

Act to be construed favorably to the corporation.

Proviso.

SECT. XXVIII. *And be it further enacted by the authority aforesaid, That as often as any doubts shall arise touching this act, the same shall, in all courts of law and equity and elsewhere, be construed and taken most favorably for the said corporation: And provided also, That this act and the powers and authorities herein vested in the said city, shall not be impaired, affected, defeated or destroyed by any neglect or omission to appoint all or any of its officers, at the time or times allotted for the same, and in case of any such defect or omission, the recorder and aldermen of the said city, or a majority of them, shall forthwith take all necessary measures to cure and supply such defects and omissions, giving due notice thereof in the public newspapers of the said city.*

REES HILL, *Speaker*
of the House of Representatives.

JOHN TOD, *Speaker of the Senate.*

APPROVED—the eighteenth day of March, one thousand eight hundred and sixteen.

SIMON SNYDER.

CHAPTER CX.

An ACT authorising the governor to incorporate four companies for making an artificial road from the town of Washington in this state, to intersect the Harrisburg and Pittsburg turnpike road, at or near the town of Bedford.

Route of the road.

Four companies to be incorporated.

Style of the companies respectively.

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 for the purpose of making an artificial road from the town of Washington in this state, by way of Williamsport, Robbstown, Mount Pleasant, Somerset and the White Horse tavern, on the top of the Allegheny mountain, to intersect the Harrisburg and Pittsburg turnpike road, at or near the town of Bedford, it shall and may be lawful for the governor to incorporate four companies on the terms and conditions hereinafter mentioned and provided; one company for making so much of the said road as may lie between the town of Washington and the bank of the Monongahela river at the town of Williamsport, to be known by the name and style of "The Washington and Williamsport Turnpike Road Company;" one company for making so much of the said road as may lie between the bank of the Monongahela river, opposite the town of Williamsport, and the town of Mount Pleasant, to be known by the name and style of "The Robbstown and Mount Pleasant Turnpike Road Company;" one company for making so much of the said road as may lie between the town of Mount Pleasant and the town of Somerset, to be called "The Somerset and Mount Pleasant Turnpike Road Company;"*

and one other company for making so much of the said road as may lie between the town of Somerset and the intersection of the same road with the Harrisburg and Pittsburg road aforesaid, to be known by the name and style of "The Somerset and Bedford Turnpike Road Company."

SECT. II. *And be it further enacted by the authority aforesaid,* That Alexander Murdock, Joseph Pentecost, Thomas H. Baird, James Mitchell, David Hamilton, esquire, Alexander Reed, John Hill, Jacob Kintner and Andrew Menrow, of the county of Washington, for the Washington and Williamsport turnpike road company; William Flinn, James Conner, Casper Tarr, Henry Fox, James B. Oliver, Doctor James Beatty, Joseph Markle, John Nicholas and Joseph Bedsworth, of Westmoreland county, for the Robbstown and Mount Pleasant turnpike road company; John Lobengier, James Hurst, James Jones and Doctor James Estep, of Westmoreland county, and Abraham Morrison, James Clark, John Hindman, Abraham Brough and James Hanna, of Somerset county, for the Somerset and Mount Pleasant turnpike road company; and Jacob Snyder, Henry Ankeny, Robert Philson, Jacob Stoner and William C. Dorsey, of Somerset county, and James M. Russel, David Mann, Jacob Bonnett and Samuel Riddle, of Bedford county, for the Somerset and Bedford turnpike road company, be, and they are hereby appointed commissioners to do and perform the following duty, viz: Each board of commissioners shall, on or before the first Monday in July next, procure one or more books, and in each of them enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the

Commissioners named.

turnpike road company, the sum of fifty dollars for each share of stock in the said company set opposite to our respective names, in such manner, in such proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of the commonwealth of Pennsylvania, entitled 'An act authorising the governor to incorporate four companies for making an artificial road from the town of Washington in this state, to intersect the Harrisburg and Pittsburg turnpike road at or near the town of Bedford.' Witness our hands this _____ day of _____ in the year of our Lord one thousand eight hundred and _____."

Books to be opened.

And shall, thereupon, give notice in one newspaper printed in the borough of Bedford, and one or more newspapers printed in the borough of Somerset, and one or more newspapers printed in the borough of Greensburg, and one or more newspapers printed in the borough of Washington, respectively, for one calendar month at least, of the times and places when and where the said books shall be kept open to receive subscriptions for the stock of the said companies, or either of them, at which respective times and places some one or more of the said commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said books in their own name, or the names of any other persons who shall duly authorise the same, for any number of shares in the said

Notice of opening books.

Who may subscribe.

Books, how long to be kept open.

Commissioners may adjourn and transfer books,

Proviso.

When letters patent may issue,

Style of corporation.

Number of shares may be increased.

Notice to be given of the time of organizing the company,

stock, and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day for the space of three days, if necessary, or until fifteen hundred shares shall have been subscribed of the stock of each of the said companies, and if at the expiration of the said three days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the said books elsewhere, until the whole number of shares shall be subscribed, of which adjournments and transfer the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares subscribed in all the books shall amount to the number aforesaid the same shall be closed: *Provided always*, That every person offering to subscribe in the said books, in his own or any other name, shall previously pay to the attending commissioners the sum of 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 said company, as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

SECT. III. *And be it further enacted by the authority aforesaid*, That when forty persons or more shall have subscribed eight hundred shares or more of the said stock of the Washington and Williamsport turnpike road company, the commissioners of said company, or a majority of them, may, or when the whole number of shares aforesaid shall be subscribed, they shall certify to the governor, under their hands and seals, the names of the subscribers and the number of shares subscribed by each, whereupon he shall, by letters patent under his hand and seal of the state, create and erect the subscribers, and if the subscriptions be not full at the time, then also those who shall thereafter subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The President, Managers and Company of the Washington and Williamsport Turnpike Road," and by the same 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 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 intention of this act, and of purchasing, taking and holding to them and their successors and assigns, 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. IV. *And be it further enacted by the authority aforesaid*, That the commissioners of said company shall, as soon as conveniently may be after the said letters patent shall be obtained, give thirty days notice in the public papers aforesaid of the

time and place, by them appointed for the said subscribers to meet in order to organize the said corporation, and to choose, by a majority of votes of the said subscribers, by ballot, to be delivered in person or by proxy duly authorised, one president, twelve managers, one treasurer, and such other officers as shall be deemed necessary to conduct the business of the said company until the first Monday in May, in the year of our Lord one thousand eight hundred and seventeen, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations as do not contravene the constitution and laws of the United States or of this commonwealth, and may be necessary for the well-governing the affairs of the said company: *Provided always*, That no person, in his own right, shall have more than fifteen votes at any election, or determining any question arising at said meeting, whatever number of shares he or she may be entitled to, and that each person shall be entitled to one vote for every share by him or her held under that number.

SECT. V. *And be it further enacted by the authority aforesaid*, That the said company shall meet on the first Monday of May, in the year of our Lord one thousand eight hundred and seventeen, and on the first Monday of May in every year thereafter, at such place as shall be fixed by their by-laws, for the purpose of choosing managers and 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 by-laws.

SECT. VI. *And be it further enacted by the authority aforesaid*, That the president and managers first chosen as aforesaid for said company, shall procure certificates 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 five dollars for each share; which certificate shall be transferable at his pleasure, in person or by attorney duly authorised, in the presence of the president or treasurer, subject, however, to all payments due or to become 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 that purpose, shall be a member of the corporation, and for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock, and of all estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

SECT. VII. *And be it further enacted by the authority aforesaid*, That the said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met 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 formed, they shall have full power and authority to appoint all such surveyors, engineers, superintend-

Officers to be chosen.

Of by-laws.

Meetings of the company.

Certificates of stock,

transferable.

7 members a quorum.

May appoint engineers, &c.

ants, and other artists and officers as they shall deem necessary to carry on their intended works, and to fix their salaries and wages, to ascertain the times when, and manner and proportions in which the stockholders shall pay the monies due on their respective shares, to draw orders on the treasurer for all monies necessary to pay the salaries or wages of persons by them employed, and for materials: *Provided*, That such drafts do not exceed the sums deposited by the company, and such orders 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 this act and by the by-laws, rules, orders and regulations of the company they shall be authorised to do.

Proviso limiting drafts on treasurer.

SECT. VIII. *And be it further enacted by the authority aforesaid*, That if after thirty days notice in such public papers, at the discretion of the managers, as shall be best calculated to notify such stockholders of the time and place appointed for the payment of any proportion or dividend of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or dividend, at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee, shall, in addition to the dividend so called for, pay at the rate of two per centum per month for the delay of such payment, and if the same and 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 shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same, or in default of payment by any stockholder of any such instalment as aforesaid, that the said president and managers may, at their election, cause suit to be brought in any court of 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 meeting of the said company, shall have been fully paid and discharged as aforesaid.

Notice to be given of paying instalments.

Penalty on neglecting to pay instalments.

Proviso.

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, their superintendants, surveyors, engineers, artists and chain bearers, to enter into and upon all and every the lands, tenements and enclosures 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 of the said road, upon such practicable ground as will be shortest in distance between the several points of the

Right to enter enclosures.

said road, mentioned in this act, and to open, make and construct said road in the manner hereinafter directed.

SECT. X. *And be it further enacted by the authority aforesaid,* That the said president and managers, by and with their superintendants, engineers, artists, workmen and laborers, with their tools, instruments, carts, waggons and other carriages and beasts of draught or burden, may enter upon the lands over, contiguous and near to the route of the said intended road, first giving notice to the owners or occupiers thereof, and afterwards doing as little damage thereto as possible, and repairing any breaches they may make in the inclosures thereof, and making amends for any damage that may be done to the improvements thereon, the amount whereof, if the parties do not agree, shall be assessed by any three disinterested freeholders, to be appointed by any disinterested justice of the peace of the county where such damage may be done, and upon tender of the appraised value, may dig, take and carry away any stone, gravel or other materials there being most conveniently situate for making or repairing the said road : *Provided,* That if the owner of the land shall suffer damage by the road passing over the same, such owner may, within one year, make application to the court of quarter sessions of the proper county, which shall appoint three disinterested freeholders, who shall assess and determine, and under their oaths or affirmations, report to the said court what damage such owner shall have sustained by reason of said road passing over the same, taking into view in such assessment, and making due and full allowance for all advantages accruing, or likely to accrue, to such owner by reason of so making and establishing the same.

Engineers, &c. may enter on lands.

Repair breaches.

How damages to be ascertained.

Proviso.

SECT. XI. *And be it further enacted by the authority aforesaid,* That a road shall be laid out as aforesaid, of not less than fifty nor more than sixty feet in width, at least twenty-one feet thereof to be made an artificial road, except over the Allegheny mountain, Laurel hill and Chesnut ridge, which shall be at least thirty feet, and twenty feet thereof to be made an artificial road, bedded with stone and gravel well compacted together, and of 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 of, an even surface, and so nearly level in its progress as that it shall in no place rise or fall more than will form an angle of five degrees with a horizontal line, and shall for ever after maintain and keep the same in good and perfect order ; and the said president, managers and company shall erect permanent bridges over all the streams of water crossing the said road, except the Youghiogeny and Monongahela rivers.

Width of road and its formation.

Of bridges.

SECT. XII. *And be it further enacted by the authority aforesaid,* That as soon as the said president, managers and company shall have perfected the said road for the distance of five miles aforesaid, and also when they shall have completed each succeeding section of five miles, likewise when the remainder shall be finished, they shall give notice thereof to the governor,

Of erecting gates.

who shall thereupon forthwith appoint three disinterested persons to view and examine the same, and to report to him, in writing, whether the said road is so far executed in a masterly and workmanlike manner, according to the true intent and meaning of this act, and if their report shall, in either case, be in the affirmative, then the governor shall, by license under his hand and the lesser seal of this commonwealth, permit the said president, managers and company to fix and erect so many gates, or turnpikes, upon and across the said road, as will be necessary and sufficient to enable them to collect the tolls and duties hereinafter granted to the said company, from all persons travelling on the same with horses, cattle, sheep, swine and carriages: *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 on Sunday, or funeral, or from any officer or private belonging to the militia, going to or returning from any company, battalion or regimental training, or from any officer going to and returning from any officers' training, or from any person going to or returning from any general, special or township election, or from any person going to or returning from school.

Proviso.
Exceptions
in certain
cases.

SECT. XIII. *And be it further enacted by the authority aforesaid*, That the said company, having perfected the said road, or such part thereof from time to time as aforesaid, and the same being examined, approved and licensed as aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper to collect and receive of and from all and every person and persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person riding or leading any horse, or driving any cattle, hogs or sheep, or driving any coach, cochee, sulky, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, from passing through the said turnpikes or gates until they shall, respectively, have paid the same, that is to say, For every five miles in length of the said road, completed and licensed as aforesaid, the following sums of money, and so in proportion for any lesser or greater distance actually travelled, or for any greater or less number of sheep, hogs or cattle, to wit: For every score of hogs, six cents; for every score of sheep, six cents; for every score of cattle, twelve cents and one half; for every horse and his rider, or led horse, three cents; for every sulky, chair or chaise, with one horse and two wheels, six cents, and with two horses, nine cents; for every chariot, coach, phaeton or chaise, with four wheels and two horses, twelve and one half 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 stage-waggon, with two horses, twelve and one-half cents, and for every such waggon with four horses, twenty cents; for every sleigh, three cents for each horse drawing the same; for every sled, two cents for each horse drawing the same; for every cart or waggon, the wheels of which do not exceed the breadth of

Rates of toll.

four inches, six cents for each horse drawing the same ; for every cart or waggon, the wheels of which shall exceed in breadth four inches and 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, 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 ; for every cart or waggon, the breadth of the wheels of which shall be more than twelve inches, one cent for each horse drawing the same ; and all carriages as aforesaid, which shall be drawn by oxen in the whole, or partly by oxen and partly by horses, two oxen shall be estimated as equal to one horse, in charging all the aforesaid tolls, and every mule as equal to one horse : And if any person or persons shall represent to the said company, or any of their officers, that he, she or they have travelled a less distance than he, she or they have actually travelled along the said road, with intent to defraud the said company of their toll, or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of the said company, any sum not exceeding eight dollars ; and if any toll-gatherer shall demand and receive greater or other toll from any person or persons, than such toll-gatherer is authorised to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the supervisors of the highways of the township in which the forfeiture is incurred, for the repair of the roads of the said township, and for the payment of which the said company shall be responsible : *Provided always,* That it shall and may be lawful for the said company, by their by-laws, to regulate the burden on carriages to be drawn along the said road, in such manner as shall be found, from experience, to be most conducive to the public convenience and the advantage of said company.

Penalty on attempting to defraud company.

Penalty on demanding illegal toll.

Proviso.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road and bridges in good and perfect order and repair, for the space of five days, and information shall be given thereof to any justice of the peace of the neighbourhood within the county where the repair ought to be made, such justice shall issue a precept to be directed to any constable, commanding him to summon three disinterested persons, to meet at a certain time in the precept to be mentioned, at the place in such road as shall have been complained of, of which meetings notice shall be given to the keeper of the gate or turnpike nearest thereto, within the said county, and the said justice shall, at such time and place, on the oaths or affirmations of said persons, enquire whether the said road, or any part thereof, is in such good and perfect order and repair as aforesaid, and if upon such enquiry the said road shall be found to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall cause an inquisi-

Penalty on neglecting to keep road in repair.

Mode of procedure.

tion thereof to be made, under his hand and at least two of the said persons, one copy whereof he shall certify and send to each of the keepers of the turnpike or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid, and if the same shall not be put into good and perfect order and repair before the next court of quarter sessions of the peace, to be held for the county in which the defect is proved to be, the said justice shall certify and send a copy of the inquisition aforesaid to the justices of the said court, who shall, thereupon, cause process to issue to bring in the body or bodies of the person or persons entrusted by the said company with the care and superintendance of such part of the said road as shall be so found defective, and shall proceed thereon as in the case of supervisors of the highways for neglect of their duty; and if he or they shall be convicted of the offence charged in the said inquisition, the said court shall give such judgment, according to the nature and aggravation of the neglect, as they in their discretion shall judge proper: *Provided* the fine in no instance shall be less than twenty dollars, nor exceed one hundred dollars, and the fines so 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 township wherein the offence was committed, to be applied to repairing the highways and public roads therein.

Proviso.
Limiting fine.

Penalty on
attempting
to defraud by
passing thro'
private gates.

SECT. xv. *And be it further enacted by the authority aforesaid,* That if any person or persons whosoever, owning, riding in or driving any sulky, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, riding or leading any horse, mare or gelding, or driving any sheep, hogs or other cattle, shall therewith pass through any private gates or bars, or along or over any private passage way or other ground near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the said company and avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall, with such intent, take off, or cause to be taken off, any horse, mare or gelding, or other cattle, from any sulky, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, or practise any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every such person or persons, in all and every or any of the ways or manners aforesaid offending, shall, for every such offence respectively, forfeit and pay to the president, managers and company of the said turnpike road, any sum not exceeding ten 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 a similar amount may now or hereafter be sued for and recovered.

SECT. XVI. *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 received by them from the said commissioners, and from the subscribers to the said undertaking on account of the several subscriptions, of all penalties for delay in the payment thereof, and 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 works, and shall once at least in every year submit such accounts to a general meeting of the stockholders, until the said accounts 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 when the capital stock of said company shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting, to be convened according to the provisions of this act or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to receive and demand the monies subscribed for such shares, in like manner and under like penalties, as are herein before provided for the original subscription, or as shall be provided by their by-laws.

Accounts to be kept and annually submitted to stockholders.

Number of shares may be increased.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That the said president, managers and company shall keep a just and true account of all the monies received by their several and respective collectors of tolls, at the several respective gates or turnpikes on the said road, from the beginning to the end thereof, and shall make and declare a dividend of the clear profits and income thereof among the stockholders, all contingent costs and charges being first deducted, and shall, on the first Monday in May and November in every year, publish the half-yearly dividend aforesaid, and the time when and place where the same will be paid, and shall cause the same to be paid accordingly.

Of dividends.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That the president and managers shall, at the end of every year after the said road shall have been completed, lay before the general assembly an abstract of their accounts, showing the whole amount of capital expended in the prosecution of the said work, and of the income and profits arising from the said tolls for and during the said respective periods, together with an exact account of the costs and charges of keeping the said road in repair, and all other contingent costs and charges, that the clear annual income and profits thereof may be known and ascertained, and if at the end of one year after the said first section of five miles, and each like succeeding section of the said road, shall have been completed, it shall appear from the average profits, that the clear income will not yield a dividend of six per cent. per annum on the whole capital stock of the said company so expended, then it shall and may be lawful for the president,

Abstract of accounts to be submitted to legislature

Tolls may be increased in a certain case.

managers and company to increase the tolls herein before allowed, so much upon each and every allowance thereof, as will raise the said dividend up to six per centum per annum, and at the end of every year after the said road shall have been completed, they shall render to the general assembly a like abstract of their accounts, and if at any time the said clear income and profits shall exceed a dividend of nine per centum per annum, then the said toll shall be so reduced as to reduce the said dividend down to nine per centum per annum,

Index hands,

SECT. XIX. *And be it further enacted by the authority aforesaid,* That the said president and managers shall cause posts to be erected and continued at the intersection of every public road intersecting the said turnpike road, with a board and index-hand 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 distances thereof in measured or computed miles.

Mile-stones.

SECT. XX. *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, and also cause to be affixed at each gate, a printed list of the rates of toll which may lawfully be demanded, for the information of travellers and others using the said road; and if any person or persons shall wilfully destroy the said posts, boards, index-hands or mile-stones as aforesaid, or shall, without permission of the acting superintendent of the said road, throw out upon the said road, or within the limits thereof, and shall suffer to remain for the space of one day, any mould, dirt, shavings, weeds or rubbish of any kind, such person or persons, being convicted thereof by the evidence of one or more credible disinterested witness or witnesses, before any justice of the peace of that county in which the offence shall have been committed, he, she or they shall be adjudged by the said justice to pay a fine not exceeding five dollars, to be recovered, with costs, as debts of equal amount are or may be by law recoverable, which fine, when recovered, shall be paid by the said justice to the treasurer of the said company for the use of the company.

Penalty on defacing mile-stones, and for nuisances thrown in the road.

Direction to waggoners.

SECT. XXI. *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 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 road free and clear for other carriages to pass, and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be so 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.

Time for commencing and completing road.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry on the said work within five years after the passing of this act, or shall not within ten years thereafter complete the said road ac-

ording to the true intent and meaning of this act, then, in either of those cases, all and singular the rights, privileges, liberties and franchises hereby granted to the said company, shall revert to this commonwealth.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That the other companies herein before mentioned, to wit: Other companies to be incorporated and enjoy similar powers, &c, The Robbstown and Mount Pleasant turnpike road company, the Mount Pleasant and Somerset turnpike road company, and the Somerset and Bedford turnpike road company, shall severally and respectively be incorporated in the same manner, and on the same conditions, and shall have and possess all the powers, authorities and privileges, and be subject to all the duties, penalties and restrictions as are given and granted to or imposed upon the Washington and Williamsport turnpike road company in the preceding sections of this act, as fully and effectually and to all intents and purposes, as if the enactments and provisions of the said several sections were severally repeated and re-enacted as to the said companies respectively.

REES HILL, *Speaker*
of the House of Representatives.

JOHN TOD, *Speaker of the Senate.*

APPROVED—the eighteenth day of March, one thousand eight hundred and sixteen.

SIMON SNYDER.

CHAPTER CXI.

A SUPPLEMENT to an act, entitled “An act establishing a fee bill.”

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 in all cases where any sheriff or constable, upon any execution to him delivered to be executed, shall not sell either real or personal estate for, or recover and receive the whole amount of the debt and interest mentioned in any such execution, he shall be allowed to receive, take or retain commissions or poundage on the amount of the sum by him actually recovered or received, and no more; any construction heretofore given to the act to which this is a supplement, to the contrary notwithstanding.

REES HILL, *Speaker*
of the House of Representatives.

JOHN TOD, *Speaker of the Senate.*

APPROVED—the eighteenth day of March, one thousand eight hundred and sixteen.

SIMON SNYDER.