

Repealing section.

SECT. IV. *And be it further enacted by the authority aforesaid,* That so much of the act to which this is a supplement, as is supplied, altered or amended by this act, be and the same is hereby repealed.

ROBERT SMITH, *Speaker*
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-second day of December, one thousand eight hundred and thirteen,

SIMON SNYDER.

CHAPTER IV.

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 Philadelphia and Lancaster turnpike road, through the village of Strasburg in Lancaster county, to the Susquehanna bridge at M'Call's ferry, and from thence to the city of Baltimore.

Commissioners to carry this act into effect.

SECT. 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 Eliston Perrot, Paul Beck, William Sansom, Jacob Downing, William Davidson, and James Taylor, of the city of Philadelphia; Edward Brien, John Neff, Nathaniel W. Sample, Rudolph Kegey, of the county of Lancaster, in the state of Pennsylvania, and General Charles Ridgeley of Hampton, Benjamin Ellicott, James Carroll, Luke Tiernan, Henry Paysan, William Wilson, John M'Kim, junior Robert Miller, James Carey, and Charles Jessop, of the city of Baltimore, in the state of Maryland, be and they hereby are appointed commissioners to do and perform the several things hereinafter mentioned; *that is to say,* They shall on or before the first Monday in July next, procure one or more books, and in each of them enter as follows:

Their duties.

“ We, whose names are hereunto subscribed, do promise to pay to the president, managers and company of the Baltimore and Strasburg turnpike road, the sum of one hundred 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 the commonwealth of Pennsylvania, confirmed by the General Assembly of the state of Maryland, 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 Philadelphia and Lancaster turnpike road, through the village of Strasburg to the Susquehanna bridge at M'Call's ferry, and from thence to the city of Baltimore.” Witness our

hands, the day of in the year of our Lord
 one thousand eight hundred and and shall thereupon
 give notice in two or more of the public papers printed in the city
 of Philadelphia, two in the city of Baltimore, and two in the borough
 of Lancaster, for one calendar month at least, of the times and
 places when and where the said books shall be open to receive sub-
 scriptions for the stock of the said company, which is hereby declar-
 ed to be the sum of two hundred thousand dollars, divided into two
 thousand shares of one hundred dollars each; at which respec-
 tive times and places, some one or more of the said commission-
 ers shall attend and shall permit all persons of lawful age, bodies
 corporate and politic, who shall offer to subscribe in the said
 books, in their own 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 aforesaid by adjournment from time to time, and
 may be transferred from place to place, until the whole number
 of shares shall be subscribed, of which adjournments and trans-
 fer the commissioners aforesaid shall give such public notice as
 the occasion may require: *Provided always*, That every person
 offering to subscribe in the said books in his own name or any
 other name shall previously pay to the attending commissioners
 the sum of five dollars for every share to be subscribed, out of
 which shall be defrayed the expenses attending the taking such
 subscriptions and other incidental charges, and the remainder
 shall be paid over to the treasurer of the corporation, as soon as
 the same shall be organized and the officers chosen as hereinaf-
 ter mentioned, to be by him from time to time invested in the
 name of and for the benefit of the said corporation, in some
 public fund or stock within the states of Pennsylvania or Mary-
 land.

Notice to be given of the time for opening the books.

Who may subscribe.

Proviso.

SECT. II. *And be it further enacted by the authority aforesaid*,
 That when two hundred and fifty, or the whole number of shares
 shall be actually subscribed, the said commissioners or a majority
 of them shall certify under their hands and seals, the names of
 the subscribers and the number of shares subscribed by each to
 the governor of this commonwealth, and thereupon it shall and
 may be lawful for the governor, by letters patent under his hand
 and the seal of the state, to create and erect the subscribers into
 one body politic and corporate in deed and in law, by the name,
 style and title of "The president, managers and company of
 the Baltimore and Strasburg 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 necessa-

When 250 shares are subscribed,

the governor may issue letters patent to said company.

Name and style of. Powers and privileges of.

ry 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.

SECT. III. *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 or more of the public papers in Philadelphia, two in the city of Baltimore, and two in the borough of Lancaster aforesaid, of a time and place, by them to be appointed, not less than thirty 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, or until other such officers shall be chosen, and shall and may make such by-laws, rules, orders, and regulations not inconsistent with the constitution and laws of the United States, the state of Maryland, or 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 questions arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under the said number: *Provided nevertheless*, that all future annual elections of the said corporation shall be held on such notice and at such places, in manner and form aforesaid, as the managers aforesaid shall direct and appoint.

SECT. IV. *And be it further enacted by the authority aforesaid,*

That the said company shall meet on the first Monday in June, in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing officers as aforesaid, for the ensuing year, in manner aforesaid; and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders, and regulations as aforesaid, and to do, and perform any other corporate act.

SECT. V. *And be it further enacted by the authority aforesaid,*
That the president and managers first to be chosen as aforesaid,

When the company may be organized.

Officers to be elected.

By-laws.

Proviso.

Annual elections when to be held.

Majority may alter their by-laws.

Certificates of stock to be procured.

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 five dollars for each share, which certificate shall be transferable at his pleasure, in person or by attorney, in the presence of the president, secretary, or treasurer, subject however to all payments due, and to grow due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the purpose, shall be a member of said corporation, and for every certificate by him held, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid, at the meetings thereof.

Certificates transferable.

SECT. VI. *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 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, 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 labour done, and materials provided in the prosecution of the work, which orders shall be entered or registered in their book of minutes, and shall be signed by the president, or in his absence, by a majority of a quorum, and generally to do all such other acts, matters, and things, as by the by-laws, rules, orders, and regulations of the company shall be committed to them.

Five members to form a quorum of the corporation.

Their powers.

SECT. VII. *And be it further enacted by the authority aforesaid,* That if any stockholder, whether original subscriber or assignee, after thirty days notice in the public papers before mentioned, 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 for the space of thirty 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

Penalty on persons neglecting to pay their instalments.

When shares shall become forfeited.

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 shall be forfeited by and to the said company, at any public meeting of the managers thereof, and may be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor; or in default of payment by any stockholder, of any such instalment as aforesaid, the said president and managers may, at their election cause suit to be brought in any court having competent jurisdiction for the recovery of the same, together with the penalty aforesaid: *provided always*, that no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, unless the whole sum due, and payable as aforesaid, on the share or shares by him held, at the time of such election, or general or special meetings of the said company, shall have been fully paid and discharged as aforesaid.

SECT. VIII. *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 chainbearers, to enter into, and upon all and every the lands and enclosures, public roads, and highways, other than turnpikes, 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 thereon, 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 Philadelphia and Lancaster turnpike road through Strasburg, in Lancaster county, to the Susquehanna bridge at M'Call's ferry, and from thence to the city of Baltimore.

SECT. IX. *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 labourers, with their tools and instruments, carts, waggons, wains, and other carriages, and beasts of draught and burden, to enter upon the lands in, over, contiguous and near to which, the route and track of the said intended road shall pass, having given notice of their intention to the owners or occupiers thereof, and making amends for any damages that may be done thereon, the amount thereof, if they cannot otherwise agree, to be ascertained by an appraisement made upon oath or affirmation by three disinterested freeholders, mutually chosen and any two of them agreeing; or if the owners upon due notice, shall neglect or refuse to join in the choice, then the said freeholders shall be appointed by any disinterested justice of the

Suits may be instituted against delinquents.

Proviso.

Lands may be entered upon for marking the route of said road, &c.

Points of the road.

Materials may be taken off of adjoining lands, &c.

How compensation to be made to damages.

peace, and upon tender of the appraised value, it shall be lawful for the said president and managers to open and make the said road and to dig, take and carry away any stone, gravel, sand, earth or other materials there, being most conveniently situate for making or repairing the said road: *provided always*, that the freeholders chosen or appointed as aforesaid, in making said valuation shall take into consideration the advantages and disadvantages arising to the proprietors of such land on account of said road, and where no damage shall be assessed, the owner of the land shall pay all costs and expenses incurred by such appraisal.

Proviso.

SECT. X. *And be it further enacted by the authority aforesaid*, That the said president, managers, and company shall have power to erect permanent bridges over the creeks and waters crossed by the said route or track, whereon the same shall be found necessary; and shall cause a road sixty feet in width, to be laid out, and made from the Philadelphia and Lancaster turnpike road, by the route aforesaid, to the city of Baltimore, of which sixty feet, the said president, managers, and company shall be bound to make an artificial road, at least twenty feet in width, of firm, compact, and substantial materials, composed of gravel, pounded stone, or other small hard substances, in such a manner as to secure a good foundation and an even surface, so far as the nature of the country and the materials will admit, in the whole extent of the said road, wherever it shall be necessary and the natural surface require it, so as to fulfil the duties of the said company towards the public and to conform to the true intent and meaning of the present act, and shall forever hereafter maintain and keep the same in good repair: *provided*, that no toll be demanded or taken from any person passing or repassing from one part of his or her farm to another, or to and from any place of public worship, or funeral, on days appointed for that purpose, or from militia men on days of training, or from electors attending the general and township elections, going to and returning from the same.

Company empowered to erect bridges, &c.

Width of the road.

Substance of the artificial part.

Proviso, who is exempted from paying toll.

SECT. XI. *And be it further enacted by the authority aforesaid*, That so soon as the said president, managers, and company shall have perfected any distance of the said road, not less than ten miles, and so from time to time, any distance not less than five miles progressively, from the same, towards either of the places aforesaid, they shall give notice thereof to the governor of this commonwealth, if on the part of the road lying in Pennsylvania, or to the governor of Maryland, if on that part lying in Maryland, who shall thereupon forthwith nominate and appoint three judicious and disinterested persons to view and examine the same, and report to him whether the road is so far executed in a complete and workmanlike manner, according to the true intent and meaning of this act, and if their report shall be in the affirma-

When viewers shall be appointed.

tive, then the governor shall by license under his hand and the lesser seal of the commonwealth, permit and suffer the said president, managers and company to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls and duties hereinafter granted to the said company, from all persons travelling on the same with horses, cattle or carriages: *provided always*, that no gate shall be erected nor toll demanded from any person or persons travelling said road until after the license aforesaid shall have been granted, under a penalty of ten dollars, to be recovered as debts of the same amount are recoverable, for every such offence, which said penalty when recovered shall be paid over to the supervisors of the respective townships for the use of the roads in the same, nor shall any gate be erected within one mile of the city of Baltimore, or the village of Strasburg, nor within two miles of the Susquehanna bridge at M'Call's ferry.

Gates to be erect. d. &c.

Proviso.

Penalty for demanding toll before the license is granted.

Toll gatherers to be appointed.

Powers of.

Rate of toll.

SECT. XII. *And be it further enacted by the authority aforesaid*, That when the said company shall have perfected the said road, or any part thereof, from time to time, as aforesaid, and when the same shall have been examined, approved and licensed as aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper, to collect and receive of and from all and every person and persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horse or mule or driving any cattle, hogs, sheep, 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 have respectively paid the same: *that is to say*, For every space of five miles in length of the said road, the following sums of money, and so in proportion for any greater or less distance at which gates shall be fixed to collect toll, or for any greater or less number of hogs, sheep or cattle; *to wit*, for every score of sheep four cents; for every score of hogs, six and one-fourth cents, for every score of cattle twelve and an half cents, for every horse or mule laden or unladen with his rider or leader three cents, for every sulkey, chair, chaise, with one horse and two wheels, six and a quarter cents, and with two horses, twelve and a half cents; for every chair, coach, phaeton, chaise, stage-waggon, coachee or light waggon with two horses and four wheels twelve and a half cents, for either of the carriages last mentioned with four horses twenty-five 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, 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, 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.

Estimation of oxen, &c.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That if any person or persons owning, riding in, or driving, any carriage of burden or pleasure as aforesaid, or owning, riding, leading or driving, any horse or mule, or driving any hogs, sheep or cattle as aforesaid, shall with an intent to defraud the said company or to evade the payment of any of the tolls or duties aforesaid, pass therewith through any private gate or bar, or along or over any private passage way, or along or over any other ground or land near to or adjoining any turnpike or gate which shall be erected in pursuance of this act, or if any person or persons shall with the intent aforesaid take off or cause to be taken off, any horse or other beast or cattle of draught or burden from any carriage of burden or pleasure, or shall practice any other fraudulent means or device, with 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 Baltimore and Strasburg turnpike road the sum of fifteen dollars, to be sued for and recovered with costs of suit before any justice of the peace, in like manner and subject to the same rules and regulations as debts of equal amount are or may be by law recoverable.

Penalty for defrauding the company.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good repair for the space of ten days, and information thereof shall be given to any two justices of the peace for the proper county, such justices shall issue a precept to be directed to any constable, commanding him to summon five judicious and disinterested freeholders, to be named by said justices, 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 justices shall at such time and place, by the oaths or affirmations of the said freeholders, enquire whether the said road or any part thereof is in such good repair as aforesaid, and shall cause an inquisition to be made under their hands and seals, and under the hands and seals of the said freeholders, and if the said road shall be found by the said inquisition to be out of repair contrary to the true intent and meaning of this act, they shall so certify, and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which said defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates for the intermediate dis-

Procedure when the road is out of repair.

tance between them shall cease to be demanded, paid or collected until it shall have been certified by the said freeholders or a majority of them, that the said defective part or parts of the said road have been 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 of equal amount are or may be by law recoverable, but if the same road shall not be put into good repair before the next ensuing court of quarter sessions of the proper county, the said justices 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 the 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 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 expense thereof.

Penalty and how recovered.

Accounts of Monies to be kept.

SECT. XV. *And be it further enacted by the authority aforesaid*, That the president and managers of the said company shall keep fair and just accounts of all monies which shall be received by them from the said commissioners, and from the subscribers for the stock of the said company on account of their several subscriptions, and of all penalties for the delay in the payment thereof, and of the amount of the profit on the shares which may be forfeited as aforesaid, and also of all monies by them to be expended in the prosecution of their said work, and shall once at least in every year submit such accounts to a general meeting of the stockholders, until the said road shall be completed, and until all the costs, charges and expenses of effecting the same shall be fully paid and discharged; and the aggregate amount of such expenses shall be liquidated and ascertained, and if upon such liquidation, or whenever the whole capital stock 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,

And of expenditures.

The same to be annually submitted to stockholders.

it shall and may be lawful for the said president, managers and company, at a stated or special meeting to be convened according to the provisions of this act or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the monies subscribed for such shares in like manner and under the like penalties as are herein before provided for the original subscriptions, or as shall be provided by their by-laws.

Number of shares may be increased.

SECT. XVI. *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 to time be completed as aforesaid, and after the said road shall be completed, or so much thereof as it may from time to time be deemed expedient to make and finish, shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges, and a reasonable fund for repairs and for the progressive improvement and accomplishment of the said work, being first deducted and reserved among all the subscribers to the stock of the said company, and shall on the first Monday in December and June in every year, publish the half yearly dividends to be made of the clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Account of tolls to be kept.

Dividends to be declared.

Half yearly dividends.

SECT. XVII. *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) lay before the general assembly of this commonwealth, and the general assembly of Maryland, respectively, 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 abstract account of the costs and charges of keeping the said road in repair, and all other contingent costs and charges, to the end that the clear annual income and profits thereof may be ascertained and known.

Accounts of the Company to be laid before the Legislature.

SECT. XVIII. *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 milestones to be placed on the side of the said turnpike road, to designate the distances to and

Index hands to be erected, &c.

Rates of toll to

be fixed at each gate.

If the dividend or stock is less than 6 per cent. &c.

Tolls may be increased, &c.

Penalty on destroying any index hand or mile stone.

To be recovered before a justice of the peace.

Drivers of carriages &c to keep to the right hand side, &c.

Penalty for neglect.

from the principal places thereon, and also shall cause to be affixed on the gates to be erected for the information of travellers and others using the said road, a printed list of the rates of toll which from time to time may be lawfully demanded, and if at the end of three years after the said first section of five miles and every like succeeding section of the said road shall have been completed, it shall appear that the said clear income and profits will not yield a dividend of six per centum per annum on the capital stock so expended from the time of investing the same, then it shall and may be lawful for the president and managers to increase the tolls hereinbefore allowed, so much on each and every allowance thereof as will raise the said dividend up to six per cent. per annum, and if at any time it shall appear by the said abstract, that the said income and profits will yield a dividend exceeding ten per cent. per annum, then the said tolls shall be so reduced, as to reduce the dividend down to ten per cent. per annum.

SECT. XIX. *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 or mile post which shall be placed in pursuance of this act on the side of the said road, or shall obliterate the letters or figures inscribed thereon, or shall wilfully break, pull down, deface, destroy, or injure any direction-post which shall be erected in pursuance of this act at the intersection of any road as aforesaid, or the board or index-hand affixed thereto in conformity with the directions of this act, or shall obliterate the letters or figures inscribed or marked thereon, or destroy, deface, or obliterate the letters, figures or other characters marked at any turnpike or gate which shall be erected in pursuance of this act, for all or any of the purposes therein mentioned, or the whole or any part of any printed list of the rates of tolls which shall be affixed in pursuance of the directions of this act at 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.

SECT. XX. *And be it further enacted by the authority aforesaid,* That all waggons, carters, and drivers of carriages of all kinds, whether of burden or pleasure, using the said road shall, except when overtaking and passing by a carriage of slower draught keep their horses and carriages on the right hand side of the said road, in the passing direction leaving the other side of the said road free and clear for other carriages to pass and repass, and if any carter, waggoner, 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 aforesaid.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That if any toll-gatherer on the said road shall demand from any person or persons using the said road, any greater rate of toll than by this act is authorized and allowed, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, one half to the use of the supervisors of the roads or highways of the township in which the forfeiture shall be incurred, and the other half to the use of the person suing for the same, to be recovered before any justice of the peace of the county, where such offence shall have been committed.

Penalty for collecting illegal tolls.

How recoverable.

SECT. XXII. *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 the penalty incurred under the same, whether by or against the said company, their servants, or assignees, the said suit or prosecution shall not be sustained by the plaintiff or prosecutor, then and in such case, the person or persons prosecuted as aforesaid shall recover by the judgment of the justice before whom such suit or prosecution shall be depending, or by action before the court of common pleas of the proper county, (if such prosecution had been instituted before the court of general quarter sessions of the peace) such sum not exceeding the amount of the penalty for which the suit or prosecution shall be commenced, as shall be deemed a reasonable retribution for the vexation of such suit or prosecution.

Penalty on instituting vexatious prosecutions, &c.

SECT. XXIII. *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.

All suits to be brought within six months.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* That nothing in this act shall be deemed, taken or construed to authorize the governor to incorporate or impower the said subscribers to do any act, matter, or thing herein mentioned, until such time as the legislature of Maryland shall vest the like powers and authority in such subscribers, to make the said road by the route aforesaid, from Baltimore to the Philadelphia and Lancaster turnpike road, with as full and ample powers, privileges, franchises and emoluments, as to the said subscribers are herein given and granted; and if the said company shall not proceed to carry on the said work within three years, or shall not within ten years after being incorporated as aforesaid, complete the same according to the true intent and meaning of this act, then in either

This law to be null until the legislature of Maryland pass a similar act, &c.

Work to be commenced in three years and completed in ten.

Penalty on failure.

of those cases it shall and may be lawful for the legislatures of the commonwealth of Pennsylvania, and of the state of Maryland, respectively, to resume all and singular the rights, liberties, privileges and franchises by this act granted to the said company.

SECT. XXV. *And be it further enacted by the authority aforesaid,* That if the legislature of Pennsylvania or Maryland, should, at any time after the year one thousand eight hundred and forty-five, think proper to take possession of the said road for the purpose of declaring it a free road, three persons shall be appointed by the governor of Pennsylvania, three by the governor of Maryland, and six by the president and managers of the said company, who or any seven or more of them not having any interest in the said road, shall proceed to examine and estimate the value of the property which the said company have therein, and certify the amount thereof within each state to the governors respectively, 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 and not till then, their right to take toll on the said road, together with all their right, title, claim and interest therein shall cease and determine.

After the year 1845 the said road may be declared free.

How the value thereof shall be ascertained.

Proceedings to be laid before the legislature.

SECT. XXVI. *And be it further enacted by the authority aforesaid,* That the governor of this commonwealth be, and he is hereby required to cause a certified copy of this act to be transmitted to the governor of the state of Maryland, with a request that he will lay the same before the legislature of that state during their present session.

Governor to transmit a copy of this act to the governor of Maryland.

ROBERT SMITH, *Speaker*
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-second day of December, one thousand eight hundred and thirteen.

SIMON SNYDER.

CHAPTER V.

An ACT to enable the Governor to incorporate a company for making an artificial road, beginning at the intersection of the Egypt road with the Ridge turnpike road, two miles above Norristown, in the county of Montgomery, and thence to Pawling's ford bridge over the river Schuylkill.

SECT. 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,* That Samuel Wetherill, junior, Levi Pawling, Isaac Markley, John Shannon, of Norriton, Joseph Crawford, John Francis and Hen-

Commissioners.