

chair a message from the Governor, which was read as follows, *to wit* :

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

GENTLEMEN,

THE bill, entitled An act for the recovery of debts and demands not exceeding one hundred dollars, before a justice of the peace, and for the election of constables, and for other purposes, was presented to me on Thursday the 15th instant, and as it has not been returned by me within ten days, (Sundays excepted) since I received it, this bill is now become a law, in like manner as if I had signed it; I have directed the secretary to return it to the House of Representatives, in which it originated.

(Signed) THOMAS M'KEAN.

Lancaster, March 28th, 1804.

Extract from the journal,

GEO. BRYAN, C. S.

CHAPTER LXXXIII.

An ACT authorizing the Governor to incorporate a Company for making an artificial Road in Wayne and Luzerne Counties.

Section 1. **B**E it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority

rity of the same, That Henry Drinker, Edward
 Tilghman, Thomas Harrison, and William Commissioners appointed to receive sub-
 scriptions. Poyntell, of the city of Philadelphia; John
 Conklin, Jason Torry and Samuel Stanton, of
 Wayne county, and Afuhel Gregory, John
 Tyler, and Menna Dubois, 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 day of July
 next, procure three books, and in each of them
 enter as follows: "We, whose names are Form thereof.
 hereto subscribed, do promise to pay the presi-
 dent, managers and company of the Colhecton
 and Great Bend 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 pursu-
 ance of an act of the General Assembly of this
 commonwealth, entitled "An act authorising
 the Governor to incorporate a company for
 making an artificial road in Wayne and Lu-
 zerne counties." Witness our hands the
 day of _____ in the year of our Lord
 one thousand eight hundred and _____; and
 shall thereupon give notice in two of the pub- Notice to be
 given of the
 times & places
 of subscription. lic papers printed in the city of Philadelphia,
 and in one or more of the public papers print-
 ed nearest the route of said road, for one cal-
 endar month at least, of the times and places
 in the said city and counties respectively, when
 and where the said books shall be open to re-
 ceive subscriptions for the stock of the said
 company; at which respective times and places
 some two of the said commissioners shall at-
 tend, and shall permit and suffer all persons of
 lawful age, who shall offer to subscribe in the
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said books, in their own names, or in the name
 or 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 afore-
 said, 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 open-
 ed at Coshecton three hundred shares therein
 subscribed; and the said book opened at the
 Great Bend of Susquehanna, three hundred
 shares therein subscribed; and if at the expi-
 ration of the said six days, the books afore-
 said, or any of them, shall not have the re-
 spective 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 sub-
 scribed; of which adjournments and transfers
 the commissioners aforesaid shall give such pub-
 lic notice as the occasion may require; and
 when the whole number of shares subscribed in
 all the said books, shall amount to one thou-
 sand, the same shall be closed: *Provided al-
 ways,* That every person offering to subscribe
 in the said books, in his own name, or any
 other name, shall previously pay to the attend-
 ing commissioners the sum of ten dollars for
 every share to be subscribed, 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 organized and the officers chosen
 as herein-after mentioned.

How long the
books are to be
kept open.

Commissioners
may adjourn
from time to
time.

A deposit to be
made at the
time of sub-
scribing.

Sec. 2. *And be it further enacted by the au-
thority*

thority aforesaid, That when fifty persons or more shall have subscribed five 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 those who shall afterwards subscribe, to the number aforesaid, into one body politic and corporate, in deed and in law, by the name stile and title of "The president, managers and company of the Collection and Great Bend 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 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.

Proceedings to obtain a charter of incorporation.

Stile of the corporation.

Its privileges & powers.

Commissioners to notify the subscribers to meet and organizing the company.

Officers to be chosen.

Number of votes limited.

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 nearest the route of said road, 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, 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 ten 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, alternately, at Coshecton and the Great Bend of Susquehannah.

Of general & special meet-

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,

year, at such place as shall be fixed by their bye-laws, for the purpose of choosing such other 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.

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 transferrable 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 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.

ings of the
company.

Certificates of
shares to be
issued;

which shall be
transferrable.

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 performed 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 bye-laws, rules, orders and regulations of the company shall be committed to them.

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 nearest the route of said road, of the time and place appointed for the payment of any proportion or instalment

Of meetings of the president and managers.

Of a quorum to do business, & their powers.

Penalty on stockholders failing to pay the instalments of capital stock.

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 before a justice of the peace, or in any court having competent jurisdiction for the recovery of the same, together with the penalty aforesaid ; which suit may be brought as well against the original subscriber, of any such share whereon default shall be made as aforesaid, as against each and every successive assignee thereof, who are hereby severally made liable for payment of the same : *Provided always*, That the recovery in any 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

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 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 Damascus mills, at Coshecton, on Delaware river, through the Gap of Moosick mountain, to or near the twenty mile-stone in the north line of the state, in the Great Bend of Susquehannah aforesaid.

The president and managers, &c. may enter on the lands, &c. through which the road may pass, to ascertain and mark the track of said road.

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

Also for the purpose of taking materials;

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, or 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 Wayne 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 materials there, being most conveniently situated for making or repairing the said road.

making amends for the damages done.

Mode of ascertaining the damage.

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 crossing 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, from Damascus mills aforesaid, to the Gap of the Moosick mountain aforesaid, and from the Gap of Moosick mountain to or near the twenty mile stone in the north line of the state 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, earth, gravel or other

The president and managers to have power to erect bridges;

and shall cause a road to be laid out.

Dimensions, &c.

other proper materials, 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 kept forever in good repair.

When & how the company shall be authorized to erect turnpikes, and receive tolls.

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 Damascus mills, on Delaware river aforesaid, for the distance of ten miles, and so from time to time any distance not less than ten miles progressively, towards the Great Bend of Susquehannah aforesaid, they shall give notice thereof to the Governor of this commonwealth, who shall thereon 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 complete 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 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 on 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, fulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure from passing thro' the said gates or turnpikes, until they shall respectively have paid the same; *that is to say,* Rates of toll.

For every space of five miles in length of the said road, from Damascus mills aforesaid, to the Great Bend of Susquehannah aforesaid, and 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, six 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 fulkey, chair, chaise, with one horse and two wheels, six cents; and with two horses, twelve cents; for every chair, coach, phaeton, chaise, stage-waggon, coachee or light-waggon, with two horses and four wheels, twenty 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 horses drawing the same; for every sleigh or sled three cents for each horse drawing the same; for every cart

or

The company authorized to appoint toll-gatherers.

or waggon, or other carriage of burden, the wheels of which do not in breadth exceed four inches, five cents for every horse drawing the same; for every cart or waggon, the wheels of which 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 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, two cents for each horse drawing the same; for every cart or waggon, 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, 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, one 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 passing or re-passing 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.

In what cases there shall be an exemption from paying tolls.

Penalty on persons attempting to defraud the company, by evading 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, 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

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 offence, respectively, forfeit and pay to the president, managers and company of the Colchester and Great Bend turnpike road the sum of fifteen dollars, to be sued for and recovered, as debts of equal amount are, or may be by law recoverable.

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 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 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

Proceedings where the company neglect to keep the road in good repair.

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 the same shall not be so put in 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,

Limitation of fine, and mode of recovering in such case.

to

to be applied to repairing such highways as the township or county is bound to repair at the public expence thereof.

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 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 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.

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

and submit the same, annually, to a general meeting of the stockholders;

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

The president and managers to keep a true account of the tolls received;

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 the monies to be received by their several and respective collectors of tolls, at the several gates or turnpikes on the said road, 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 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.

and publish half-yearly dividends

The president and managers to lay an abstract of their accounts, triennially, before the Legislature,

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

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 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 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 three 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 triennial 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 surplus above that amount, when sufficient shall arise, shall be appropriated by the said president and managers to the purchase of such share or shares of the said stock as the money arising from the said surplus as aforesaid will be found adequate to purchase, until all the said shares shall be so purchased; and the said subscribers shall determine by lot from time to time whose share or shares shall be paid off 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.

for the purpose of ascertaining the clear yearly income;

and if the profits do not bear a dividend of six per cent. the tolls may be increased;

but not to exceed nine per cent.

Direction posts
to be erected,
and mile-stones
placed on the
side of the
road.

Sec. 18. *And be it further enacted by the authority aforesaid,* That the said company shall 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 measured or computed miles, and shall also cause mile-stones to be placed on the side of the road, beginning at the distance of one mile from Damascus mills at Coshecton, on Delaware river, and extending thence to or near the twenty mile-stone in the north line of the state, whereon shall be marked, in plain legible characters, the respective number of miles which each stone is distant from Damascus mills aforesaid; and at every gate or turnpike by them to be erected on the said road shall cause the distance from the mills 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 a printed list of the rates or toll which from time to time may lawfully be demanded, for the information of travellers and others using the said road.

Penalty on
pulling down
or defacing
any mile-stone
or 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

scribed 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 interfection 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 or 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 offence severally and respectively forfeit and pay to the said president, managers and company the sum of ten dollars, to be sued for and recovered as debts of equal amount are or may be by law recoverable.

Sec. 20. *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 ten dollars, to any person who shall by reason thereof be obstructed in his passage and will sue for the same, to be recovered in the same manner

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

Penalty for offending against said provision.

as debts of equal amount are or may be by law recoverable.

Penalty on toll-gatherers receiving more than lawful toll.

Sec. 21. *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 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 offence, to the use of the overseers of the poor of the township in which the forfeiture shall be incurred.

Penalty in case prosecutions under this act are not sustained.

Sec. 22. *And be it further enacted by the authority aforesaid,* That if in case of any suit or prosecution which shall be commenced under the directions of this act, for any penalty directed by the same, whether by or against the said company, their servants or assignees, 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, such sum not exceeding the amount of the penalty for which the suit or prosecution shall be commenced, as shall by such justice be deemed a reasonable retribution for the vexation of such suit or prosecution.

Limitation of time for bringing suits under this act.

Sec. 23. *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 alledged to be incurred under

under this act, unless such suit or action shall be commenced within six months next after the offence shall have been 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.

Sec. 24. *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 twelve 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.

Limitation for commencing & completing the road.

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 chosen by the Governor of the commonwealth, 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 shall proceed to examine and estimate the value of the property which the said company have therein, and certify the amount thereof to the Governor, who shall cause the same to be laid before the legislature at their next session; and whenever the amount so certified shall be paid, the right of the said company

The right reserved to the State of purchasing the company's interest in the road.

company to take toll on the said road, together with all their right, title, claim and interest therein shall cease and determine.

SIMON SNYDER, *Speaker*

of the House of Representatives.

ROBERT WHITEHILL, *Speaker*

of the Senate.

APPROVED—the twenty-ninth day of March, in the year of our Lord one thousand eight hundred and four.

THOMAS M'KEAN, *Governor*

of the Commonwealth of Pennsylvania.

CHAPTER LXXXIV.

An ACT granting Relief to the Heirs of Michael Irick, deceased.

WHEREAS it appears that Michael Irick, late of the county of York, deceased, was enlisted as a soldier in the year one thousand seven hundred and seventy-seven, in colonel Hartley's regiment, for the term of three years, or until the end of the revolutionary war: And whereas it appears, that being on command at Wyoming, in the winter of one thousand seven hundred and eighty he through the inclemency of the weather had his feet nearly frozen off in consequence of which he was disabled from continuing in the service of his country or of providing for himself and family: And whereas it further appears that said

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