

the burgesses and members of the town council for the time being.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said burgesses shall be and they are hereby authorized and required to cause the by-laws, ordinances, rules, and regulations made as aforesaid, to be carried into full and complete execution without delay; and it shall be the duty of the town clerk to attend all meetings of the burgesses and town council when assembled on business of the corporation, and shall perform the duties of clerk thereto, and keep and preserve the common seal, records, papers, book and other documents relating to said corporation, under the penalty of being answerable to any person concerned for all damages, and of removal from office by the burgesses or any two of them; and the high constable shall do and perform all duties on him enjoined by this act, and the by-laws or ordinances of the burgesses and town council under the like penalties: Provided always, that if any person shall think him or herself aggrieved by any thing done in pursuance of this act, he or she may appeal to the next court of quarter sessions for the said county of Somerset, first giving security to prosecute his or her appeal with effect, which court, shall make such order therein as shall be just and reasonable.

Approved March 5, 1804. Recorded in L. B. No. 9, p. 418.

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## CHAPTER MMCDL.

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AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY TO MAKE AN ARTIFICIAL ROAD FROM THE TOP OF CHESTNUT HILL, THROUGH FLOURTOWN, TO THE SPRINGHOUSE TAVERN, IN MONTGOMERY COUNTY.

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 John Huston, Cadwallader Evans, George Weaver, John Burk, John Roberts, Nicholas Kline, Christian Dull, Jacob Dager, and John Steele, be, and

they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned; that is to say, they shall, on or before the first day of May next, procure two books, and in each of them enter as follows: "We, whose names are hereto subscribed, do promise to pay the president, managers and company of the Chestnut Hill and Springhouse turnpike road the sum of one hundred dollars for every share of stock in the said company, set opposite to our respective names, in such manner and proportions as shall be determined by the said president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled "An act to enable the governor of this commonwealth to incorporate a company for making an artificial road from the top of Chestnut Hill, through Flourtown, to the Springhouse tavern in Montgomery county. Witness our hands the    day of    in the year of our Lord one thousand eight hundred and four;" and shall give notice in three of the public newspapers in the city of Philadelphia and Norristown, for two weeks at least, of the times when and places where the said books will be open, to receive subscriptions of stock for the said company; at which times and places three of the said commissioners shall attend, and shall permit and suffer all persons who shall offer to subscribe in the said books, which shall be kept open for the purpose at least four hours in every juridical day, for the space of three days, if three days shall be necessary; and if at the expiration of the said three first days, the said books shall not have seven hundred shares therein subscribed, the said commissioners may adjourn from time to time until the said number of shares shall be subscribed, of which adjournment public notice shall be given in at least two public papers; and when the said subscriptions in the said books shall amount to the number aforesaid, the same shall be closed: Provided always, that every person offering to subscribe in the said books, in his own name, or in the name of any other person, shall previously pay to the attending commissioners fifteen 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 re-

mainder shall be deposited in the Bank of Pennsylvania, for the use of such 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 forty persons or more shall have subscribed three hundred shares or more of the said stock, the said commissioners 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 numbers of shares subscribed by each subscriber to the governor of this commonwealth, whereupon he shall, by letters patent under his hand and the seal of the state, create and erect the subscribers, and if the said subscriptions be not full at the time, then also those who shall thereafter subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The Chestnut Hill and Springhouse turnpike company;" 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 the 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 fulfill the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, in fee simple, and for any lesser 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 commissioners herein before named shall, as soon as conveniently may be, give thirty days notice in three public newspapers in Philadelphia and Norristown, one whereof shall be in the German language, of the time and place by them appointed for the said subscribers to meet, in order to organize the said corporation, and to

choose, by a majority of votes of the said subscribers, by ballot to be delivered in person or by proxy duly authorized, one president, twelve managers, one treasurer and such other officers as shall be deemed necessary, to conduct the business of the said company, until the second Monday of November next, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations, as do not contravene the constitution and laws of this commonwealth, and may be necessary for the well governing 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 under the said number.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said company shall meet on the second Monday of November in every year at such place as shall be fixed by their by-laws, for the purpose of choosing such other officers as aforesaid for the 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 meeting 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, made 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 chosen as aforesaid, shall procure certificates 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 subscribed and held, he paying fifteen dollars for each share, which certificate shall be transferable at his pleasure, in person or by attorney duly authorized, 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 assigned to him as aforesaid, shall be entitled to one share of the capital stock, and of all the estate and emolument 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 as shall be ordained by their by-laws, and when met, seven members shall form a quorum, and 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 formed they shall have full power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers as they shall deem necessary, to carry on their intended works, and fix their salaries and wages, to ascertain the times when and manner and proportion in which the stockholders shall pay the monies due on their respective shares; to draw on the bank of Pennsylvania for all monies as shall have been so as aforesaid deposited, necessary to pay the salaries or wages of persons by them employed, and for the materials: Provided, such drafts shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their treasurer, and generally to do all such other acts, matters and things, as by this act and by the by-laws, rules, orders and regulations of the company they shall be authorized to do.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if after thirty days notice in three of the public newspapers printed in the city of Philadelphia and Norristown, 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, any stockholder shall neglect to pay such proportion or dividend at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee, shall, in addition to the dividends so called for, pay after

the rate of five per centum per month, for 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 before equal to the sums before paid in part, and on account of such shares, the same shall be forfeited to the said company, and may and shall be sold to any person or persons willing to purchase, for such price as can be obtained for the same.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said road shall be made in, over and upon the bed of the present road, beginning at the top of Chestnut Hill, thence extending through Flourtown, to the Springhouse tavern, in Gwynedd township, in Montgomery county: Provided always, that no surveyor, superintendent, artist or other person or persons employed by the said company to lay out the said road, shall enter upon or go through any land or lands belonging to any person or persons, without first obtaining permission of the owner or owners thereof.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company shall cause a road to be laid out, of not less than fifty nor more than sixty feet in width, in such manner as that the present buildings on said road be not injured, and at least twenty-eight feet thereof to be made an artificial road, bedded with wood, stone, gravel or any other hard substance, well compacted together, and of 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 of it, an even surface, 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, from the top of Chestnut Hill, through Flourtown, to the Springhouse tavern, in Montgomery county, and the said president, managers and

company, shall have power to erect permanent bridges over all the waters crossing the said road.

Section X. (Section X, 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 top of Chestnut Hill, the distance of two and a half miles, and also when they shall have completed the next succeeding five miles, likewise when the remainder shall be finished, they shall give notice thereof to the governor of the commonwealth, who shall thereupon forthwith nominate and appoint three disinterested persons to view and examine the same, and report to him in writing whether the said road is so far executed, in a masterly and workmanlike manner, according to the true intent and meaning of this act; and if their report shall in either case be in the affirmative, then the governor shall, by license under his hand and the lesser seal of this commonwealth, permit and suffer the said president, managers and company, to erect and fix so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the toll and duties hereinafter granted to the said company, from all persons traveling on the same with horses, cattle, carts and carriages: Provided, that all persons attending funerals or places of worship, their horses and carriages, shall be exempt from the payment of tolls in going to and returning therefrom.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That when the said company is 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 and persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horses, cattle, or hogs, sheep, coach, coachee, sulky, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or any other carriage of burden or pleasure, from passing through the said turnpikes until they shall respectively have paid the same: that is to say, For every five miles in length of the said road, completed and licensed as aforesaid, the fol-

lowing sums of money, and so in proportion for any lesser distance, or for any greater or lesser number of sheep, hogs or cattle, to wit: For every score of hogs, six cents; for every score of sheep, six cents; for every score of cattle, twelve cents; for every horse and his rider or led horse, three cents; for every sulky, chair or chaise, with one horse and two wheels, six cents; and with two horses, nine cents; for every chariot, coach, phaeton, or chaise, with two horses, and four wheels, twelve cents; for either of the carriages last mentioned, with four horses twenty cents; 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 stage-wagon, with two horses, twelve cents; and for every such wagon, with four horses, twenty cents; for every sleigh, three cents, for each horse drawing the same; and for every sled, two cents for each horse drawing the same; for every cart or wagon, the wheels of which shall exceed in breadth four inches, and not exceed seven 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 seven inches, and not more than ten inches, or being of the breadth of seven inches, shall roll more than ten inches, two 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 exceed twelve inches, or being ten inches shall roll more than fifteen inches, one cent for every horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than twelve inches, one cent for every horse drawing the same; and if any person or persons shall represent to the said company or any of their officers, that he, she, or they, have traveled a less distance than he, she, or they have actually traveled along the said road, with intent to defraud the said company of its toll, or any part thereof, such person or persons shall, for every such offense, forfeit and pay to the use of the said company, the sum of sixteen dollars; and if any toll-gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded, shall have travelled along the said



turnpike road, or shall demand and receive greater or other toll from any person or persons than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offense, to the use of the poor of the township in which the forfeiture is incurred, and for the payment of which the said company shall be responsible.

Section XII. (Section XII, P. L.) And be it further enacted by the authority aforesaid, That no wagon or other carriage with four wheels, the breadth of which wheels shall not be four inches, shall be drawn along the said road between the first day of November and the first day of May following in any year with a greater weight thereon than two and a half tons, or with more than three tons the residue 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 November and May, with more than three and a half tons, or with more than four tons during the residue 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 the said road between the first days of November and May, with more than five tons, or with more than five and a half tons during the residue of the year; that no cart or other carriage with two wheels, the breadth of which shall not be four inches, shall be drawn along the said road with a greater weight thereon than one and a quarter tons, between the said first days of November and May, or with more than one and a half tons during the residue of the year; that no such carriage, the wheels of which shall not be of the breadth of seven inches shall be drawn along the said road with more than two and a half tons, between the first days of November and May, or with more than three tons, during the residue of the year; that no such carriage the wheels of which shall not be of the breadth of ten inches, shall be drawn along the said road between the first days of November and May, with more than three and a half tons, or

with more than four tons during the residue of the year; that no greater weight than seven tons shall be drawn along the said road in any carriage whatever, between the said first days of November and May, nor more than eight tons during the residue of the year; that if any cart, wagon or carriage of burden whatsoever, shall be drawn along the said road with a greater weight than is hereby allowed, 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 alterations shall be found conducive to the public good: Provided always, that such regulations shall not lessen the burdens of carriages above described.

Section XIII. (Section XIII, 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 XIV. (Section XIV, 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, for the space of five days, and information thereof shall be given to any justice of the peace of the neighborhood within the county where the repair ought to be made, such justice shall issue a precept to be directed to any constable commanding him to summon three disinterested persons, 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 within the said county; and the said justice shall at such time and place, on the oaths or affirmations of the said persons, enquire whether the said road or any part thereof is in good and perfect order and repair as aforesaid, and shall cause an inquisition to be made, under

his hand and the hands of a majority of the said persons; and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each 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, 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 general court of quarter sessions of the peace to be held for the county in which the defect is proved to be, the aforesaid justices shall certify and send a copy of the inquisition aforesaid to the justices of the said court, and the said justices shall thereupon cause process to issue, and bring in 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 found defective, and shall proceed thereon as in cases of the 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 offense by the said inquisition charged, the said court shall give 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 court, and shall be paid to the supervisors of the highways of the township wherein the offense was committed, to be applied to repairing the public roads within such township.

Section XV. (Section XV, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons whosoever, owning, riding in, or driving any sulky, chair or chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriage of burden or pleasure, riding or leading any horse, mare or gelding, or driving any hogs, sheep, or other cattle,

shall therewith pass through any private gates or bars, along or over any private passage way, or other ground near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company and avoid 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 or gelding or other cattle from any sulky, 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, all and every person or persons, in all or every or any of the ways or manners aforesaid offending, shall for every such offense respectively, forfeit and pay to the president, managers and company of the Chestnut Hill and Springhouse turnpike road any sum not exceeding ten 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 of a similar amount may be sued for and recovered: Provided always, that if any person or persons shall be prosecuted under this section of the act, and the said prosecution shall not be sustained on the part of the prosecutors, then and in such case the person or persons prosecuted as aforesaid, shall receive from the company the sum of ten dollars, in lieu of damages arising from delay and a vexatious prosecution, recoverable as other fines under this act.

Section XVI. (Section XVI, 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 monies received by them from the said commissioners, and from the subscribers to the said undertaking, on 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 all monies by them expended in the prosecution of their said work; and shall, once at least in every year, submit such ac-

counts to a general meeting of the stockholders, until the said road shall be complete, 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 capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said road according to the true intent and meaning of this act, it shall and may be lawful for the said 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 receive and demand the monies subscribed for such shares, in like manner and under like penalties as are hereinbefore provided for the original subscription, or as shall be provided by their by-laws.

Section XVII. (Section XVII, 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 of the monies received by their several and respective collectors of tolls, at the several and respective gates or turnpikes on the said road, from the beginning to the end thereof, 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 November and May, in every year, publish the half-yearly dividend 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 XVIII. (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall, at the end of every year from the date of the incorporation, until the whole road shall be completed, lay before the general assembly of this commonwealth an abstract of their accounts, showing the whole amount of capi-

tal 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 of 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 at the end of the said two years, that the said clear income and profits thereof, 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 and may be lawful for the said president, managers and company, to increase the tolls herein above allowed, so much upon each and every allowance thereof, as will raise the dividend up to six per centum per annum; and at the end of every year after the said road shall be completed, they shall render unto the general assembly a like abstract of their accounts; and if at any time the said clear income and profits thereof shall exceed a dividend of nine per centum per annum, the surplus above that amount, when sufficient shall arise, shall be appropriated by the said president and managers to the purchase of such share or shares of the said stock, as the money arising from the said surplus as aforesaid, will be found adequate to purchase, until all the said shares shall be so purchased; and the said subscribers shall determine, by lot, from time to time, whose share or shares shall be paid off by the money arising as aforesaid; for which shares the said company shall pay the sums which were originally paid for each respective share; and when the whole number of shares shall be purchased as aforesaid, then the said road shall be free, and no toll whatever shall be exacted.

Section XIX. (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That the said company shall cause posts to be erected and continued at the intersection of every public road falling into and leading out of the said turnpike road, with a board and index-hand pointing to the direction of such road; on both sides whereof shall be in-

scribed in legible characters the name of the town, village or place to which such road leads, and the distance thereof in measured or computed miles.

Section XX. (Section XX, 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 top of Chestnut Hill, and extending thence to the termination of the turnpike aforesaid, whereon shall be marked, in plain, legible characters, the respective number of miles, or fractions of a mile, which each stone is distant from the top of Chestnut Hill, and city of Philadelphia; and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from the top of Chestnut Hill, 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 gates, or some other conspicuous place, for the information of travelers and others using the said road; and if any person shall wilfully destroy the said posts, boards, index-hands, or milestones, or deface the same, or deface the directions made on the said gates or other conspicuous places as aforesaid; or shall, without permission of the acting superintendent of the said road, throw out upon the said road, or within the limits of the same, and suffer to remain, for the space of one day, any mould, dirt, shavings, weeds or rubbish of any kind, such person being convicted thereof by the evidence of one or more credible witness or witnesses, before any disinterested justice of the peace, of the county, he or she shall be adjudged by the said justice to pay a fine not exceeding ten dollars, to be recovered with costs, as debts of equal amount are or may be by law recoverable; which fine, when recovered, shall be paid by the said justice to the treasurer of the said company for the use of said company.

Section XXI. (Section XXI, 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, shall, except when passing by a carriage of slower draught, 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 any sum not exceeding 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 XXII. (Section XXII, 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 two years after the passing of this act, or shall not within five years afterwards complete the said road, according to the true intent and meaning of this act, then, in either of these cases, all and singular the rights, liberties, privileges, and franchises hereby granted to the company, shall revert to this commonwealth.

Section XXIII. (Section XXIII, 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 twenty-five, think proper to take possession of the said road, three persons shall be appointed by the governor, and three by the president and managers of the said company, and three by the judges of the supreme court, who are hereby required to appoint the same, who, or any six or more of them, not having any interest in the said road, shall proceed to examine and estimate the value of the property which the said company have 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 paid by the state to 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.