

CHAPTER MMDCCLIII.

AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR MAKING AN ARTIFICIAL ROAD BY THE BEST AND NEAREST ROUTE, FROM TRIEWIG'S TAVERN, IN BUCKS COUNTY, BY WAY OF SAMUEL SELLER'S TAVERN, QUAKERTOWN MEETING HOUSE AND COOPER'S TAVERN, TO NORTHAMPTONTOWN IN NORTHAMPTON COUNTY.

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 William Tilghman and James Greenleaf, of the city of Philadelphia, George Weaver, of Montgomery county, Samuel Sellers, William Green, James Chapman and Andreas Triewig, of Bucks county, Stephen Balliot, Daniel Cooper, Peter Knipley, John Keeper and George Savitz, of Northampton county, 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 April 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 Northampton turnpike road, the sum of twenty-five dollars for every share of stock, in said company, set opposite 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 of this commonwealth to incorporate a company for making an artificial road by the best and nearest route, from Triewig's tavern in Bucks county, by way of Samuel Seller's tavern, Quakertown Meeting house and Cooper's tavern, to Northamptontown, in Northampton county," 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 Doylestown and Easton, respectively, for one calendar month at least, of the times and places when and where the said books shall be kept open to receive subscriptions for the stock of the said company; at which respective times and places some two of the said commissioners shall attend, and permit and suffer 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 books opened at Philadelphia shall have two hundred shares therein subscribed, and the said books opened at Weaver's tavern, in Montgomery county, two hundred shares therein subscribed, and the said book opened at Triewig's tavern, in Bucks county, two hundred shares therein subscribed, and the said book opened at Seller's tavern, in Bucks county, two hundred shares therein subscribed, and the said book opened at Cooperstown, in Northampton county, two hundred shares therein subscribed, and the said book opened at Switz's tavern, in Northampton county, two 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 aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the said books from place to place aforesaid, or elsewhere, until the whole number of shares shall be subscribed; of which adjournments and transfer, the commissioners aforesaid shall give public notice as the occasion may require; and when the whole number of shares subscribed, in all the said books shall amount to twelve hundred, the same shall be closed: Provided always, that every person offering to subscribe in the said books, in his own or any other name, shall previously pay to the attending commissioners the sum of two dollars and fifty cents 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 hereafter mentioned.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That when fifty persons or more, shall have subscribed three hundred shares of the said stock, the said commissioners shall certify, under their hands and seals, the names of the subscribers and the number of shares subscribed by each, to the governor of this commonwealth; and thereupon it shall and may be lawful for the governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers; and if the said subscriptions be not full at the time, then also those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate in deed and in law, by the name, style and title of "The President, Managers and Company of the Northampton Turnpike Road," and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary, to fulfil the intent of this act; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or for any lesser estate, all such lands, tenements, hereditaments, and estates, 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, as soon as conveniently may be, after said letters patent shall be sealed and obtained, shall give notice in two of the public papers in Philadelphia, (one of which shall be in the German language), and also in the Doylestown and Easton papers, re-

spectively, of a time and place by them to be appointed, not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation; and shall choose by a majority of votes of the said subscribers, by ballot to be delivered in person or by proxy duly authorized, one president and twelve managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year and until other such officers shall be chosen; and shall and may make such bylaws, rules, orders and regulations, not inconsistent with the constitution and laws of this commonwealth, as shall be necessary for the well-ordering the affairs of the said company: Provided always, that no person shall have more than five votes at any election or in determining any 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: Provided nevertheless, that all future annual elections of the said corporation, shall be held with 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 Tuesday of May in every year, at such place as shall be fixed by their bylaws, 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 in manner aforesaid, all such bylaws, 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 the said stock of the 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 five dollars for each share; which certificate shall be transferable at his pleasure in person or by attorney, in the presence of the president or treasurer, subject however to all payments due, and to grow due thereon; and the assignee holding any certificate having first caused the assignment to be entered in a book of the company, to be kept for the 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 meeting seven members shall form a quorum, who in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book; and a quorum being met, they shall have full power and authority to agree with and appoint all such surveyors, superintendents, officers and artists, as they shall judge necessary to carry on the intended works, and to fix their salaries or wages; to ascertain the times, manner and proportions, when and in which the stockholders shall pay the money due on their respective shares in order to carry on the work; to draw orders on the treasurer for all monies necessary to pay the salaries or wages of persons by them employed, and for the labor done and materials provided in the prosecution of the work; which orders shall be entered or registered in their book of minutes, and shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their secretary; and generally to do all such other acts, matters and things, as by the bylaws, 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 public papers, printed in Philadelphia, (one of which shall be in the German language), and also in the Doylestown and Easton papers, respectively, of the time and place appointed for the payment of any proportion or installments 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 installment so called for, pay at the rate of five per centum per month for every delay of such payment; and if the same and the said additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such share, the same may be forfeited by and to the said company, and may be sold by them to any 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 installment as aforesaid, the said president and managers may at their election, cause suit to be brought in any court, having competent jurisdiction for the recovery of the same, together with the penalty aforesaid: Provided always, that the recovery in any such suit, shall in no case exceed the amount of such installment or installments as may be due on such share, together with such accumulated penalties at the rate aforesaid, as shall equal the sums before paid on the same share: And provided also, that no stockholder, whether original subscriber or assignee, shall be entitled to vote at any 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 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 inclosures, in, through and over which the said intended turnpike road may be thought proper to pass; and to examine the ground most proper for the purpose, and the quarries and beds of stone and gravel, and other materials in the vicinity, that will be necessary in making and constructing the said road; and to survey, lay down, ascertain, mark and fix, such route or track for the same road, as in the best of their judgment and skill will combine shortness of distance with the most practicable ground, between the points aforesaid: Provided always, that if the said road be laid out and opened through the lands of any person or persons, whereby he, she or they shall sustain damage, the said company shall make amends to such person or persons for the same, to be agreed upon between them if they can agree, and if they cannot agree, to be ascertained by appraisement as directed by the next following section of this act; the appraisers having regard in assessing damages to the advantages derived from such road, passing through the land of the complainant.

Section IX. (Section IX, 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, with their superintendents, engineers, artists, workmen, and laborers with their tools and instruments, carts, wagons, wains and other carriages with beasts of draught or burden to enter upon the lands in, over, contiguous and near to which the route and tract of the said intended road shall pass; first giving notice of their intention to the owners or occupiers thereof, and doing as little damage thereto as possible, and repairing any breaches they may make in the inclosures thereof, and making amends for any damages that may be done to any improvements thereon, upon a reasonable agreement if they can agree; or if they cannot agree, then upon an appraisement to be made upon oath or affirmation, by three disinterested freeholders, any two of them agreeing, mutually to be chosen; or

if the owners upon due notice, shall neglect or refuse to join in the choice, then, to be appointed by any justice of the peace of either of the counties of Northampton, Bucks or Montgomery, not interested therein; and upon tender of the appraised value, 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 all the waters crossed by the said route or track whereon the same shall be found necessary; and shall cause a road to be laid out the whole distance, between the points aforesaid, not exceeding one hundred feet in width; and at least twenty feet thereof to be made an artificial road, which shall be bedded where necessary, with wood, stone, gravel or other proper and convenient materials well compacted together, and of a sufficient depth, to secure a solid foundation for the same; and the said artificial road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm, and as nearly as the nature of the country and the materials will admit, an even surface, rising towards the middle by a gradual arch, and so nearly level in its progress, as that it shall in no place rise or fall more than will form an angle of five degrees with a horizontal line; and shall forever maintain and keep the same in perfect good order and repair: Provided, that they shall not obstruct any public or private road laid out and opened by order of any court of quarter sessions of this commonwealth, and crossing the road hereby directed to be made.

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 the said road, any distance not less than ten miles, and so from time to time, any distance not less than five miles progressively, they shall give notice thereof to the governor of the commonwealth; who shall thereupon forthwith nominate and appoint three skill-

ful and judicious persons, to view and examine the same and report to him whether the said road is so far executed in a complete and workmanlike manner, according to the true intent and meaning of this act; and if they or two of them report in the affirmative, then the governor shall by license, under his hand and the less seal of the commonwealth, permit and suffer the 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 traveling 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 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, viz. for every score of sheep, two cents; for every score of hogs, four cents; for every score of cattle, six cents; for every horse or mule laden or unladen, with his rider or leader, one cent and an half; for every sulky, chair or chaise with one horse and two wheels, three cents, and with two horses four cents and an half; for every chair, coach, phaeton, chaise, stage-wagon, coachee or light wagon with two horses and four wheels, six cents; for either of the carriages last mentioned with four

horses, ten 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, one cent 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, two 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, one cent and an half for each horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than seven inches and not more than ten inches, or being of the breadth of seven inches, and shall roll more than ten inches, one cent for each horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than ten inches, and not exceeding twelve inches, or being ten inches shall roll more than fifteen inches, one cent for each horse drawing the same; and for any such carriage, the breadth of the wheels of which shall be more than twelve inches, half a cent for each horse drawing the same; and when any such carriage 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: 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 that all persons attending funerals and places of worship, and all militiamen on days of training, their horses and carriages, shall be exempt from the payment of tolls in going to and returning therefrom.

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 practise any other fraudulent means or device, with the intent to evade or lessen the payment of any such toll or duty, all and every such person or persons offending, in manner aforesaid, shall, for every such offense, respectively, forfeit and pay to the president, managers and company, of the Northampton turnpike road, the sum of fifteen dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts of equal amount are or may be by law recoverable.

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 and perfect order and repair for the space of fifteen days, and information thereof shall be given to any justice of the peace of the proper county, such justice shall issue a precept, to be directed to any constable, commanding him to summon three judicious freeholders, to meet at a certain time in the said precept to be mentioned, at the place in the said road which is complained of; of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto; and the said justice shall at such time and place by the oaths or affirmations of the said freeholders, enquire whether the said road or any part thereof is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made, under the hands and seals of himself and a majority of the said freeholders; and if the said road shall be found by the said inquisition to be out of order and repair, according to the true intent and meaning of this act, he shall so certify and send one copy of the said inquisition to each of the keepers of the turnpike or gates, between which such defective place shall be; and from thenceforth the tolls hereby granted to be collected at such turn-

piques 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 traveler during the time the said road shall continue out of repair, such keeper shall forfeit and pay to the person who shall prosecute for the same, the sum of ten dollars, to be recovered before any justice of the peace as debts of equal amount are or may be by law recoverable; but if the same road shall not be put into good and perfect order and repair before the next ensuing court of quarter sessions of the proper county, the said justice shall certify and send a copy of the said inquisition to the justices of the said court; and the said court shall thereupon cause process to issue, and bring in the bodies of the person or persons entrusted by the company with the care and 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 to be so imposed, shall be recovered in the same manner as fines for misdemeanors are usually recovered in 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 profits 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 of the said company shall be nearly expended, it shall be found that the said 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 number of shares to such extent as shall be deemed sufficient to accomplish the work; and to demand and receive the monies subscribed for such shares, in like manner, and under the like penalties, as are hereinbefore 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 to be received by their several 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 as 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 Tuesday of May and November, in every year, publish the half-yearly dividend 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 charges and costs, 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 is 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 hereinabove allowed, in equal proportions upon each and every allowance thereof, so as to raise the dividend up to six per centum per annum; and at the end of every ten years after the said road shall be completed, they shall render to the general assembly, a like abstract of their accounts for three preceding years; and if, at the end of any such decennial period, it shall appear from such abstract, 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 tolls shall be so reduced, as to reduce the said dividend down 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 an index hand pointing to the direction of such road, on both sides whereof shall be inscribed, in legible characters, the name of the town or place to which such road leads, and the distance thereof in measured or computed miles; and shall also cause milestones to be placed on the side of the said road, to designate the distances to and from the principal places thereon, and also shall cause to be affixed on the gates to be erected, for the information of travelers and others suing the said road, a printed list of the rates or toll, 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 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; 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, or figures or other characters, marked at any turnpike or gate, which shall be erected in pursuance of this act, for all or any of the purposes therein mentioned; or the whole or any part of any printed list of the rates of tolls which shall be affixed in pursuance of the directions of this act, at any such gate or turnpike; he or they so offending in the premises shall and each of them shall for every such 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 repass; 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 the like manner aforesaid.

Section XXI. (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That if any toll gatherer on the said road shall demand from any person or persons using the said road, any greater or other 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 the case of any suit or prosecution which shall be commenced under the directions of this act, for any penalty incurred under the same, whether by or against the said company, their servants or assignees, the said suit or prosecution shall not be sustained by the plaintiff or prosecutor, then, and in such case, the person or persons prosecuted as aforesaid, shall recover by the judgment of the justice before whom such suit or prosecution shall be depending, or by action before the court of common pleas of the proper county, (if such prosecution had been instituted before the court of general quarter sessions of the peace) such sum, not exceeding the amount of the penalty for which the

suit or prosecution shall be commenced, as shall be deemed a reasonable retribution for the vexation of such suit or prosecution.

Section XXIII. (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That no suit or action shall be brought or 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 five years after the passing of this act; or shall not within fifteen 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-five, think proper to take possession of the said road, or any part thereof, then three persons shall be chosen by the governor, three by the president and managers of the company, and three by the judges of the supreme court, who, or any six or more of them, shall proceed to examine and estimate the value of the property, which the said company have therein, and certify the same 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, the right of said company to take toll on said road, or any portion thereof redeemed as aforesaid, together with all their right, title, interest and claim therein shall cease and determine.