

*thority of the same,* That from and after the passing of this act, the township of Rockdale, in the county of Crawford, shall be an election district, and the electors thereof shall hold their general elections at the house now occupied by William Greenlee, in Rockdale township aforesaid.

The township of Rockdale in Crawford county, to be an election district, and place of holding elections.

ISAAC WEAVER, *junior, Speaker*  
of the House of Representatives.

SAMUEL MACLAY, *Speaker*  
of the Senate.

APPROVED—February the eleventh, 1803 :

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

## CHAPTER CXV.

*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 the borough of Easton, in the county of Northampton, to the town of Wilkesbarre, in the county of Luzerne.*

WHEREAS the general assembly has been petitioned to pass an act, for the incorporation of a company to make a turnpike road, from Easton, in the county of Northampton, to Wilkesbarre, in the county of Luzerne, and it is reasonable and proper to give encouragement to such associations, of individuals as are intended for the public benefit, by facilitating the communication between the different parts of the state.

Section

Section 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,*

Commissioners appointed to open books and receive subscriptions for the Easton and Wilkesbarre turnpike road.

That Henry Drinker, Benjamin R. Morgan and Thomas Allibone, of the city of Philadelphia; Samuel Sitgreaves, John Herster and Daniel Wagener, of the borough of Easton; and Lord Butler, Lawrence Myers and Thomas Wright, of the county of Luzerne, be and they are hereby appointed commissioners to do and perform the several things herein after mentioned; that is to say, they shall on or before the first Monday of May next, procure three books, and in each of them enter as follows: "We whose names are hereto subscribed, do promise to pay to the president, managers and company, of the Easton and Wilkesbarre turnpike road, 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 of this commonwealth, to incorporate a company for making an artificial road, by the best and nearest route from the borough of Easton, in the county of Northampton, to the town of Wilkesbarre, in the county of Luzerne," witness our hands the day of \_\_\_\_\_ in the year of our Lord, one thousand eight-hundred and three;" and shall thereupon give notice in two of the public papers printed in the city of Philadelphia, and in one or more of the public papers printed in the borough of Easton, and in

Form of subscription.

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

in the town of Wilkesbarre respectively, for one calendar month at least, of the times and places in the said city, borough and town respectively, 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 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 in their own names, or names of any other persons, who shall duly authorise 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 at Philadelphia, shall have four hundred shares therein subscribed, the said book opened at Easton, two hundred shares therein subscribed, and the said book opened at Wilkesbarre, six 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 twelve hundred, 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 ten dollars for every share to be subscri-

Who may subscribe and for what number of shares.

for what time the books are to be kept open.

The commissioners may adjourn from time to time till the whole number of shares are subscribed, when the books shall be closed.

Subscribers to pay a deposit of \$10 for every share subscribed.

appropriation. ed, out of which shall be defrayed the expences 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 organised, and the officers chosen as herein after mentioned.

When a certain number of shares, or the whole, are subscribed, commissioners to certify the same to the Governor,

who shall thereupon incorporate the subscribers.

Style and powers of the corporation.

Sec. 2. *And be it further enacted by the authority aforesaid,* That when sixty persons or more shall have subscribed, six-hundred or more shares of the said stock, the said commissioners respectively may, or when the whole number of shares aforesaid, shall be subscribed, they shall certify under their hands and seals, the names of the subscribers and 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 Easton and Wilkesbarre, 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,

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.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid, as soon as conveniently may be after the said letters patent, shall be sealed and obtained, shall give notice in two of the public papers in Philadelphia, and in one or more of the public papers, printed at Easton and Wilkesbarre 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 organise 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 authorised, one president, 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 bye-laws, 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

The commissioners to notify the subscribers to meet for the purpose of organising the corporation.

officers to be chosen.

Number of votes limited.

Future elections to be held alternately at Easton and Wilkesbarre.

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, alternately at Wilkesbarre and Easton.

The times of annual and special meetings of the company,

Sec. 4. *And be it further enacted by the authority aforesaid*, That the said company shall meet on the first Monday of January, in every year, at such place as shall be fixed by their bye-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 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 as aforesaid, and to do and perform any other corporate act.

and powers of the company at such meetings.

Certificates of shares to be issued on part payment.

Sec. 5. *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 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 fifteen dollars, for each share, which certificate shall be transferable at his pleasure in person

which certificate shall be transferrable.

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 the 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.

Sec. 6. *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, superintendants, 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 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

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

a quorum, and countersigned by their secretary, and generally to do all such other acts, matters and things as by the bye-laws, rules, orders and regulations, of the company, shall be committed to them.

Regulations in case of neglect to pay the purchase money.

Sec. 7. *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 the city of Philadelphia, and in one or more of the public papers printed in the borough of Easton, and town of Wilkesbarre 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 by and to the said company, 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, for the space of sixty days 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

such suit shall in no case exceed the amount of such instalment or instalments, as may be due on such share, together with such accumulated penalty 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 meeting of the said company, shall have been fully paid and discharged as aforesaid.

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

The president and managers &c. may enter lands &c. thro' which the road may pass, to examine the ground, &c.

The route or track of the road to be surveyed and laid down, &c.

Sec. 9.

The president and managers may enter lands &c. to take materials.

Sec. 9. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, to and for the said president and managers, by and with their superintendants, engineers, artists, workmen and laborers, with their tools and instruments, carts, waggons, wains and other carriages, and beasts of draught or burden, to enter upon the lands, in, over, contiguous and near, to which the route and track of the said intended road shall pass, first giving notice of their intention to the owners 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 indifferent 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 or Luzerne, not interested therein, and upon tender of the appraised value, to cut down, dig, take and carry away, any timber, stone, gravel, sand, earth or other material there being, most conveniently situated for making or repairing the said road.

Modes of estimating the compensation to owners.

The president and managers to erect bridges and lay out a road.

Sec. 10. *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, wherever the same shall be found necessary, and shall cause a road to be laid out not exceeding one hundred feet in width,

width, from the town of Wilkesbarre aforesaid, to the Tunkhanna river, and not exceeding fifty feet in width from thence to the borough of Easton aforesaid, unless in such places where the nature of the ground may render a greater width expedient, and then only with the consent of the owners of the contiguous land, and shall cause twenty feet thereof in breadth at least, to be made an artificial road, which shall be bedded with wood, stone, gravel or other proper and convenient material well compacted together, 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 shall forever hereafter maintain and keep the same in perfect order and repair.

To be forever  
kept in repair.

Sec. 11. *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, from the town of Wilkesbarre aforesaid, to the Tunkhanna river, and so from time to time, any distance not less than ten miles progressively towards the borough of Easton aforesaid, they shall give notice thereof to the Governor of the commonwealth, who shall thereupon forthwith nominate and appoint three skilful and judicious persons to view and examine the same, and report to him whether the road is so far executed in a competent and workman-like 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

Made of proceeding to obtain licence to erect turnpikes gates.

licence under his hand; and the lesser seal of the commonwealth, permit and suffer the said president, managers and company, to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls and duties herein after granted to the said company, from all persons travelling in the same with horses, cattle and carriages.

Sec. 12. *And be it further enacted by the authority aforesaid,* That the said company having perfected the said road, or such part thereof from time to time as aforesaid, and the same being examined, approved and licensed 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 herein after mentioned, and to stop any person riding, leading or driving any horse, cattle, hogs, sheep, sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden, or pleasure, from passing through the said gates or turnpikes, until they shall respectively have paid the same; that is to say, for every space of five miles in length of the said road, from the borough of Easton, to the foot of the Broad mountain on the south side thereof, the following sums of money, and so in proportion for any greater or lesser distance, or for any greater or lesser number of sheep, hogs 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 sulkey, chair, chaise with  
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The road being completed toll-gatherers to be appointed;

amount of tolls prescribed.

one horse and two wheels, six cents; and with two horses, nine cents; for every chair, coach, phaeton, chaise, stage, waggon, coachee or light waggon 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 waggon or other carriage of burden, whose wheels do not in breadth exceed four inches, four cents for every horse drawing the same; for every cart or waggon whose wheels shall exceed in breadth four inches, and shall not exceed seven inches, three cents for each horse drawing the same; for every cart or waggon the breadth of whose wheels 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, two cents for each horse drawing the same; for every cart or waggon the breadth of whose wheels shall be more than ten inches, and not exceeding twelve inches, or being ten inches shall roll more than fifteen inches, one cent and a half for each horse drawing the same; and for any such carriage the breadth of whose wheels shall be more than twelve inches, one cent 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, and for so much of the said road as shall pass over the Broad mountain; that is to say, from  
the

the foot of the said mountain on the south side thereof, to the town of Wilkesbarre aforesaid, the preceding rates of toll shall in every instance be doubled,

Penalty on persons attempting to evade the payment of the tolls.

Sec. 13. *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, mule, 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, 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 offence respectively, forfeit and pay to the president, managers and company of the Easton and Wilkesbarre 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 under twenty pounds may be sued for and recovered.

Proceedings in case the company do

Sec. 14. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good  
and

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 pro-<sup>not keep the road in good order and re-  
pair.</sup> per 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 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 dollars, to be recovered before any justice of the peace, as debts under

der forty shillings are 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 superintendance 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 offence was committed, to be applied to repairing such highways as the township or county is bound to repair, at the public expence thereof.

The president and managers to keep the company accounts of subscriptions &c.

Sec. 15. *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

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 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 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 bye-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 herein before provided for the original subscriptions, or as shall be provided by their bye-laws.

and submit the same to the general meeting of the stockholders,

and if the capital is found insufficient to complete the road, it may be enlarged.

Sec. 16. *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 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

The president and managers to keep an account of the tolls and declare dividends on the profit

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 February and August 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.

Sec. 17. *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, shewing the whole amount of their capital expended in prosecution of the said work, and of the income and profits arising from the said toll, 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 known and ascertained, 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 of the said

The president and managers to lay an abstract of the accounts before the legislature &c. in order to ascertain the clear income,

if the profits do not amount to six per cent, the tolls may be increased.

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, and on the interest accrued on such expenditure during the time wherein the work shall be prosecuting before the receipt of toll, then it shall and may be lawful for the said president, managers and company, to increase the tolls herein before allowed, according to such rate upon the same, as will raise the dividend up to six per centum per annum as aforesaid, and at the end of every ten years, after the said road shall be fully completed as aforesaid, 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 ten per centum per annum, the surplus of 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 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 by the money arising as aforesaid, for which shares the said company shall pay the sums which were originally paid for each respective share, and when the whole number of shares shall be purchased as aforesaid, then the said road shall be free and no toll whatever shall be exacted.

Sec. 18. *And be it further enacted by the authority aforesaid,* That the said company shall

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Posts of direction to be erected:  
cause

mile stones to  
be placed on  
the side of the  
road ;

cause posts to be erected at the intersection of every 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 computed miles, and shall also cause mile stones to be placed on the side of the said road, beginning at the distance of one mile from the court-house in the borough of Easton, and extending thence to the town of Wilkesbarre, whereon shall be marked in plain legible characters, the respective number of miles which each stone is distant from the court-house aforesaid, and at every gate or turnpike by them to be erected on the said road, shall cause the distance from the court-house aforesaid, and the distances from the nearest gate or turnpike 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 near thereto ; and also shall cause to be affixed at such places, for the information of travellers and others using the said road, a printed list of the rates or toll which from time to time may lawfully be demanded.

and printed  
rates of tolls to  
be fixed at the  
turnpikes.

Penalty on  
persons who  
shall deface or  
destroy any  
mile stone,  
direction post,  
&c.

Sec. 19. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully break, deface, pull up, or prostrate any mile stone, 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,

said, 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 shall, and each of them shall, for every such offence 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.

Sec. 20. *And be it further enacted by the authority aforesaid,* That the president and managers of the said turnpike road, for the time being, shall and may, and they are hereby authorised and empowered at their choice and discretion, to grant, demise and to farm let to any person or persons, with whom they can agree, the tolls and duties which by virtue of this act they are authorised to demand and receive, for passage in, upon and along the said road, at any gate or turnpike on the same, or any part of the same, for any term not exceeding seven years, under such rents and convenient reservations and conditions, as the said president and managers shall agree upon, which grants and demises shall have the same construction, force and effect, as other the like grants and demises made between private persons have and receive at law.

The president and managers may farm the tolls &c. for any term not exceeding 7 years.

Sec. 21.

Drivers to keep the right hand side in the passing direction.

Sec. 21. *And be it further enacted by the authority aforesaid,* That all waggoners, 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 carriage 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 waggoner, 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 like manner as aforesaid.

Penalty on toll gatherers taking more than legal toll.

Sec. 22. *And be it further enacted by the authority aforesaid,* That if any toll-gatherer on the said road, shall demand and receive from any person or persons using the said road, any greater or higher rate of toll than by this act is authorised and allowed, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, one half to the use of the overseers of the poor 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 offence shall have been committed.

Defendants to be allowed reasonable retribution against prosecutors not sustaining their prosecutions.

Sec. 23. *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

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 the 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.

Sec. 24. *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.

Limitation of time within which actions under this act are to be commenced, &c.

Sec. 25. *And be it further enacted by the authority aforesaid,* That if the legislature should at any time after the year one thousand eight hundred and twenty-five, think proper to take possession of the said road, 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,

The right reserved to the state, of purchasing the road and extinguishing the toll.

therein, and certify the amount thereof to the Governor of this commonwealth, who shall cause the same to be laid before the legislature at their next session, and whenever the amount so certified shall be paid by the state 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.

Time allowed  
for commencing  
and finishing  
the road.

Sec. 26. *And be it further enacted by the authority aforesaid.* That if the said company shall not proceed to carry on the said work, within three years after the passing of this act, or shall not within seven 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.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—February the eleventh, 1803 :

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