

CHAP. 126.

Wagoners, &c. to
keep the right
hand side

“Sec. 20. *And be it further enacted, by the authority aforesaid,* That all wagoners, carters, and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall, except when overtaking and 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 said road free and clear for other carriages to pass and repass, and if any carter, wagoner or driver, shall offend against this provision, he shall forfeit and pay any sum not exceeding six dollars, to any person who shall by reason thereof be obstructed in his passage, and will sue for the same, before any justice of the peace, to be recovered with costs in like manner aforesaid.

Penalty for receiv-
ing greater toll
than allowed.

“Sec. 21. *And be it further enacted, by the authority aforesaid,* That if any toll-gatherer on the said road shall demand from any person or persons using the said road, any greater rate of toll than by this act is authorised and allowed, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, one half to the use of the supervisors of the roads or highways of the township in which the forfeiture shall be incurred, and the other half to the use of the person suing for the same, to be recovered before any justice of the peace of the county where such offence shall have been committed.

Suits and prosecu-
tions

“Sec. 22. *And be it further enacted, by the authority aforesaid,* That if in the case of any suit or prosecution which shall be commenced under the directions of this act, for the penalty incurred under the same, whether by or against the said company, their servants or assignees, the said suit or prosecution shall not be sustained by the plaintiff or prosecutor, then and in such case the person or persons prosecuted as aforesaid, shall recover by the judgment of the justice before whom such suit or prosecution shall be depending, or by action before the court of common pleas of the proper county, (if such prosecution had been instituted before the court of general quarter sessions of the peace,) such sum, not exceeding the amount of the penalty for which the suit or prosecution shall be commenced, as shall be deemed a reasonable retribution for the vexation of such suit or prosecution.

Actions to be valid
unless commence-
d within six
months

“Sec. 23. *And be it further enacted, by the authority aforesaid,* That no suit or action shall be brought or prosecuted by any person or persons for any penalties incurred under this act, unless such suit or action shall be commenced within six months next after the fact committed, and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by the authority of this act.

This act not to be
valid unless legis-
lature of Maryland
vests like power in
subscribers, &c.

“Sec. 24. *And be it further enacted, by the authority aforesaid,* That nothing in this act shall be deemed, taken or construed, to authorise the governor to incorporate or empower the said subscribers to do any act, matter or thing, herein mentioned, until such time as the legislature of Maryland shall vest the like power and authority in such subscribers, to make the said road by the route aforesaid, from Baltimore to the Philadelphia and Lancaster turnpike road, with as full and ample powers, privileges, franchises and emoluments, as to the said subscribers are herein given and granted; and if the said company shall not proceed to carry on the said