

sylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Mushanon creek (a boundary line between the counties of Centre and Huntingdon) from the mouth thereof to the forks of the same, about five miles above the town of Philipsburg, is hereby declared a public highway for the passing of rafts, boats and other vessels; and it shall and may be lawful for the inhabitants and others desirous of using the navigation of said creek, to remove all natural obstructions in the same: Provided, that any person or persons, owning or possessing lands on said creek, shall have the liberty to erect any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act of the general assembly of this commonwealth, passed the twenty-third day of March one thousand eight hundred and three, entitled, "An act to authorize any person or persons owning lands adjoining navigable streams of water declared public highways, to erect dams upon such streams, for mills and other water-works."⁽¹⁾

Approved March 5, 1804. Recorded in L. B. No. 9, p. 361.
Note (*). Chapter 2353; Supra this volume, p. 237.

CHAPTER MMCDXL.

AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR MAKING AN ARTIFICIAL ROAD FROM LANCASTER, THROUGH ELIZABETHTOWN, TO MIDDLETOWN.

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 George Fry, William Crabb, James Hamilton, Elijah Green, Daniel Montgomery, junior, George Redseker, John Carolus, John Peden, Adam Reigart, junior, Samuel Humes, William Kirkpatrick, Christopher Myer, John Swar, Peter Gonter, Adam Weber, Jacob Dickert, Abraham Witmer, William Montgomery, John Gundaker, and William G. Latimer, be, and they are hereby appointed com-

therein subscribed, and the said book opened at Middletown shall not have five hundred shares therein subscribed, the said commissioners respectively may adjourn from time to time until the said numbers of shares shall be subscribed, of which adjournments public notice shall be given in the Lancaster and Harrisburg papers; and when the said subscriptions in the said books shall amount to the respective numbers aforesaid, the same shall respectively be closed: Provided always, That every person offering to subscribe in the said books in his own name, or any other name, shall previously pay to the attending commissioners ten dollars for every share to be subscribed, out of which shall be defrayed the expense attending the taking such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That when sixty persons or more shall have subscribed for four hundred or more shares of the said stock, the said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall certify under their hands and seals the names of the subscribers and number of shares subscribed by each to the governor of this commonwealth, and thereupon it shall and may be lawful for the governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers, and if the subscription be not full at the time, then also those who shall after subscribe to the number of shares 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 Lancaster, Elizabethtown and Middletown turnpike road;" and by the said 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 said 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 intent of this act, and of purchasing, taking and holding, to them, their successors and assigns, in fee simple, or for any less 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.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the seven persons first named in the said letters patent shall, as soon as conveniently may be after sealing the same give notice in the public papers printed at Lancaster, and also at Harrisburg, of a time and place by them to be appointed not less than twenty days from the time of issuing the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the said subscribers, by ballots, to be delivered in person or by proxy, duly authorized, one president, ten managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until other such officers shall be chosen, and shall or may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this commonwealth, as shall be necessary for the well ordering the affairs of the said company: Provided always, that no person shall have more than five votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held not exceeding the said number: And provided also, that all future annual elections of the said corporation shall be held with such notice, and in manner and form aforesaid, alternately, at Lancaster, Elizabethtown and Middletown.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said company shall meet on the first Monday of February in every year, for the purpose of choosing other such officers, as aforesaid for the then

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, at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes in manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform any other corporate act.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the president and managers first to be chosen as aforesaid, shall procure certificates to be written or printed, 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, her or them subscribed and held, they or either of them paying to the treasurer, in part of the sum due thereupon, the sum of ten dollars for each share; which certificate shall be transferable at his, her or their pleasure, in person or by attorney, in the presence of the president or treasurer; subject however to all payments due and to grow 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 the purpose, shall be a member of the corporation; and for every certificate by him, her or them held, shall be entitled to one share of the capital stock, and of all the estate and emoluments of the company, and to vote as aforesaid at the meetings thereof.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business, at which meetings five 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 met, they shall have full power and authority to agree with and appoint all such surveyors, engineers, superintendents and other artists and

officers as they shall judge necessary to carry on the intended works, and to fix their salaries or wages, to ascertain the times, manner and proportions when and in which the stockholders shall pay the monies due on their respective shares, in order to carry on the work, to draw orders on the treasurer for all monies necessary to pay the salaries of persons by them employed, and for the labor and materials done and provided, which orders shall be signed by the president, or in his absence by a majority of the quorum, and countersigned by their clerk, and generally to do and transact all such other acts, matters, and things, as by the by-laws, rules, orders and regulations of the company, shall be committed to them.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any stockholder, after thirty days notice in the public papers printed at Lancaster and Harrisburg as aforesaid, 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, shall neglect to pay such proportion at the place appointed, for the space of sixty days after the time so appointed, every such stockholder or his assignee, shall, in addition to the dividend so called for, pay after the rate of five per centum per month for every delay of such payment; and if the same and the said additional penalty shall remain unpaid for such space of time as that the accumulated penalties shall become equal to the sums before paid in part and on account of such share, the same shall be forfeited to the said company and may and shall be sold by them to any other person or persons willing to purchase for such price as can be obtained therefor.

Section VIII. (Section VIII, P. L.) 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 superintendents, surveyors, engineers, artists and chain-bearers, to enter into and upon all and every the lands, tenements and inclosures, 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 for the same, as in the best of their judgment and skill will combine shortness of distance with the most practicable ground from the borough of Lancaster to Elizabethtown, and from thence to Middletown aforesaid through the main street, to John Croll's spring at the west end thereof.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen and laborers, with thier tools and instruments, carts, wagons, wains and other carriages, and beasts of draught or burden, to enter upon the lands, in, over, contiguous and near to which the route and track of the said intended road shall pass, first giving notice of their intention to the owner or owners thereof, or their representatives, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done to any improvements thereon, by appraisement to be made in the manner hereinafter directed, and upon a reasonable agreement if they can agree, or if they cannot agree, then upon an appraisement to be made upon oath or affirmation by three disinterested freeholders, or any two of them agreeing, to be mutually chosen, or if the owners, upon due notice, shall neglect or refuse to join in the choice then to be appointed by any justice of the peace of the county not interested on either side, and on tender of the appraised value, to dig, take and carry away any stone, gravel, sand or earth being most conveniently situated for making or repairing the said road.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company shall erect permanent bridges over all waters crossing the said route or track between Lancaster and Middletown aforesaid, wherever the same may be found necessary, Swatara creek only excepted; and shall cause a road to

be laid out sixty feet wide, and at least twenty-one feet in breadth thereof, to be made an artificial road, bedded with wood, stone, gravel or any other hard substance, well compacted together, of a 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, an even surface rising towards the middle by a gradual arch, and so nearly level in its progress as that it shall in no place rise or fall more than will form an angle of four degrees with an horizontal line, and shall forever hereafter maintain and keep the same in good and perfect order and repair, from the borough of Lancaster through Elizabethtown to Middletown, agreeably to the route laid out by the said president and managers.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That so soon as the said president, managers and company, shall have perfected the said road from the borough of Lancaster, the distance of five miles, and so from time to time any distance not less than five miles progressively, they shall give notice thereof to the governor of this commonwealth, who shall thereupon forthwith nominate three skillful and judicious persons to view and examine the same, and to report to him whether the said road is so far executed, in a masterly and workmanlike manner, agreeably to the true intent and meaning of this act; and if the report shall be in the affirmative, then the governor shall, by license under his hand and the less seal of the commonwealth, permit and suffer the said president, managers and company, to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls and duties hereinafter granted to the said company, from all persons traveling on the same with horses, cattle, carts and carriages.

Section XII. (Section XII, P. L.) 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 in manner 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 or persons using the said road, the tolls and rates hereinafter mentioned, and to stop and detain any person riding, leading or driving any horse or horses, or driving any cattle, hogs, sheep, sulky, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage or burden or pleasure, from passing through the said gates or turnpikes until they shall respectively have paid the same; that is to say, For every space of ten miles in length of the said road, the following sums of money, and so for any greater or less distance, or for any greater or less number of hogs or cattle in proportion; to wit, For every score of sheep six cents; for every score of hogs twelve cents and an half; for every score of cattle twenty-five cents; for every horse and his rider, or led horse, six cents and a half; for every sulky, chair, or chaise, with one horse and two wheels twelve cents and an half; for every chariot, coach, stage-wagon, phaeton or chaise with two horses and four wheels twenty-five cents; for either of the carriages last mentioned with four horses thirty-seven cents and an half; 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 cart or wagon, the wheels of which do not exceed the breadth of four inches, twelve cents and an half for each horse drawing the same; for every cart or wagon, the wheels of which shall exceed in breadth four inches, but do not exceed seven inches, six cents and an half for every horse drawing the same; for every cart or wagon, 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, five cents for every horse drawing the same; for every cart or wagon, 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, three cents for every horse drawing the same; for every cart or wagon, the breadth of the wheels of which

shall be more than twelve inches, two cents for every horse drawing the same: Provided, That no turnpike gate shall be erected within one mile of any of the towns before mentioned, neither shall any toll be demanded or taken from any person passing or repassing from one part of his or her farm to another, or going to or returning from any place of worship, or attending any funeral, either on horseback or with carriages on days appointed for such purposes.

Section XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That no wagon or other carriage with four wheels, the breadth of the wheels of which shall not exceed four inches, shall be drawn along the said road between the first day of December and the first day of May following in any year, with a greater weight thereon than two and an half tons, or with more than three tons during the rest of the year; that no such carriage, the breadth of the wheels of which shall not be seven inches, or being six inches or more, shall not roll at least ten inches, shall be drawn along the said road between the first days of December and May, with more than three and an half tons, or with more than four tons during the rest of the year; that no such carriage, the breadth of the wheels of which shall not be ten inches or more, or being less, shall not roll at least twelve inches, shall be drawn along said road between the said first days of December and May, with more than five tons, or with more than five and an half tons during the rest of the year; that no cart or other carriage with two wheels, the breadth of the wheels of which shall not be four inches, shall be drawn along the said road with a greater weight thereon than one and an half tons, between the first days of December and May, or with more than two tons during the rest of the year; that no such carriage, the wheels of which shall not be the breadth of seven inches, shall be drawn along the said road with more than two and an half tons between the said first days of December and May, or with more than three tons during the rest of the year; that no such carriage, the wheels of which shall not be the breath of ten inches, shall be drawn along the said road between the said first days of December and May, with more

than three tons or with more than three and a half tons, during the rest of the year; that no such carriage the wheels of which shall not be the breadth of ten inches, shall be drawn along the said road between the first days of December and May, with more than three and a half tons, or with more than four tons during the rest of the year; that no greater weight than seven tons shall be drawn along the said road in any one carriage whatever between the first days of December and May, nor more than eight tons during the rest of the year; and no cart, wagon or carriage of burden whatsoever, the wheels of which shall not be the breadth of nine inches at least, shall be drawn or pass in or over the said road or any part thereof with more than six horses, nor shall more than eight horses be attached to any carriage whatsoever used on the said road; and if any wagon or other carriage shall be drawn along the said road by a greater number of horses, or with a greater weight than is hereby permitted, the owner or owners of such carriage shall forfeit and pay four times the customary toll to the use of the company: Provided always, that it shall and may be lawful for the said company, by their by-laws, to alter any or all the regulations herein contained, respecting the burdens on carriages to be drawn over the said road, and to substitute other regulations if, upon experience, such alteration shall be found conducive to the public good: Provided always, that such regulations shall not lessen the burden of carriages above described.

Section XIV. (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That all such carriages as aforesaid, to be drawn by oxen in the whole, or partly by horses and partly by oxen, two oxen shall be estimated as equal to one horse, in charging all the aforesaid tolls; and every mule as equal to one horse.

Section XV. (Section XV, P. L.) 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 neighborhood, such justice shall issue a precept, to be directed to any constable,

commanding him to summon three disinterested 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 roads 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 said county wherein the same shall be, the said justice shall certify and send a copy of the said inquisition to the judges of the said court, and the said court shall thereupon cause process to issue and bring the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall direct an indictment or indictments to be sent to the grand inquest, against the person or persons entrusted as aforesaid; and the said court shall, after conviction, 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 offense was committed, to be applied to the repairing such highways as the township or county is bound to maintain and repair at the public expense thereof.

Section XVI. (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That if any toll-gatherer on the said road shall demand and receive any toll for any part of said road that is declared out of repair, until the same shall be put into repair, or shall demand and receive any other or greater tolls than by this act is authorized and allowed, such toll-gatherer shall forfeit and pay twenty dollars for every such offense, one half to the use of the poor of the township or county, the other half to the use of the person or persons who shall sue for the same, to be recovered as debts of equal amount are or may be by law recoverable.

Section XVII. (Section XVII, P. L.) 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 the monies received by them from the said commissioners, and from the subscribers to the said undertaking, an account of the several subscriptions, and of all penalties for delay in the payment thereof, and of 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 work, and shall once at least in every year submit such accounts to a general meeting of the stockholders, until the said road 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 whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the 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 demand and receive the monies subscribed for such shares, in like manner and under the like penalties as hereinbefore provided for the original subscriptions, or as shall be provided by their by-laws.

Section XVIII. (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company, shall also keep a just and true account of all and every the monies received by their several and respective collectors of tolls at the several gates or turn-pikes on the said road, from beginning to end, and shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges being first deducted among all the subscribers to the said company's stock, and shall on the first Monday in January and July in every year, publish the half-yearly dividends to be made of the said clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Section XIX. (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall, at the end of every third year from the date of the incorporation until two years after the whole road shall be completed, lay before the general assembly of this commonwealth an abstract of their accounts, showing the whole amount of their 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, to the end that the clear annual income and profits thereof may be ascertained and known; and if at the end of two years after the said road shall be completed, from the beginning to the end thereof, it shall appear from the average profits thereof for the said two years, that the said clear income and profits will not bear a dividend of six per centum per annum on the whole capital stock of the said company so expended, then it shall be lawful to and for the president, managers and com-

pany, to increase the tolls herein before allowed, in equal proportions upon each and every allowance thereof, so as to raise the dividends six per centum per annum; and at the end of every ten years after the said road shall be completed, they shall render to the general assembly a like abstract of their accounts for three preceding years; and if at the end of any such decennial period it shall appear from such abstract, that the clear profits and income of the said company will bear a dividend of more than nine per centum per annum, then the said tolls shall be so reduced as to reduce the said dividend to nine per centum per annum.

Section XX. (Section XX, P. L.) And be it further enacted by the authority aforesaid, That the said company shall cause a post to be erected at the intersection of every public road falling into and leading out of the said turnpike road, with a board and index hands 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 distance thereof in computed miles.

Section XXI. (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That the said company shall cause milestones to be placed on the side of the said road, beginning at the distance of one mile from the last milestone on the turnpike road from Philadelphia to Lancaster, and continued progressively to Middletown, on which shall be marked in legible characters, the distance to Philadelphia; and at every gate or turnpike to be fixed by them on said road, shall cause the distance from Philadelphia, and the distance from the nearest gates or turnpikes in each direction, to be marked in legible characters, designating the number of miles and fractions of a mile on the said gate or some other conspicuous place, and also to cause to be affixed at such places a printed list of the rates of toll, which from time to time may lawfully be demanded for the information of travelers and others using the said road.

Section XXII. (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That all wagoners and drivers of carriages of all kinds, whether of burden or pleas-

ure, using the said road, except when passing by a carriage of slower draft. shall keep their horses and carriages on the right hand side of the 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 of equal amount are or may be by law recoverable.

Section XXIII. (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That if the said road shall be laid out and founded over and upon any land, whereby the owner or owners thereof shall suffer damage, the person or persons sustaining such damage may make application to the court of the county in which such damage shall have been done, and thereupon the court shall appoint six fit and disinterested persons to view and adjudge the amount of the damage so done, which, if approved of by the court shall be paid by the company.

Section XXIV. (Section XXIV, P. L.) And be it further enacted by the authority aforesaid, That if the company shall not proceed to carry on the said work within three years after the passing of this act, or shall not within ten years afterwards complete the said road, according to the true intent and meaning of this act, then and in either of those cases, it shall and may be lawful for the legislature of the commonwealth to resume all and singular the rights, liberties, privileges and franchises hereby granted to the company.

Section XXV. (Section XXV, P. L.) And be it further enacted by the authority aforesaid, That if the legislature should at any time after the year one thousand eight hundred and thirty, think proper to take possession of the said road, or to declare the same to be free of toll, five persons shall be appointed by the legislature, and five by the president and managers of the said company, who, or any six or more of them, shall proceed to examine and estimate the value of the property which the said company hath therein, and certify

the amount thereof to the governor of this commonwealth, who shall cause the same to be laid before the legislature at their next session; and whenever the amount so certified shall be by law paid to the said company, their right to take toll on the said road, together with all their right, title, claim and interest therein, shall cease and determine.⁽¹⁾

Approved March 5, 1804. Recorded in L. B. No. 9, p. 362.

Note (*). See Chapter 2808 (Act April 4, 1807, P. L. 123); 18 Statutes at Large, and Chapter 2942 (Act March 21, 1808, P. L. 85); 18 Statutes at Large.

CHAPTER MMCDXLI.

AN ACT FOR THE RELIEF OF GEORGE EICHHOLTZ.

Whereas it appears that George Eichholtz, of the borough of Lancaster, in the revolutionary war served as a private soldier in the Pennsylvania line, in Captain Dehuff's company, and colonel Atlee's regiment, and that in the battle of Flatbush, on Long Island, he received a severe wound in his groin with a musket ball, by reason whereof he is rendered wholly unable to procure maintenance for his family or himself: Therefore,

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 George Eichholtz, of the borough of Lancaster, be, and he is hereby allowed an annuity of sixty dollars, from the first day of January one thousand eight hundred and three, for and during his natural life, to be paid to him or his lawful attorney, in manner following, to wit: Sixty dollars for the first year, ending the first of January one thousand eight hundred and four, immediately after the passing of this act, and afterwards in half-yearly payments, from the said first day of January one thousand eight hundred and four, on warrants to be drawn by the governor, out of any unappropriated monies in the treasury of this commonwealth.

Approved March 5, 1804. Recorded in L. B. No. 9, p. 378.