

1792. United States, for the use of the said house, one copy; to the executives of each state in the union, for the use of their respective Legislatures, one copy; three sets thereof to the library company of Philadelphia; and the remaining sets he shall retain in his own custody, subject to the orders of the Legislature, or of the Governor.

The secretary to attest the collation of the laws.

Further duties of the Secretary.

A legal character to collate the repealed laws. (obsolete.)

The expenses incurred under this act how to be paid.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the Secretary of this commonwealth shall prefix to each volume an attestation, under his hand, that he has collated the laws contained therein with the original rolls in the Rolls-Office, and corrected the same thereby.

[SECT. VI. *And be it further enacted by the authority aforesaid,* That the Secretary of the commonwealth shall enter, or cause to be entered, in suitable books, which he shall procure for that purpose, such minutes of the proceedings of the executive department of this commonwealth as have not already been so entered, and shall thereupon forthwith make, or cause to be made, a sufficient index to the same, from the third day of July, one thousand seven hundred and seventy-five, to the third Tuesday of December, one thousand seven hundred and ninety inclusive; for which purposes, and to enable him to procure the assistance of an additional clerk to effect the same, the Governor is hereby authorized to draw a warrant in his favour, on the state treasurer, for a reasonable compensation, not exceeding one thousand dollars.]

SECT. VII. [*And be it further enacted by the authority aforesaid,* That the Governor be, and he is hereby authorized, to employ a proper person, of legal abilities, to collate the laws denominated under the aforesaid description, who shall insert references from one act to another, or the title of another upon the same subject, or altering or repealing each other.]

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the expenses necessarily incurred for carrying into effect the various provisions of this act, shall be paid out of the fund appropriated by law for the support of government, upon warrants drawn by the Governor on the treasurer of the commonwealth; and the treasurer is hereby authorized and required to pay the same accordingly.

Passed 4th April, 1792.—Recorded in Law Book No. IV. page 469.

CHAPTER MDCXXIX.

An ACT to enable the Governor of this commonwealth to incorporate a company, for making an artificial road from the city of Philadelphia to the borough of Lancaster.

[SECT. 1. PROVIDING for the mode of taking subscriptions is obsolete. 2. In what manner the company was to be incorporated—The style of the corporation to be “The president, managers and company of the Philadelphia and Lancaster turnpike road.”—

To have the usual corporate powers. 3. Proceedings to organize the company; no person to have more than ten votes at any election, &c. whatever number of shares he may have; and one vote for every share under that number. 4. The company to meet on the second Monday in January, annually, and at other times when summoned by the managers, and their powers at such meetings prescribed. 6. President and managers to meet for the transaction of business, as they shall agree—five members to form a quorum; their proceedings and powers at such meetings prescribed. 7. Regulations in case of neglect to pay the subscription money. 8. Privileges and powers of the managers in fixing the route of the road; but the general route fixed to be from Schuylkill to Brandywine bridge, Witmer's bridge and east end of Lancaster, at Kingstreet. 9. President and managers may enter lands, &c. to take materials, and mode of estimating the compensation to the owners. 10. President and managers to build bridges, &c.—the breadth and construction of the road prescribed: and to be forever kept in repair. 11. Tolls established at the completion of every ten miles of the road; and proceedings before tolls are allowed. 12. The company to appoint toll gatherers, and rates of tolls fixed. 13. Description and burthen of waggons and carriages permitted to travel during the several specified seasons; but these regulations may be altered by by-laws. 14. How tolls for oxen are to be estimated.]

SECT. xv. *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 summon three 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 road 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 county wherein the same shall be, the said Justice shall certify, and send a copy of the said inquisition to the Justices of the said court, and the said court shall thereupon cause process

Proceedings in case the company do not keep the road in good order and repair.

1792. to issue, and bring in the bodies of the person or persons, entrusted by the company with the care and superintendance of such part of the said road as shall be so found defective, and shall proceed upon such inquisition; in the same manner and form as upon indictments found by the grand inquest for the body of the county against supervisors of the highways, for neglect of their duty; and if the person or persons, entrusted by the said company as aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall 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 duty; and 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 repairing such highways as the township or county is bound to maintain and repair, at the public expense thereof.

[SECT. 16. Accounts how to be kept and inspected.—If the capital be insufficient to complete the road—power to enlarge it. 17. Dividends, how to be declared. 18. The income to be laid before the Legislature at stated periods, with provision in certain cases to increase the tolls. 19-20. Direction posts and mile stones to be placed on the road, &c.]

SECT. XXI. *And be it further enacted by the authority aforesaid,* That all waggoners and drivers of carriages, of all kinds, whether of burthen or pleasure, using the said road, shall, except when passing by a carriage of slower draft, 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 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 under ten pounds are by law recoverable.

SECT. 22—is obsolete.

Passed 9th April, 1792.—Recorded in Law Book No. IV. page 493. (c)

(c) Supplement to this act, passed 17th April, 1795, (chap. 1842,) no toll to be paid by persons passing on the business of their farms, &c.

By a further supplement to this act passed 4th of April, 1798, (chap. 1997,) a penalty is prescribed for passing through private gates or bars, with intent to defraud the turnpike; or taking horses from carriage, &c. or wrongfully claiming or abusing exemptions, or practising any other fraudulent device; or for breaking and defacing mile-stones or direction posts, or Turnpike gates.—Scales and weights to be established at turnpike gates; and when and how car-

riages of burthen shall be weighed; and penalty on refusing to suffer the same to be weighed. Limitation of suits, and the act to continue in force two years. Extended for seven years by act of 11th April, 1799, (chap. 2081.)

Made perpetual, on certain conditions, (which have been acceded to,) by act of 11th April, 1807, (chap. 2853.)

See the act imposing penalties for defrauding turnpike companies of their legal tolls; and on gate keepers for receiving illegal tolls. Passed 4th April, 1807, (chap. 2802.)

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