

made, they not being appointed executors of the same, are unable to make a title under it to any purchaser, and have prayed the legislature to be authorized by law to sell and convey the aforesaid plantation, agreeably to the intention of the testator : Therefore,

William Scott and Archibald Galloway, administrators of the estate of Archibald Scott, authorized to sell a tract of land :

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 William Scott, and John Galloway, administrators of the estate of Archibald Scott, late of East Huntingdon township, Westmoreland county, deceased, are hereby authorized and empowered to sell and convey for the highest and best price that can be had for the same, all that certain tract or parcel of land, situate in the township and county aforesaid, adjoining lands of Samuel Moorhead, Hugh Wilson, William Newell, Thomas Boyd and William Latta, held by virtue of a warrant granted to the said Archibald Scott, dated the twenty-third day of April, one thousand seven hundred and eighty-seven ; containing one hundred and twenty-six acres, more or less, and to make such deed, or deeds, or other conveyance, as shall be sufficient to secure to the purchaser or purchasers, all the right, title, and interest, which the said Archibald Scott had in his life-time, and at the time of his decease, in, and to the same, and every part thereof ; and that the monies arising therefrom, shall be appropriated and disposed of, according to the directions of the last will and testament of the said Archibald Scott.

and appropriate the proceeds thereof, agreeably to the last will of Archibald Scott.

Administrators to give bond to the orphans' court, for the faithful discharge of their trust.

SECT. II. *And be it further enacted by the authority aforesaid,* That the said William Scott, and John Galloway, shall, before they proceed to sell and convey the said land, enter into recognition, with sufficient sureties, before the orphans' court, of the county of Westmoreland, conditioned for the faithful execution of the trust in them confided, and for the performance of the powers hereby granted.

JOHN TOD, *Speaker*
of the House of Representatives.

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

APPROVED—the twenty-second day of February, one thousand eight hundred and twelve.

SIMON SNYDER.

CHAPTER XXXVIII.

An ACT authorizing the commissioners of Berks county, to build a stone bridge over the river Schuylkill, near the town of Reading, in the said county.

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 the commissioners of the county of Berks, be and they are hereby authorized and empowered to contract with any person or persons, to build a stone bridge over the river Schuylkill, at the west end of Penn-street, in the town of Reading, at the expense of the said county of Berks; and to do and to perform, all and singular, such matters and things as county commissioners may do, and perform, in virtue of the twenty-first section of an act entitled "An act for laying out, making, and keeping in repair, the public roads and highways within this commonwealth, and for laying out private roads"; passed the sixth day of April, anno Domini, one thousand eight hundred and two.

Commissioners of Berks county authorized to contract for building a bridge over Schuylkill.

SECT. II. *And be it further enacted by the authority aforesaid,* That when the commissioners aforesaid shall have completed a bridge, at the place aforesaid, the same shall be considered as built under the twenty-first section of the act aforesaid; and the same shall be inspected; and the commissioners shall be liable, if it should not be approved of, according to the provisions of the said section.

Bridge when built to be inspected.

SECT. III. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said commissioners, and their successors, after the said bridge shall be completed, to demand and receive toll, from travellers and others, passing over the same, agreeably to the following rates, viz: for every score of sheep, six cents; for every score of hogs, ten cents; for every score of cattle, twenty cents; and so in proportion for any greater or lesser number; for every horse or mule, four cents; for every rider and the horse, six cents; for every sulkey, chair or chaise, with one horse and two wheels, twelve and one half cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, twenty-five cents, for either of the last mentioned carriages with four horses, thirty-seven and one half cents; and for every other carriage of pleasure, under whatever name, the like sum, according to the number of wheels, and of the horses drawing the same; for every stage waggon with two horses, twenty cents; for every such waggon with four horses, thirty cents; for every sleigh, six cents, for every horse drawing the same; for every sled, five cents, for every horse drawing the same; and for every waggon or cart six cents, for every horse drawing the same; and in all cases, two oxen shall be estimated equal to one horse: *Provided always nevertheless,* that any person or persons going to, and returning from public worship, on sabbath days, or going to, and returning from funerals; or going to, and returning from training in the militia, and all persons going to, and returning from general elections, shall be exempted from paying toll: *And provided also,* that nothing in this act contained, shall be construed to prevent the said commissioners from contracting so

Commissioners authorized to take toll for passing the bridge.

Rates of toll.

Proviso.

Second proviso.

with any person or persons, desirous of using the said bridge, for an annual sum in lieu of the toll herein before mentioned.

Gates to be erected and toll gatherers to be appointed.

SECT. IV. *And be it further enacted by the authority aforesaid,* That to facilitate the collections of the said tolls, it shall and may be lawful for the said commissioners, to 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 such and so many persons as they may think proper, to attend the said gate, and to receive toll from travellers, and others, according to the ratio aforesaid:

Proviso.

Provided always, that nothing in this act contained, shall be so construed as to authorize the commissioners aforesaid, or any person or persons whatever, to put any obstructions in the river Schuylkill, at the fording place, near said bridge, or in the street leading thereto, but the same shall be, and remain free and open for all persons to pass over and across the same, as fully and effectually as if this act had not passed.

Penalty for demanding illegal tolls.

SECT. V. *And be it further enacted by the authority aforesaid,* That if any toll gatherer shall demand or receive, any other or greater rates or prices for passing over said bridge, than are herein before specified, the person so offending shall, for every such

Manner of appropriating fines that may be recovered.

offence, forfeit and pay the sum of twenty dollars, one moiety to the commissioners aforesaid, towards defraying the expense of said bridge, and the other moiety to the party complaining, or who may sue for the same, to be recovered before any justice of the peace of the county, who is hereby empowered, on complaint made to him, on oath or affirmation, of any such offence, to issue his summons or warrant to any constable of the county, commanding him to bring or cause every person against whom such complaint shall be made, to come before him; and on due proof of such offence, to convict such person thereof; and to issue his warrant to any such constable, to levy such sum of money on the goods and chattels of the offender, by distress and sale thereof:

Mode of prosecuting complaints.

Proviso for an appeal.

Provided always, that any person so convicted who shall find himself aggrieved thereby, may, within ten days after such conviction, appeal to the next court of quarter sessions of the county; which appeal shall be allowed on the appellants entering into recognizance before the said justice with one or more sureties, in a penalty not less than double the sum sued for, to pay all costs, and if the conviction, so made by the said justice, shall be confirmed, the said justice shall proceed to levy the said forfeiture in the manner herein before directed: *Provided also,* that no suit or action shall be brought, after twenty days from the time when the offence was committed.

Toll gatherers to be allowed for services.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the said commissioners shall have power to make such allowance for the persons employed in the collection of toll, or rendering other services, in pursuance of this act, as they may deem reasonable.

SECT. VII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners of Berks county, for the time being, and their successors in office, to lay before the court of quarter sessions, of Berks county, on oath or affirmation, an account annually of the expenses by them incurred, in erecting the said bridge, which account, if confirmed by the court, shall be held to contain the sum, justly due to the said county; and to be repaid to the county, by the profits of the toll aforesaid; and when it shall appear to the said court, that the principal sum, without interest, so as aforesaid expended in the erecting of said bridge, hath been raised by means of the said toll, the said court shall forthwith, by public advertisement, inserted in all the newspapers in the borough of Reading, 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 or receive any rate or price for passage over the same after it shall have been declared a free bridge, in manner aforesaid, he or they so offending, shall for every such offence, forfeit and pay the sum of twenty dollars, one moiety to the poor of the borough of Reading, in the county of Berks, and the other moiety to the party complaining, or who may sue for the same; to be recovered before any justice of the peace of the said county, in the same manner, as debts of the same amount are by law recoverable: *Provided*, that no suit or action shall be brought, unless the same is brought within two months after the offence is committed: *And provided also*, that any person so convicted, and who shall find himself aggrieved thereby, shall have the same remedy to appeal, as is prescribed in the fifth section of this act.

Commissioners to exhibit their accounts of expenditures for erecting the bridge before the court of quarter sessions.

When the tolls received amount to the sum expended in erecting the bridge it shall thereafter be free.

Notice of which to be given by the court. And a fine imposed if afterwards toll be demanded. Fines how appropriated.

Appeal may be had.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, and their successors, to keep a just and true account of their receipts and expenditures, of the money which shall come to their hands, by virtue of the provisions of this act; and they shall annually at the time appointed by law, for the settlement of their accounts as county commissioners furnish a statement of their said receipts and expenditures, accompanied by proper vouchers, to the persons who shall be elected to settle their accounts, as county commissioners, who shall, in like manner, examine, settle, and adjust the same.

Commissioners to exhibit a detailed statement of their accounts annually to the county auditors.

JOHN TOD, *Speaker*
of the House of Representatives.

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

APPROVED—the twenty-second day of February, one thousand eight hundred and twelve.

SIMON SNYDER.