

No. 193.

AN ACT

For the preservation and repair of the Cumberland road.

WHEREAS, that part of the Cumberland road, lying within the state of Pennsylvania, is in many parts in bad condition for want of repairs, and as doubts have been entertained, whether the United States have authority to erect toll gates on said road, and collect toll; and as a large proportion of the people of this commonwealth are interested in said road, and its constant continuance and preservation:

Preamble.

Therefore,

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 as soon as the consent of the Government of the United States shall have been obtained, as hereinafter provided, William F. Coplan, David Downer, of Fayette county, Stephen Hill, Benjamin Anderson, of Washington county, and Thomas Endsley, of Smithfield, Somerset county, shall be and they are hereby appointed commissioners, a majority of whom shall be sufficient to transact business, who shall hold their offices for three years after the passage of this act, after which the right of appointing said commissioners shall vest in the Governor of this commonwealth, to build toll houses, and erect toll gates at suitable distances, on so much of the Cumberland road as lies within the state of Pennsylvania: *Provided,* That if any one or more of the said commissioners should die, resign or refuse to serve, the Governor shall appoint one or more other commissioners to fill the vacancies so happening: *And provided also,* That nothing herein contained shall be construed to prevent the Governor from re-appointing the commissioners named in this act, if he thinks proper.

Upon consent of general government, commissioners appointed for 3 years.

Governor to appoint successors.

Proviso. Vacancies to be supplied by Governor.

SECT. 2. *And be it further enacted by the authority aforesaid,* That for the purposes of keeping so much of the said road in repair as lies within the state of Pennsylvania, and paying the expenses of collection and other incidental expenses, the commissioners shall cause to be erected on so much of the said road as passes within this state, at least six gates; and that as soon as said gates and toll houses shall be erected, it shall be the duty of the toll collectors, and they are hereby required to demand and receive for passing the said gates, the tolls hereafter mentioned; and they may stop any person riding, leading or driving any horses, cattle, sulky, chair, phaeton, cart, chaise, wagon, sleigh, sled or other carriage of burden or pleasure, from passing through the said

Erection of gates for collection of toll.

Rates of toll. gates, until they shall respectively have paid for passing the same, that is to say: for every space of fourteen miles in length on said road, the following sums of money, and so in proportion for every greater or lesser distance; the rates of toll to be collected at each gate, shall be the following, to wit: for every score of sheep or hogs six cents; for every score of cattle twelve cents; for every led or drove horse three cents; for every horse and rider four cents; for every sleigh or sled, for each horse or pair of oxen drawing the same three cents; for every dearborn, sulkey, chair or chaise with one horse six cents; for every chariot, coach, cochee, stage, wagon, phaeton, chaise, or with two horses and four wheels twelve cents; for either of the carriages last mentioned with four horses eighteen cents; for every other carriage of pleasure, under whatever name it may go, the like sum, according to the number of wheels and horses drawing the same; for every cart or wagon whose wheels shall exceed two and a half inches in breadth, and not exceeding four inches four cents, for every horse or pair of oxen drawing the same; and every other cart or wagon whose wheels shall exceed four inches and not exceeding five inches in breadth three cents, for every horse or pair of oxen drawing the same; and for every other cart or wagon whose wheels shall exceed six inches and not more than eight inches two cents, for every horse or pair of oxen drawing the same: all other carts or wagons whose wheels shall exceed eight inches in breadth shall pass the said gates free of tolls: *Provided*, That the commissioners appointed by the first section of this act, may commute the rates of toll with any person or persons, by taking of him or them a certain sum annually, in lieu of the tolls aforesaid: *And provided also*, That nothing in this act shall be construed so as to authorize any tolls to be received or collected from any person or persons passing or re-passing from one part of his farm to another, or to or from a mill, or to or from any place of public worship, funeral, militia training, elections or from any student or child going to or from any school or seminary of learning, or from persons and witnesses going to and returning from courts: *And provided further*, That no toll shall be received or collected for the passage of any wagon or carriage laden with the property of the United States, or any cannon or military stores belonging to the United States or to any of the states composing this union.

Proviso.
Annual
agreements.

2d proviso.
Exempts.

3d proviso.
U. S. and state
property to
pass free.

Appointment
of toll collec-
tors.
Settlement of
accounts, &c.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said commissioners shall appoint proper and suitable persons as toll gatherers, who shall settle their accounts quarterly with the commissioners, and at all other times, when thereunto required; and shall, at all times, pay over to them, on demand, the amount of tolls by them collected; and it shall be the duty of the said commissioners, to render

annually, to the court of quarter sessions of the respective counties through which the road passes, an account of the tolls received and expenses incurred on said road, on oath or affirmation, and publish the same in one or more newspapers in each county, through which the road passes; and they shall each receive a compensation of two dollars per day, for every day that they shall be engaged on the business of said road: *Provided*, That the annual compensation to any one commissioner, shall not exceed the sum of one hundred dollars.

Annual publication.
Compensation of commissioners.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the amount of tolls, after deducting therefrom the expenses and charges of collection, and compensation of commissioners, shall be applied, under the direction of the commissioners, to the repairs and preservation of said road, in such manner, and under such regulations, as they from time to time prescribe, and to no other purpose whatever; and the said commissioners shall have power to increase or diminish the rates of toll: *Provided*, That the same shall at no time be increased beyond the rates of toll established by an act, entitled "An act authorising the Governor to incorporate a company, for making an artificial road, from the bank of the river Susquehanna, opposite the borough of Harrisburg, to Pittsburg, passed the twenty-fourth day of February, one thousand eight hundred and six.

Application of proceeds.
Proviso.
Increase of rates of toll.

SECT. 5. *And be it further enacted by the authority aforesaid*; That directors shall be set up at proper and convenient situations, to caution all conductors or drivers of carriages, on the road aforesaid, that they shall, at all times, pass on the left of each other, under the penalty of two dollars for every offence.

Caution to drivers.

SECT. 6. *And be it further enacted by the authority aforesaid*, That if any of the toll gatherers shall unreasonably delay or hinder, any passenger or traveller, at any of the gates, or shall demand or receive more toll than may be established under this act, he shall, for each and every offence, forfeit and pay to the party so aggrieved, the sum of twenty dollars.

Penalty on misconduct of toll gatherers.

SECT. 7. *And be it further enacted by the authority aforesaid*, That if any person or persons, shall wilfully, and of purpose, throw down, or otherwise injure, any of the walls, bridges, culverts, or other works on said road, or shall otherwise wilfully injure or obstruct the passage of the said road unnecessarily, the person or persons so offending, shall forfeit and pay, for every such offence, any sum not less than five, or more than fifty dollars, to be collected and applied as is directed in the ninth section of this act.

On wilfully injuring property.

SECT. 8. *And be it further enacted by the authority aforesaid*, That the toll gatherers on said road, shall respectively receive compensation for their services, at the rate of twelve per cent. on the amount of tolls by them respectively col-

Compensation of toll gatherers.

lected: *Provided*, That the annual compensation of any toll gatherer, shall never exceed the sum of two hundred dollars.

RECOVERY AND APPROPRIATION OF PENALTIES, &c.
 SECT. 9. *And be it further enacted by the authority aforesaid*, That the penalties and forfeitures which may be incurred under this act, shall and may be sued for and recovered, in the name of the commissioners of the road, without naming them as individuals, or of any person prosecuting the same; the one moiety thereof to the use of the commonwealth, the other to the person so prosecuting for the same, before any magistrate or court having jurisdiction in like cases.

THIS ACT NOT TO GO INTO EFFECT UNTIL CONGRESS MAKES CERTAIN PROVISIONS.
 SECT. 10. *And be it further enacted by the authority aforesaid*, That this act shall not have any force or effect, until the Congress of the United States shall assent to the same, and until so much of the said road as passes through the state of Pennsylvania, be first put in a good state of repair, and an appropriation made by congress for erecting toll houses and toll gates thereon, to be expended under the authority of the commissioners appointed by this act: *Provided*, The legislature of this state may, at any future session thereof, change, alter, or amend this act, provided that the same shall not be so altered or amended, as to reduce or increase the rates of toll hereby established, below or above a sum necessary to defray the expenses incident to the preservation and repair of said road, for the payment of the fees or salaries of the commissioners, the collectors of tolls, and other agents: *And provided further*, That no change, alteration, or amendment, shall ever be adopted, that will in any wise defeat or affect the true intent and meaning of this act.

PROVISO. RELATIVE TO ALTERATIONS OF THIS ACT.

FREDK. SMITH,
Speaker of the House of Representatives.
 WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 194.

AN ACT

To provide for the erection of a house for the employment and support of the poor, in the county of Schuylkill.

COUNTY COMMISSIONERS TO ERECT A HOUSE.
 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 the commissioners of the county of Schuylkill, shall have power to direct that a house for the employment