

CHAPTER CXXV.

An ACT to purchase and make free, the bridge over the river Conestogoe, built by Abraham Witmer, in the county of Lancaster.

WHEREAS by the act and its supplement, authorizing Abraham Witmer to erect and maintain a toll bridge across the Conestogoe river, the legislature reserved to itself the purchase and redemption of said bridge; *and whereas*, by an act passed the second day of April, one thousand eight hundred and eleven, the sum of ten thousand four hundred and eighteen dollars and thirty-four cents, arrearages of state taxes, due from the county of Lancaster, was granted to the commissioners thereof towards the purchase of said bridge: Therefore,

SECT. I. *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 James McFarland, of the county of Schuylkill, George Nace, of the county of York, and John Ritchey, of the county of Dauphin, are hereby appointed and constituted commissioners on the part of the commonwealth, who in conjunction with such commissioners, not being citizens of Lancaster county, as shall be named by Abraham Witmer, his heirs or assigns, shall proceed to estimate the sum or sums that the said Abraham Witmer, his heirs or assigns, shall be entitled to receive according to the true intent and meaning of an act, passed the twenty-second of April, one thousand seven hundred and eighty-seven, and a supplement passed the fourth of April, one thousand seven hundred and ninety-four, for the stone bridge across the Conestogoe river, built and owned by the said Witmer; and each of the commissioners shall receive two dollars per day for every day necessarily spent in the execution of said duties, to be paid out of the treasury of Lancaster county.

Commissioners appointed.

To fix the price to be paid for Witmer's bridge.

Pay of the commissioners.

Meeting of.

Notice to be given.

Oaths to be taken.

SECT. II. *And be it further enacted by the authority aforesaid,* That the commissioners appointed by this act on behalf of the commonwealth, having been notified by the county commissioners of Lancaster county, and having fixed on a time and place of meeting, which shall not be less than thirty days from and after their notification as aforesaid, the commissioners of Lancaster county shall forthwith proceed to give notice to the said Abraham Witmer, his heirs or assigns, of the time and place of said meeting, and the commissioners herein before appointed, as well as the commissioners appointed on the part and behalf of the said Abraham Witmer, his heirs or assigns, shall before they proceed to the duties of their appointment, make oath or affirmation, before any officer qualified to administer the same, that they will with impartiality and fidelity, perform the duties assigned them by this act, and make report of their proceedings,

under their hands and seals, or a majority of them, to the commissioners of Lancaster county, as soon as conveniently may be.

SECT. III. *And be it further enacted by the authority aforesaid,* That if four or more of the said commissioners shall not agree as to the sum or sums which the said Abraham Witmer, his heirs or assigns, shall be entitled to receive for his or their said bridge, then in that case, the commissioners of Lancaster county shall inform the governor thereof, who shall forthwith appoint a suitable person, not being an inhabitant of Lancaster county, and being notified of his appointment, and sworn or affirmed as aforesaid, shall be, and hereby is constituted a commissioner, and the sum awarded by a majority of them, shall be paid to the said Witmer, his heirs or assigns, out of the treasury of Lancaster county, by warrant drawn by the commissioners of said county thereon.

If a majority of the commissioners do not agree; an additional one to be chosen by the governor.

Powers of. Sum to be awarded. How paid.

SECT. IV. *And be it further enacted by the authority aforesaid,* That in case the said Abraham Witmer, his heirs or assigns, should refuse or neglect to appoint commissioners on notification as aforesaid, then in that case, the said Abraham Witmer, his heirs or assigns, shall from and after the space of ten days, from and after the time fixed for the meeting of said commissioners, and in case the said Abraham Witmer shall neglect or refuse to receive the compensation awarded by the said commissioners, for the term or space of ten days from and after tender thereof made to him by the county commissioners of Lancaster county, shall be debarred from taking any toll from any person or persons passing said bridge, either with or without horses, cattle or carriages, until he shall make such appointment or accept such tender as aforesaid; and in case any or either of them should take toll contrary to the meaning of this act, he or they so offending, shall pay a fine of two dollars for every such offence, to be recovered as sums of equal amount are by law recoverable.

A. Witmer to cease exacting tolls after refusal to appoint commissioners, or to accept the sum awarded.

Penalty on offending.

SECT. V. *And be it further enacted by the authority aforesaid,* That if the sum awarded by the said commissioners, should exceed the sum of ten thousand four hundred and eighteen dollars and thirty-four cents, then in that case the commissioners of Lancaster county shall, after having paid the whole sum awarded, erect a gate near or contiguous to the said bridge, and to alter or remove the same as occasion may require, and also to appoint a suitable person or persons as they may think proper, to attend said gate, and to receive the rates and tolls heretofore received from travellers and others, under the same regulations and restrictions as Abraham Witmer was authorized to do; and the toll-gatherers aforesaid shall receive such compensation for his or their trouble, as the commissioners of Lancaster county may think proper and reasonable.

If the award be for a sum exceeding \$ 10418.34 the deficiency to be made up by tolls.

Rates of.

Commission-
ers of Lan-
caster county
to exhibit
their ac-
counts.

SECT. VI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners of Lancaster county, for the time being, and their successors in office, to lay before the court of quarter sessions of said county, on oath or affirmation, an account annually of the expenses by them incurred in maintaining and supporting said bridge, as well as the amount of tolls received which account, if confirmed by the said court, the balance shall be appropriated to the use of the said county; and when it shall appear to the said court, that the sum over and above ten thousand four hundred and eighteen dollars and thirty-four cents, awarded by the commissicners, has been reimbursed to the county of Lancaster by means of said tolls, then the said court shall forth with, by advertisement inserted in all the newspapers in the borough of Lancaster, and in at least two newspapers in the city of Philadelphia, declare the said bridge to be free of toll; and if the commissioners aforesaid, or any person or persons by their order shall demand and receive any rates or tolls after it has been so declared free, he or they so offending, shall forfeit, and pay for every such offence, the sum of twenty dollars to whosoever shall sue for the same, to be recovered as debts of equal amount are by law recoverable.

When said
bridge shall
be declared
free from toll.

Penalty on
exactng tolls
afterwards.

JOHN TOD, *Speaker*

of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twelve.

SIMON SNYDER.

CHAPTER CXXVI.

An ACT granting a tract of donation land to Elizabeth Williams, formerly wife of Richard Fleming, deceased.

BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That the proper officers be and they are hereby required, to draw and patent to Elizabeth Williams, late wife of Richard Fleming, deceased, and his issue, if any, otherwise to the said Elizabeth, a tract of donation land, containing two hundred acres.

Donation
land granted
to Elizabeth
Williams.

JOHN TOD, *Speaker*

of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the thirtieth day of March, one thousand eight hundred and twelve.

SIMON SNYDER.