

all natural obstructions in the same: *Provided*, That any person or persons, owning or possessing lands on said creek, shall have the liberty to erect any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act of the General Assembly of this commonwealth, passed the twenty-third day of March one thousand eight hundred and three, entitled "An act to authorise any person or persons owning lands adjoining navigable streams of water declared public highways, to erect dams upon such streams, for mills and other water-works." Proviso in favor of persons owning and possessing lands in said creek.

SIMON SNYDER, *Speaker*  
of the House of Representatives.

ROBERT WHITEHILL, *Speaker*  
of the Senate.

APPROVED—March the fifth, in the year of our Lord one thousand eight hundred and four.

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

## CHAPTER XL.

An ACT to enable the Governor of this Commonwealth to incorporate a Company for making an artificial Road from Lancaster, through Elizabeth-town, to Middletown.

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

Commissioners appointed to open books & receive subscriptions to the Lancaster, Elizabethtown and Middletown turnpike road.

Form of subscription.

Notice of the times and places of subscription to be published.

*sembly met, and it is hereby enacted by the authority of the same,* That George Fry, William Crabb, James Hamilton, Elijah Green, Daniel Montgomery, junior, George Redfeker, John Carolus, John Peden, Adam Reigart, junior, Samuel Humes, William Kirkpatrick, Christopher Myer, John Swar, Peter Gonter, Adam Weber, Jacob Dickert, Abraham Witmer, William Montgomery, John Gundaker, and William G. Latimer, be, and they are hereby appointed commissioners to do and perform the several duties herein-after mentioned; *that is to say,* They shall, on or before the first day of June next, procure three books, and in each of them enter as follows: "We whose names are hereunto subscribed do promise to pay to the president, managers and company of the Lancaster, Elizabethtown and Middletown turnpike road company the sum of one hundred dollars for every share set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the said president and managers, 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 from Lancaster through Elizabethtown to Middletown. Witness our hands the day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and four;" and shall give notice in two of the public papers in the city of Philadelphia, one whereof shall be in the German language, and in the public papers printed in Lancaster, and also in Harrisburgh, for one calender month at least, of the times and places in Lancaster, Elizabethtown and Middletown, respectively, when and where the said books will be opened to receive subscriptions

subscriptions of stock for the company, at which respective times and places some three of the said commissioners shall attend, and shall permit and suffer all persons who shall offer to subscribe in the said books, which shall be kept open for the purpose at least six hours in every juridical day, for the space of three days, if three days shall be necessary; and on the first of the said days any person of the age of twenty-one years shall be at liberty to subscribe in his own or any other name or names, by whom he shall be authorized, for one share; on the second day for one or two shares; on the third day for one, two or three shares, and on any succeeding day, whilst the said books shall remain open, for any number of shares in the said stock; and if at the expiration of the said three first days, the said book opened at Lancaster shall not have six hundred shares therein subscribed, and the said book opened at Elizabethtown shall not have four hundred shares therein subscribed, and the said book opened at Middletown shall not have five hundred shares therein subscribed, the said commissioners respectively may adjourn from time to time until the said numbers of shares shall be subscribed, of which adjournments public notice shall be given in the Lancaster and Harrisburg papers; and when the said subscriptions in the said books shall amount to the respective numbers aforesaid, the same shall respectively 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 ten dollars for every share to be subscribed, out of which shall be defrayed the expence attending the taking such subscriptions and other incidental charges, and the remainder shall be paid

For what time the books are to be kept open.

Who may subscribe, and for what number of shares.

Of the adjournment of the commissioners, and notice of such adjournment.

Subscribers to pay a deposit of ten dollars for every share subscribed.

paid

paid over to the treasurer of the corporation as soon as the same shall be organized, and the officers chosen as herein-after mentioned.

When a certain number of shares are subscribed, commissioners to certify, &c. to the Governor, who may thereupon incorporate them;

Sec. 2. *And be it further enacted by the authority aforesaid,* That when sixty persons or more shall have subscribed for four 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 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 subscription be not full at the time, then also those who shall after subscribe to the number of shares 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 Lancaster, Elizabethtown and Middletown 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 enlargements shall be found necessary, to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, in fee simple, or for any less 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

Stile of the corporation;

its privileges and powers.

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 seven persons first named in the said letters patent, shall, as soon as conveniently may be after sealing the same, give notice in the public papers printed at Lancaster, and also at Harrisburgh, of a time and place by them to be appointed, not less than twenty days from the time of issuing 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 ballots to be delivered in person or by proxy duly authorized, one president, ten 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 or 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 each person shall be entitled to one vote for every share by him held not exceeding the said number: *And provided also,* That all future annual elections of the said corporation shall be held with such notice, and in manner and form aforesaid, alternately, at Lancaster, Elizabethtown and Middletown.

The seven first named commissioners to notify the subscribers to meet for the purpose of organizing the corporation.

Officers to be chosen.

Number of votes limited.

Times of annual and special meetings of the company.

Their powers at such meetings.

Sec. 4. *And be it further enacted by the authority aforesaid,* That the said company shall meet on the first Monday of February in every year, for the purpose of choosing other such officers as aforesaid, for the then 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.

Certificates of shares to be issued on part payment.

Certificates made transferable, &c.

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, her or them subscribed and held, they or either of them paying to the treasurer, in part of the sum due thereupon, the sum of ten dollars for each share, which certificate shall be transferable at his, her or their 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, her or them held, shall be entitled to one share  
of

of the capital stock, and of all the estate 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 meetings five members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book, and a quorum being met, they shall have full power and authority to agree with and appoint all such surveyors, engineers, superintendants and other 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 monies 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 of persons by them employed, and for the labour and materials done and provided, which orders shall be signed by the president, or in his absence by a majority of the quorum, and countersigned by their clerk, and generally to do and transact all such other acts, matters and things, as by the bye-laws, rules, orders and regulations of the company, shall be committed to them.

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

Sec. 7. *And be it further enacted by the authority aforesaid,* That if any stockholder, after thirty days notice in the public papers printed at Lancaster and Harrisburg as aforesaid, of the time and place appointed for the payment of any proportion or dividend of the said

Regulations in case of neglect to pay the subscription-money.

said

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 so appointed, every such stockholder or his assignee, shall, in addition to the dividend so called for, pay after 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 penalties shall become equal to the sums before paid in part and on account of such share, the same shall be forfeited to the said company, and may and shall be sold by them to any other person or persons willing to purchase for such price as can be obtained therefor.

*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, as in the best of their judgment and skill will combine shortness of distance with the most practicable ground from the borough of Lancaster to Elizabethtown, and from thence to Middletown aforesaid through the main street, to John Croll's spring at the west end thereof.

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

and survey, &c. the route or track of said road, &c.



Sec. 9. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said president and managers, by and with their superintendants, engineers, artists, workmen and labourers, with their tools and instruments, carts, waggon, 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 owner or owners thereof, or their representatives, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done to any improvements thereon, by appraisement to be made in the manner herein-after directed, and 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 to be mutually 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 the county not interested on either side, and on tender of the appraised value, to dig, take and carry away any stone, gravel, sand or earth there being most conveniently situated for making or repairing the said road.

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

To make amends for any damage done thereby, and modes of ascertaining the damage.

Sec. 10. *And be it further enacted by the authority aforesaid,* That the said president, managers and company shall erect permanent bridges over all the waters crossing the said route or track between Lancaster and Middletown aforesaid, wherever the same may be found necessary, Swatara creek only excepted;

The president and managers to erect permanent bridges, and cause a road to be laid out, &c.

and shall cause a road to be laid out sixty feet wide, and at least twenty-one feet in breadth thereof, to be made an artificial road, bedded with wood, stone, gravel or any other hard substance, well compacted together, of a sufficient depth to secure a solid foundation to the same; and the said road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm, and as near as 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 four degrees with an horizontal line, and shall forever hereafter maintain and keep the same in good and perfect order and repair, from the borough of Lancaster through Elizabethtown to Middletown, agreeably to the route laid out by the said president and managers.

When turn-  
pikes are to be  
erected, and  
tolls to be al-  
lowed;

proceedings  
previous there-  
to.

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 borough of Lancaster, the distance of five miles, and so from time to time any distance not less than five miles progressively, they shall give notice thereof to the Governor of this commonwealth, who shall thereupon forthwith nominate three skilful and judicious persons to view and examine the same, and to report to him whether the said road is so far executed, in a masterly and workman-like manner, agreeably to the true intent and meaning of this act; and if the report shall be in the affirmative, then the Governor shall, by license under his hand and the less seal of the commonwealth, permit and suffer the said president, managers and company,

to

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, carts 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 in manner 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 or persons using the said road, the tolls and rates herein-after mentioned, and to stop and detain any person riding, leading or driving any horse or horses, or driving any cattle, hogs, sheep, fulkey, 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 ten miles in length of the said road, the following sums of money, and so for any greater or less distance, or for any greater or less number of hogs or cattle in proportion; *to wit*, For every score of sheep six cents; for every score of hogs twelve cents and an half; for every score of cattle twenty-five cents; for every horse and his rider, or led horse, six cents and a half; for every fulkey, chair, or chaise, with one horse and two wheels twelve cents and an half; for every chariot, coach, stage-waggon, phaeton or chaise with two horses and four wheels twenty-five cents; for either of the carriages last mentioned with four horses

thirty-seven

The company authorized to appoint toll-gatherers, &c.

Rates of tolls.

thirty-seven cents and an half; for every other other carriage of pleasure, under whatever name it may go, the like fums according to the number of wheels and horses drawing the same; for every cart or waggon, the wheels of which do not exceed the breadth of four inches twelve cents and an half for each horse drawing the same; for every cart or waggon, the wheels of which shall exceed in breadth four inches, but do not exceed seven inches, six cents and an half for every 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 shall roll more than ten inches, five cents for every 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, three cents for every horse drawing the same; for every cart or waggon, the breadth of the wheels of which shall be more than twelve inches, two cents for every horse drawing the same: *Provided*, That no turnpike gate shall be erected within one mile of any of the towns before mentioned, neither shall any toll be demanded or taken from any person passing or repassing from one part of his or her farm to another, or going to or returning from any place of worship, or attending any funeral, either on horseback or with carriages on days appointed for such purposes.

Regulations as to the breadth of carriage wheels, and the weight to

Sec. 13. *And be it further enacted by the authority aforesaid*, That no waggon or other carriage with four wheels, the breadth of the wheels of which shall not exceed four inches, shall be drawn along the said road between the first

first day of December and the first day of May be carried at different seasons of the year. following in any year, with a greater weight thereon than two and an half tons, or with more than three tons during the rest of the year; that no such carriage, the breadth of the wheels of which shall not be seven inches, or being six inches or more, shall not roll at least ten inches, shall be drawn along the said road between the first days of December and May, with more than three and an half tons, or with more than four tons during the rest of the year; that no such carriage, the breadth of the wheels of which shall not be ten inches or more, or being less, shall not roll at least twelve inches, shall be drawn along said road between the said first days of December and May, with more than five tons, or with more than five and an half tons during the rest of the year; that no cart or other carriage with two wheels, the breadth of the wheels of which shall not be four inches, shall be drawn along the said road with a greater weight thereon than one and an half tons, between the said first days of December and May, or with more than two tons during the rest of the year; that no such carriage, the wheels of which shall not be of the breadth of seven inches, shall be drawn along the said road with more than two and a half tons between the said first days of December and May, or with more than three tons during the rest of the year; that no such carriage, the wheels of which shall not be the breadth of ten inches, shall be drawn along the said road between the said first days of December and May, with more than three tons, or with more than three and a half tons during the rest of the year; that no such carriage, the wheels of which shall not be the breadth of ten inches, shall be

be drawn along the said road between the first days of December and May, with more than three and a half tons, or with more than four tons during the rest of the year; that no greater weight than seven tons shall be drawn along the said road in any one carriage whatever between the first days of December and May, nor more than eight tons during the rest of the year; and no cart, waggon or carriage of burden whatsoever, the wheels of which shall not be the breadth of nine inches at least, shall be drawn or pass in or over the said road or any part thereof with more than six horses, nor shall more than eight horses be attached to any carriage whatsoever used on the said road; and if any waggon or other carriage shall be drawn along the said road by a greater number of horses, or with a greater weight than is hereby permitted, the owner or owners of such carriage shall forfeit and pay four times the customary toll to the use of the company: *Provided always*, That it shall and may be lawful for the said company, by their bye-laws, to alter any or all the regulations herein contained respecting the burdens on carriages to be drawn over the said road, and to substitute other regulations, if upon experience such alteration shall be found conducive to the public good: *Provided always*, That such regulations shall not lessen the burden of carriages above described.

Comparative  
toll for mules  
and horses.

Sect. 14. *And be it further enacted by the authority aforesaid*, That all such carriages as aforesaid, to be drawn by oxen in the whole, or partly by horses, and partly by oxen, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse.

Sec. 15.

Sec. 15: *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 five days, and information thereof shall be given to any justice of the peace of the neighbourhood, such justice shall issue a precept, to be directed to any constable, commanding him to summons three disinterested judicious freeholders, to meet at a certain time in the said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, 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 of himself and of 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 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 passing the interval of roads 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 into good and perfect order and repair before the next ensuing court of quarter sessions of the said county wherein the same shall be, the said justice shall certify and send a copy of the said inquisition

Proceedings in  
case the road  
is not kept in  
good repair.

to

to the judges of the said court, and the said court shall thereupon cause process to issue and bring the body or 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 so found defective, and shall direct an indictment or indictments to be sent to the grand inquest, against the person or persons entrusted as aforesaid; and the said court shall, after conviction, give such judgment, according to the nature and aggravation of the neglect, as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties; and the fines and penalties so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said courts, and shall be paid to the supervisors of the highways of the place wherein the offence was committed, to be applied to the repairing such highways as the township or county is bound to maintain and repair at the public expence thereof.

Penalty on toll-gatherers receiving toll for the road when out of repair, or more than legal toll.

Sec. 16. *And be it further enacted by the authority aforesaid,* That if any toll-gatherer on the said road shall demand and receive any toll for any part of said road that is declared out of repair, until the same shall be put into repair, or shall demand and receive any other or greater tolls than by this act is authorized and allowed, such toll-gatherer shall forfeit and pay twenty dollars for every such offence, one half to the use of the poor of the township or county, the other half to the use of the person or persons who shall sue for the same, to be recovered as debts of equal amount are or may be by law recoverable.

Sec. 17. *And be it further enacted by the authority*



*Authority aforesaid*, That the president and managers of the said company shall keep fair and just accounts of all the monies received by them from the said commissioners, and from the subscribers to the said undertaking, an account of the several subscriptions, and of all penalties for 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 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 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 encrease 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 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 to a general meeting of the stockholders

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

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

The president and managers to keep an ac-

count of the  
tolls, and de-  
clare dividends  
on the profits,  
&c.

nagers and company, shall also keep a just and true account of all and every the monies received by their several and respective collectors of tolls at the several gates or turnpikes on the said road, from beginning to end, and shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges being first deducted among all the subscribers to the said company's stock, and shall on the first Monday in January and July in every year, publish the half-yearly dividends to be made of the said 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.

To lay an ab-  
stract of the  
accounts be-  
fore the Legif-  
lature, &c. in  
order to ascer-  
tain the clear  
income;

and if the pro-  
fits do not  
amount to six  
per cent.  
tolls may be  
increased;

Sec. 19. *And be it further enacted by the au-  
thority 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 com-  
pleted, lay before the General Assembly of  
this commonwealth an abstract of their ac-  
counts, shewing the whole amount of their ca-  
pital expended in the prosecution of the said  
work, and of the income and profits arising  
from the said toll, for and during the said re-  
spective 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 ascertained  
and known; and if at the end of two years af-  
ter the said road shall be 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 pro-  
fits

fits will not bear a dividend of six per cent. per annum on the whole capital stock of the said company so expended, then it shall be lawful to and for the president, managers and company, to increase the tolls herein before allowed, in equal proportions upon each and every allowance thereof, so as to raise the dividends 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 to nine per centum per annum.

but never to exceed nine per cent.

Sec. 20. *And be it further enacted by the authority aforesaid,* That the said company shall cause a post to be erected at the intersection of every road falling into and leading out of the said turnpike road, with a board and index-hands pointing to the direction of such road, on both sides whereof shall be inscribed in legible characters the name of the town, village or place to which such road leads, and the distance thereof in computed miles.

Posts of direction to be erected.

Sec. 21. *And be it further enacted by the authority aforesaid,* That the said company shall cause mile-stones to be placed on the side of the said road, beginning at the distance of one mile from the last mile-stone on the turnpike road from Philadelphia to Lancaster, and continued progressively to Middletown, on which shall

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

shall be marked, in legible characters, the distance to Philadelphia; and at every gate or turnpike to be fixed by them on said road, shall cause the distance from Philadelphia, and the distance from the nearest gates or turnpikes in each direction, to be marked in legible characters, designating the number of miles and fractions of a mile on the said gate or some other conspicuous place, and also to cause to be affixed at such places a printed list of the rates of toll, which from time to time may lawfully be demanded for the information of travellers and others using the said road.

Printed rates of tolls to be fixed at the turnpikes.

Sec. 22. *And be it further enacted by the authority aforesaid,* That all waggoners and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, except when passing by a carriage of slower draft, shall keep their horses and carriages on the right hand side of the road, in the passing direction, leaving the other side of the road free and clear for other carriages to pass and repass; and if any driver shall offend against this provision, he shall forfeit and pay the sum of two dollars to any person who shall be obstructed in his passage and will sue for the same, to be recovered with costs before any justice, in the same manner as debts of equal amount are or may be by law recoverable.

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

Sec. 23. *And be it further enacted by the authority aforesaid,* That if the said road shall be laid out and founded over and upon any land, whereby the owner or owners thereof shall suffer damage, the person or persons sustaining such damage may make application to the court of the county

How the amount of damages sustained, by the owners of lands through which the road passes, is to be ascertained.

county in which such damage shall have been done, and thereupon the court shall appoint six fit and disinterested persons to view and adjudge the amount of the damage so done, which, if approved of by the court, shall be paid by the company.

Sec. 24. *And be it further enacted by the authority aforesaid,* That if the company shall not proceed to carry on the said work within three years after the passing of this act, or shall not within ten years afterwards complete the said road, according to the true intent and meaning of this act, then and 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 hereby granted to the company.

Time allowed for beginning and 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 thirty, think proper to take possession of the said road, or to declare the same to be free of toll, five persons shall be appointed by the legislature, and five by the president and managers of the said company, who, or any six or more of them, shall proceed to examine and estimate the value of the property which the said company hath 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 by law paid to the said company, their right to take toll on the said road, together with

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

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—March the fifth, in the year of our Lord one thousand eight hundred and four.

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

CHAPTER XLI.

*An ACT for the relief of George Eichholtz.*

**W**HEREAS it appears that George Eichholtz, of the borough of Lancaster, in the revolutionary war served as a private foldier in the Pennsylvania line, in captain Dehuff's company, and colonel Atlee's regiment, and that in the battle of Flat-bush, on Long-island, he received a severe wound in his groin with a musket ball, by reason whereof he is rendered wholly unable to procure a maintenance either for his family or himself: Therefore,

Section 1. *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