

the stay of three years, and the charge of interest, enjoined by that act, only excepted.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the aforesaid act of the eleventh of September one thousand seven hundred and eighty-six, entitled "An act to relieve the owners of unimproved lands from the inconvenience they are subjected to by the present mode of enforcing the payment of taxes assessed thereon" or so much thereof as directs the list of delinquent taxables to be published by the treasurer of the commonwealth, and so much of any other act of assembly as directs that the county commissioners shall advertise the sales of unseated lands, wherein taxes have been assessed and are yet due, for any longer time than six weeks, or in any other manner than by advertisements set up in the proper county, be, and the same is, hereby repealed.

Passed April 1, 1796. Recorded L, B. No. 6, p. 97, etc.

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## CHAPTER MDCCCXCVI.

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AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH, TO INCORPORATE A COMPANY FOR MAKING AN ARTIFICIAL ROAD FROM AN INTERSECTION OF THE PHILADELPHIA AND LANCASTER TURNPIKE ROAD NEAR THE GAP TAVERN, IN LANCASTER COUNTY, TO NEWPORT AND WILMINGTON IN THE STATE OF DELAWARE.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and the 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 Latimer, Robert Waln, Nathaniel Lewis, and Abijah Dawes of the city of Philadelphia, Joshua Pusey, Jacob Lindley, John McDowell, and James Boyd of the county of Chester, Abraham Carpenter, John Funk, Michael Wither, John Barr, Paul Zantzinger, Adam Reigart, junior, and John Fry, of the county of Lancaster, in this state, and Henry Latimer, Joseph Tatnal, William Robeson, Nehemiah

Delaplaine and Cyrus Newlin of the county of New Castle, in the state of Delaware, be and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say, they shall, on or before the first day of June next, after the passing of this act, procure five books, and in each of them enter as follows, "We whose names are hereto subscribed do promise to pay to the president, managers and company of the Gap Newport and Wilmington Turnpike road Company, the sum of three hundred dollars for every share set opposite to our respective names, in such manner and proportions, and at such times, 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 an intersection of the Philadelphia and Lancaster Turnpike Road near the Gak tavern, in Lancaster county, to Newport and Wilmington, in the state of Delaware, Witness our hands the            day of            in the year of our Lord one thousand seven hundred and ninety            ."

And shall give notice in three of the public papers in the city of Philadelphia, one whereof shall be in the German language, in the public papers printed in Lancaster, and also in Wilmington, for one calendar month at least, of the times and places in the said city and boroughs, respectively, when and where the said books will be open to receive subscriptions of the stock for the company at which respective times and places some 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 six hours in every juridicial day, for the space of three days, if three days shall be necessary, and, on the first day of the said days, any person of the age of twenty-one years, shall be at liberty to subscribe, in his own, or any other name or names by whom he shall be authorized, for one share, on the second day for one or two shares, on the third day for one, two or three shares, and on any succeeding day, while the said books shall remain open, for any number of shares in the said stock, and if, at the expiration of the said first three days, the said book opened at Philadelphia

shall not have one hundred and twenty-shares therein subscribed, and the said book opened at the borough of Lancaster shall not have one hundred and twenty shares therein subscribed, and the said book opened at Strasburg, in the county of Lancaster, shall not have one hundred and twenty shares therein subscribed, and the said book opened at Wilmington shall not have one hundred and twenty shares therein subscribed, and the said book opened at the house now occupied by Samuel Cochran in the county of Chester, shall not have one hundred and twenty shares therein subscribed, the said commissioners, respectively, may adjourn from time to time until the said number of shares shall be subscribed, of which adjournments public notice shall be given in at least one public paper in each place, and when the said subscriptions in the said books shall amount to the respective numbers aforesaid, the same shall respectively be closed, and if, on that day, and before the said subscriptions shall be declared to be full, application shall be made to subscribe more shares than will fill the said books, or either of them, to the numbers aforesaid, respectively, then the said commissioners, respectively, shall apportion the whole number of shares unsubscribed, at each respective place, on the morning of that day, among all those who shall have subscribed, or offered to subscribe as aforesaid, on that day, by deducting from the subscribers of more shares than one, such proportion of the shares by them respectively subscribed, as will, with the least fraction, and leaving every person one or more shares, come nearest to the exact number of shares aforesaid.

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 twenty-five 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 three 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, the number of shares subscribed by, or apportioned to, each subscriber, 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 subscriptions be not full at the time, then also those who shall after subscribe, to the numbers 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 Gap, Newport and Wilmington 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 their 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, 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 or 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 eight persons first named in the said letters patent, shall, as soon as conveniently may be after sealing the same, give notice in three of the public papers in Philadelphia and in those printed in Lancaster and also at Wilmington, one whereof, at Philadelphia, shall be in the German language, of a time and place by them to be appointed, not less than twenty days after 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, twelve 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, in his own right, more than five votes at any one election, or in determining any question arising at such meeting, whatever number of shares he may be entitled unto, and that each person shall be entitled to one vote for every share by him held not exceeding 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 first Monday of February, in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing other such 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 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 secure certificates to be written, or printed, for all the shares of the stock of 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 corporation, to each person for every share by him subscribed and held, he paying to the treasurer in part of the sum due thereupon the sum of forty dollars for each share, which certificate shall be transferable at his 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 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 three 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 other wages, to ascertain the times, manner and proportions, when and in which, the stockholders shall pay the money due on their respective shares in order to carry on the work, to draw orders on the treasurer for all money 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 a 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 three of the public papers printed in the city of Philadelphia, and in those printed at Lancaster and Wilmington, 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 after the time first appointed, 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 enclosures, 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 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 an intersection of the Philadelphia and Lancaster turnpike, near the Gap tavern, in Lancaster county, in a direction as nearly toward a central point, between Newport and Wilmington, as conveniently may be, to such a point, on the line of the Delaware state, as that the said road may be from hence, or from a place within the Delaware state, not more than three miles distant from the said line, most conveniently branched and extended to the towns of Newport and Wilmington, in the said state of Delaware, and shall, in like manner, survey, lay down and ascertain, mark and fix the routes, or tracks, of the said branches, from the said point to the towns respectively.

[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 their 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, and its respective branches, shall pass, first giving

notice of their intention to the owners thereof, or their representatives, and doing as little damage thereto as possible, and repairing any breaches they may make in the inclosures thereof, and making amends for any damages that may be done, to be ascertained by appraisement, to be made in the manner herein-after 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 indifferent 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 tender of the appraised value, to dig, take and carry away any stone, gravel, sand or earth, there 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 cause a road to be laid out, fifty feet wide, and at least twenty-one feet in breadth thereof, to be made an artificial road bedded with wood, stone, gravel or other hard substances, 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 order and repair, from the intersection of the Philadelphia and Lancaster turnpike road aforesaid, to the towns of Newport and Wilmington, in the state of Delaware, upon the route or track directed by the eighth section of this act to be surveyed, laid down, ascertained, marked and fixed.

[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, they shall give notice thereof to the Governor of this Commonwealth,



who shall, thereupon, forthwith nominate three skilful and judicious persons to view and examine the same and report to him in writing, whether the said road is executed in a masterly workmanlike manner, according 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 lesser 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 that part of the said road which lies within the state of Pennsylvania, as will be necessary and sufficient to collect the tolls and duties hereinafter granted to the said company, from all persons travelling on the same with horses, cattle, carts and carriages, provided, that no toll shall be demanded or taken from any person passing or repassing from one part of his or her farm to another.

[Section XII.] (Section XII, P, L.) And be it further enacted by the authority aforesaid, That the said company having perfected the said road 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 and 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, cattle, hogs, sheep, sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of 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 of the said road, the following sums of money, and so in proportion for any less distance, or for any greater or less number of sheep, hogs, or cattle, for every score of sheep six cents; for every score of sheep six cents; for every score of hogs three cents and an half; for every score of cattle twenty-five cents; for every horse and his rider, or led horse, six cents and an half; for every sulkey, 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, whose wheels do not exceed the breadth of four inches, twelve cents and an half; for each horse drawing the same; for every cart or wagon whose wheels shall exceed in breadth four inches, and not exceed seven inches, six cents and an half for every horse drawing the same; for every cart or wagon, the breadth of whose wheels 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 whose wheels 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 whose wheels shall be more than twelve inches, two cents for every horse drawing the same.

[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 whose wheels shall not be 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 or years, 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 whose wheels 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 said 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 whose wheels 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 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 whose wheels 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 December and May, or with more than one and an half tons during the rest of the year; that no such carriage whose wheels shall not be of 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, whose wheels shall not be the breadth of ten inches, shall be drawn along the said road, between the said 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 greater weight than seven tons shall be drawn along the said road in any one carriage whatever, between the said first days of December and May, nor more than eight tons during the rest of the year; and no cart, wagons, or carriage of burden whatsoever, whose wheels shall not be of 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 of 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 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 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, inquire 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 judges of the said court, and the said court shall thereupon cause process to issue, and bring in the bodies of the person or persons intrusted by the company with the care and superintendence of such part of the said road, as shall be so found defective, and shall direct a bill of indictment to be sent to the grand inquest against the person, or persons, intrusted as aforesaid, and, upon conviction, 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 mis-

demeanors 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 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 the president and managers of the said company shall keep fair and just accounts of all money to be 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 of all money by them to be expended in the prosecution of their said work, and shall once at least in every year, submit such accounts to a general meeting of all 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 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 demand and receive the money subscribed for such shares, in like manner, and under the like penalties, as are herein before provided for the original subscriptions, 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 the money to be received by their several and respective collectors of tolls, at the several gates or turnpikes 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 every the first Monday in January and July, in every year, publish the half yearly dividend 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 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 third year from the date of the incorporation, until two years next after the whole road shall be completed, lay before the general assembly of this commonwealth, and also before the general assembly of the Delaware state, an abstract of their accounts, showing the whole amount of their capital expended in prosecution of the said work, and of the income and profits arising from the said toll, 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, in 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 be lawful to and for the said president, managers and company to increase the tolls hereinabove allowed, so much upon each and every allowance thereof, as will raise the dividends up to 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 said general assemblies, 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 fifteen per centum per annum, then the said toll shall be so reduced as to reduce the said dividend down to fifteen per centum per annum.

[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, at the intersection of every road falling into, and leading out of, the said turnpike road, with boards and an index hand 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 XX.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That the said company shall cause mile-stones to be placed on the side of the said road, beginning at the distance of one mile from the first mile-stone on the Philadelphia and Lancaster turnpike road, to the westward of the intersection aforesaid, and continued progressively to Newport and Wilmington, on which shall be marked, in legible characters, the distance from the borough of Lancaster, and at every gate or turnpike by them to be fixed upon the said road, shall cause the distances from the nearest gates or turnpike, in each direction, if there shall be gates in both directions, but, if not, then from the termination of said road, 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 cause to be affixed at said gates, a printed list of the rates of toll which from time to time may lawfully be demanded, for the information of travellers and others using the said road.

[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 pleasure, 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 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.

[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 three years after the passing of this act, or shall not, within seven 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 this commonwealth to resume all and singular the rights, liberties, privileges and franchises hereby granted to the company, so far as relates to that part of the said road which may lie in the state of Pennsylvania.

[Section XXIII.] (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That nothing in this act shall be deemed or taken to authorize, or empower, such subscribers to do any act, matter, or thing herein mentioned, until such time as the legislature of the state of Delaware, shall by law confirm and extend the provisions of this act within that state, and shall authorize such company as may be incorporated to extend the said road from the place where it may intersect the line of the said state branch the said road, and from thence to extend the said branch to the said towns of Newport and Wilmington, with as full and ample powers, privileges, franchises and emoluments, and under the same limitations and restrictions as are given and imposed by this act.

[Section XXIV.] (Section XXIV, 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 so much of the said road as lies within this state, three persons shall be chosen by the legislature and three by the president and managers of the said company, and three by the judges of the supreme court, who, or any six or more of them, 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 by law paid to the said company, their right to take toll on the said road, together with all their rights, title, claim and interest therein, shall cease and determine.

Passed April 4, 1796. Recorded L. B. No. 6, p. 99, etc.

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CHAPTER MDCCCXCVII.

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A FURTHER SUPPLEMENT TO THE ACT ENTITLED, "AN ACT TO ENJOIN CERTAIN DUTIES ON THE SECRETARY OF THE COMMONWEALTH AND FOR OTHER PURPOSES."

[Section I.] (Section I, P. L.) Be it enacted by the Senate and the House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That for and during three years next after the passing of this act the salary of the Deputy Secretary shall be twelve hundred dollars per annum any law or laws to the contrary notwithstanding.

Passed April 4, 1796. Recorded L. B. No. 6, p. 114. Continued by Act of March 1, 1799, Chapter 2022.

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CHAPTER MDCCCXCVIII.

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AN ACT TO INCREASE THE SALARIES OF THE JUDGES OF THE SUPREME COURT, THE SECRETARY OF THE COMMONWEALTH, AND PRESIDENTS OF THE COURTS OF COMMON PLEAS.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and the House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That each of the assistant judges of