highways as the township or county is bound to repair at the public expense thereof.

Section XV. (Section XV, P. L.) 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 expenses of effecting the same shall be fully paid and discharged, and the aggregate amount of such expenses shall be liquidated and ascertained; and if upon such liquidation, or whenever the whole

capital stock will not be sufficient 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 by-laws, to increase the numbers 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 by-laws.

Section XVI. (Section XVI, P. L.) 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 which may 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 December and June in every year, publish the half-yearly dividends to be made of the 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.

Section XVII. (Section XVII, P. L.) 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 prosecution of the

said work, and of the income and profits arising from the said tolls, 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, 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 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 the three preceding years; and if, at the end of any such decennial period, it shall appear from such abstract, 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 bring the said dividend to nine per centum per annum.

Section XVIII. (Section XVIII, P. L.) 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 or place, to which such road leads, and the distance thereof in measured or computed miles, and shall also cause milestones to be placed on the side of the said road, to designate the distance to and from the principal places thereon, and shall cause to be affixed on the gates to be erected for the information of travellers using the said road, a printed list of the rates or tolls which from time to time may be lawfully demanded.

Section XIX. (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully break, deface, pull up or prostrate any milestone 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 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, and each of them shall, for every such offense, 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.

Section XX. (Section XX, P. L.) And be it further enacted by the authority aforesaid, That all wagoners, carters, and drivers of carriages of all kinds, whether of burden 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 if any wagoner, 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 manner aforesaid.

Section XXI. (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That if any toll-gatherer 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 offense; 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 offense shall have been committed.

Section XXII. (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That if in any suit or prosecution which shall be commenced under the directions of this act, for any penalty incurred, whether by or against the said company or their agents, and 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 common pleas of the proper county, (if such prosecution shall have 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 have been commenced, as shall be deemed a reasonable retribution for the vexation of such suit or prosecution.

Section XXIII. (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That no suit or action shall be prosecuted by any person or persons, 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.

Section XXIV. (Section XXIV, P. L.) And be it further enacted by the authority aforesaid, That if the said 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 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.

Section XXV. (Section XXV, P. L.) 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, 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 by law 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.

Section XXVI. (Section XXVI, P. L.) And be it further enacted by the authority aforesaid, That if one thousand shares in the stock of the said company be not actually subscribed for as aforesaid, within four years from the passing of this act, then the powers and privileges hereby granted to the said company shall cease and determine, and the subscribers of shares shall have right and power to call on the president and managers, for their proportional shares of the sums by them respectively paid, after deducting their respective proportions of the reasonable expenses that shall have been actually paid or incurred.

Approved March 25, 1805. Recorded in L. B. No. 10, p. 118.

See a supplement to the act in the text; Chapter 2680 (Act March 17, 1806, P. L. 490); 18 Statutes at Large.