

was born dead or alive, or whether it were murdered or not, every such mother, being convicted thereof, shall suffer imprisonment at hard labour in the county gaol of the county where the fact was committed, or in the gaol and penitentiary-house aforesaid, for any time not exceeding five years; or shall be fined and imprisoned at the discretion of the court, according to the nature of the case; and if the grand jury shall in the same indictment charge any woman with the murder of her bastard child, as well as with the offence aforesaid, the jury, by whom such woman shall be tried, may either acquit or convict her of both offences, or find her guilty of one, and acquit her of the other, as the case may be.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That the concealment of the death of any such child shall not be conclusive evidence to convict the party indicted of the murder of her child, unless the circumstances attending it be such as shall satisfy the mind of the jury, that she did wilfully and maliciously destroy and take away the life of such child.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That the several acts of Assembly of this commonwealth, and such parts thereof, so far as the same are repugnant to or supplied by this act, and no further, shall be, and hereby are, repealed.

Passed 22d April, 1794.—Recorded in Law Book No. V. page 324.

CHAPTER MDCCLXVII.

An ACT to enable the Governor of this commonwealth to incorporate a company, for making an artificial road from the borough of Lancaster to the river Susquehanna, at or near Wright's ferry.

SECT. I. [COMMISSIONERS appointed to receive subscriptions for a turnpike road from Lancaster to Wright's ferry. Their duty; to open subscriptions; to notify the same; and to attend at the place and time of notice. Subscriptions, by whom and in what number to be received; when to be closed. How subscriptions, in case of an excess in applications, shall be apportioned. Advance to be paid on subscribing; (obsolete.) 2. Of certifying the subscriptions to the Governor, in order to obtain a patent. Proceedings thereon to incorporate the subscribers, by the style of "The President and Managers of the Lancaster and Susquehanna Turnpike Road;" powers and privileges of the corporation. 3. Of notice to elect the corporation officers. Power to make by-laws. Limitation of the number of votes. 4. Of the annual meetings to choose officers, make by-laws, and do other corporate acts. 5. Certificates of shares, how to be prepared and issued; which shall be transferable. Assignments to be registered. 6. Of the meetings of the managers, and power of such meetings. 7. Penalty on neglect to pay dividends on shares; and forfeitures of shares. 8. Power to enter on lands for the road, and to survey and fix the course thereof; and 9. Power to take materials for the road; making amends therefor, and paying damages done to improvements, &c. 10. Breadth and construction of the road; which shall be kept in perpetual repair. 11. Proceedings to establish tolls; and

1794.
and proceedings, in case the mother is indicted for that offence, and also the murder of the child.

Concealment of the death of such child not to be conclusive evidence of the murder.

Repeal of former acts repugnant to or supplied by this act.

1794. 12. Power to collect tolls, and the rates of tolls prescribed. 13. Regulation of the breadth of wheels, seasons for drawing therewith, and weight to be carried; but such regulations may be altered by by-laws. 14. Toll, in cases of oxen or mules.]

Proceedings
in case the
road is not
kept in re-
pair.

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 turnpike 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 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 duties; and the fines and penalties so to be imposed shall be recovered in the same manner, as fines for misdemeanors are usually recovered in the said courts, and shall be paid to the supervisors of the highways of the place wherein the offence was committed, to be applied to repairing such highways, as the township or county is bound to maintain and repair at the public expense thereof.

Suspension
of tolls, as to
the defective
part;

indictment
of the delin-
quent super-
intendants;

and recovery
of the fines
and penal-
ties.

[SECT. 16. Accounts of the company, receipts and expenditures, by whom and how to be kept, until the road is complete. If the capital is found insufficient, it may be enlarged. 17. Accounts of

tolls to be kept; and dividends of profits half yearly. 18. Abstract of the accounts to be laid before the Legislature. If the profits will not divide six *per cent.* the tolls may be raised; if they exceed fifteen *per cent.* the tolls shall be reduced. 19. Index-posts to be erected at cross roads. 20. Mile-stones to be erected; and distances marked on the turnpike gates.]

1794.

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 re-pass; 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.

Carriages shall keep the right hand side of the road.

Penalty on transgressing therein.

SECT. 22. Limitation of periods for commencing and finishing the road. (Obsolete.)

Passed 22d April, 1794.—Recorded in Law Book No. V. page 331. (n)

(n) See a supplement to this act, passed 26th Feb'y, 1801, (chap. 2197,) inflicting a penalty for frauds; breaking or defacing mile-stones, index posts, or turnpike gates; authorizing the establishing weights and scales; and giving power to the corporation to lease the tolls.

CHAPTER MDCCLXX.

An ACT for establishing and building a bridge across the Raystown branch of Juniata.

[SECT. I. A BRIDGE to be built across the Juniata, and vested in W. Wallace, &c. Toll be received for passing thereon. 2. But not to obstruct persons crossing by fording. 3. Paupers to pass toll free. 4. Accounts of the profits to be laid before the Quarter Sessions, and the same may be reduced, when the profits exceed twenty *per cent.*]

Passed 22d September, 1794.—Recorded in Law Book No. V. page 361.

CHAPTER MDCCLXXIII.

A SUPPLEMENT to the act, entitled "*An Act to prevent the receiving any more applications, or issuing any more warrants, except in certain cases, for land within this commonwealth.*"

[Original act, after page 184, and see vol. 2, page 102, chap. 1083, and the notes there-to.]

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 from and after the passing of this act, no applications shall be received at the Land-Office, for any lands within this common-

No applications for land to be received.