

CHAPTER MMCCVII.

AN ACT TO REPEAL AN ACT, ENTITLED, "AN ACT FOR THE REGULATION OF THE MARKETS IN THE CITY OF PHILADELPHIA, AND FOR OTHER PURPOSES THEREIN MENTIONED," PASSED THE FIFTH DAY OF APRIL, ONE THOUSAND SEVEN HUNDRED AND SEVENTY-NINE.

[Section I.] (Section I, P. L.) 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 act, entitled, "An act for the regulation of the markets in the city of Philadelphia, and for other purposes therein mentioned," passed the fifth day of April, one thousand seven hundred and seventy-nine,¹ be, and is hereby, repealed.

Passed February 26, 1801.

CHAPTER MMCCVIII.

A SUPPLEMENT TO THE ACT, ENTITLED, "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."

For the more effectual preventing evasions of the salutary regulations intended in, and by the act incorporating a company for making an artificial road, from the borough of Lancaster to the river Susquehanna, at or near Wright's ferry.

¹Chapter 845.

[Section I.] (Section I, P. L.) 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 if any person or persons whomsoever, owning, riding in, or driving any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure or owning, riding, leading, or driving any horse, mare, gelding, hogs, sheep or other cattle shall therewith pass through any private gate or bar, or along or over any private passageway, or other ground near to or adjoining any turnpike or gate, which shall be erected in pursuance of the act to which this is a supplement, with an intent to defraud the company, and evade 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, gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, or if any person or persons, having, claiming, or taking the benefit of any exemption or privilege by virtue of this act, or of the said recited act, or any clause, matter or thing herein or therein contained, not being entitled thereto, or committing any fraud or abuse thereof, either by him, her or themselves, or by giving any license to any other person or persons not entitled to such privilege or exemption, whereby or by means whereof the said tolls or duties might be lessened or evaded or with any such intent, all and every person and 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 Lancaster and Susquehanna turnpike road, any sum not lesse than four nor more than 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 under twenty pounds may be sued for and recovered.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully break, deface or pull up any milestone, which shall be placed in pursuance of the said recited act, on the side of the road laid out in pursuance thereof, or shall obliterate the letters or figures inscribed thereon or therein, or if any person or persons shall break, pull down, destroy, or injure any post to be erected in pursuance of the said recited act at the intersection of any road falling into and leading out of the said turnpike road, or the board or index hand affixed thereto, in conformity to the directions of the said recited act, or if any person or persons shall obliterate the letters or figures inscribed or fixed thereon, or if any person or persons shall destroy or obliterate, or in any wise injure or deface the letters, figures, or other characters marked at any turnpike or gate to be erected in pursuance of the said recited act, for all or any of the purposes therein mentioned, or the whole or any part or parts of any printed list of the rates of tolls, to be affixed in pursuance of the directions of the said recited act at any such gate or turnpike, he, she or they, so offending in the premises, 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 like manner as aforesaid.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That for the purpose of ascertaining the weight that may be drawn along the said road in any cart, wagon, or other carriage of burden, it shall and may be lawful for the said president, managers and company to erect and establish scales and weights, at or near such and so many of the gates to be erected in pursuance of the said recited act, as they may think proper, and where there may seem reasonable cause to suspect that any cart, wagon or other carriage of burden carries a greater weight than is or shall be by law allowable, for their toll-gathers, or other persons in their service or employment, to prevent the same from passing such gate or turnpike, until such cart, wagon, or other carriage of burden shall be drawn into the scales, fixed or erected at or near any such gate or turnpike, and

the weight or burden drawn therein, ascertained by weighing; and if the person or persons driving or having care or charge of any such cart, wagon, or other carriage of burden, shall refuse to drive the same into any such scales for the purpose aforesaid, the person or persons so refusing shall forfeit and pay to the said president, managers and company, any sum not less than five nor more than ten dollars, to be recovered in the manner hereinbefore mentioned.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or prosecuted by any person or persons, for any thing done in pursuance of this or the said recited act, in relation to the premises, every such suit or action shall be commenced within six months next after the fact committed, and not afterwards, and the defendant or defendants in such action or suit may plead the general issue, and give this and the said recited act, and the special matter in evidence, and that the same was done in pursuance and by the authority of this and the said recited act.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the president and managers of the said turnpike road, for the time being, shall and may, and they are hereby, authorized and empowered to grant, demise and to farmlet, to any person or persons with whom they can agree, the tolls and duties which they, by virtue of the act incorporating them, or by any supplementary act, are authorized to demand and receive for passage in, upon and along the said road, at any gate or turnpike, over, or by the side of the same road, or any part of the same, for any term not exceeding seven years, under such rents and convenient reservations and conditions, as the said president and managers, at any meeting of their board, shall agree upon, which grants and demises shall have the same construction, force and effect, as other the like grants and demises made between private persons, have and receive at law.

Passed February 26, 1801.