

CHAPTER L.

AN ACT

To authorise John Ernst and Samuel Sherer to erect a toll bridge over Swatara creek, at or near the place usually known by the name of "Ernst's" or "Sherer's Ferry," in the county of Dauphin.

SECT. 1. *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 it shall and may be lawful for John Ernst, successor of Christopher Ernst, and Samuel Sherer, their heirs and assigns, to erect, build, maintain and support a good and substantial bridge over and across the Swatara creek, at the place where the Downingtown, Ephrata and Harrisburg turnpike road is to cross the same, being near to the place usually known by the name of "Ernst's" or "Sherer's Ferry," in Dauphin county; and the property of said bridge when built, shall be and the same is hereby vested in the said John Ernst and Samuel Sherer, their heirs and assigns forever. And as soon as the said bridge shall have been erected under the authority of this act, they, the said John Ernst and Samuel Sherer, their heirs or assigns, may and they are hereby empowered to erect a gate or gates, to demand and receive toll from travellers and others passing the same as follows, viz. For every carriage of whatever description used for the purpose of trade or agriculture, having four wheels and drawn by six horses, forty-three and three-fourth cents; for every such carriage having four wheels and drawn by five horses, thirty-seven and one half cents; for every such carriage having four wheels and drawn by four horses, thirty-one cents; for every such carriage having four wheels and drawn by three horses, twenty-five cents; for every such carriage having four wheels and drawn by two horses, eighteen and three-fourths cents; for every such carriage having four wheels and drawn by one horse, twelve and a half cents; for every carriage of whatever description, used for the purpose of pleasure or personal accommodation, having four wheels and drawn by four horses, twenty-five cents; for every such carriage drawn by two horses, eighteen and three-fourths cents; for every such carriage drawn by one horse, twelve and a half cents; for every carriage of whatever description, used for the purpose of trade or agriculture, having two wheels and drawn by one horse, ten cents, and for every additional horse, five cents; for every chaise, riding chair, sulkey or other two wheeled carriage of pleasure drawn by one horse, ten cents, and for every additional horse, five cents; for every sled or sleigh drawn by one horse, seven cents, and for every additional horse, five cents; for every horse and rider, six and one fourth cents; for every led or drove horse, mule or ass,

John Ernst and Samuel Sherer permitted to erect a bridge

Place where it may be erected.

The property of it vested.

Empowered to erect gates.

Rates and tolls for passing.

Proviso as to those who shall pass free.

2d proviso, a list of rates to be put up.

Time limited for proceeding upon and completing the bridge.

Penalty for omitting to carry on and complete the work, and for misuse and neglect.

Proceedings in case of neglect to keep the bridge in repair for one week.

three cents; for every head of horned or muley cattle, two cents; for every head of sheep or swine, one cent; for all carriages that shall be drawn by oxen, or partly by oxen and partly by horses, to be rated in the proportion of two oxen for one horse; for every foot passenger, two cents: *Provided*, That no toll shall be demanded or taken from any person or persons attending funerals, going to or from divine worship, from militia men going to or returning from muster on days of training, or from persons going to or returning from township, general or special elections, or from children or others going to or returning from school; but all such person or persons shall be allowed to pass and repass said bridge on those occasions free of toll; *And provided also*, That it shall be the duty of the said John Ernst and Samuel Sherer and their successors forever, to have a written or printed list or lists of the above rates of toll placed upon some conspicuous part at each end of said bridge, for the free inspection of all persons desirous of seeing the same.

SECT. 2. *And be it further enacted by the authority aforesaid*, That if the said John Ernst and Samuel Sherer, their heirs or assigns or any of them, shall not proceed to carry on the said work within the space of two years from and after the passing of this act, and shall not within the space of four years from the passage thereof complete the said bridge, according to the true intent and meaning thereof, or shall misuse or abuse any of the powers herein before granted, or neglect to perform any of the duties herein required of them, it shall and may be lawful for the legislature of this Commonwealth to resume all and singular the rights, liberties and franchises hereby granted.

SECT. 3. *And be it further enacted by the authority aforesaid*, That if the said John Ernst and Samuel Sherer, their heirs or assigns, shall neglect to keep the said bridge in good order and repair, so that the same shall become dangerous or difficult for travellers or others to cross the same for the space of one week, and information thereof shall be given to any justice of the peace of the county aforesaid, the said justice shall forthwith issue his precept, directed to any constable of the county, commanding him to summon three intelligent and judicious freeholders of the said county, whose names shall be inserted by the said justice in the precept aforesaid, to meet at a time certain to be mentioned in said precept, not exceeding three days, at the bridge aforesaid, of which meeting reasonable notice shall be given to the owner or owners of said bridge, their agent or some one or more of them, and the said justice shall attend the said meeting and shall administer an oath or affirmation to each of the freeholders aforesaid, who shall then view and enquire whether the said bridge is in good order and repair as aforesaid; and if upon such inquisition it should appear to them that the said bridge is not in good order and repair as aforesaid, and has

been in that state for one week, it shall be their duty to make report thereof in writing under their hands unto the justice aforesaid, who shall on the receipt thereof, deliver a certified copy of said report to the owner or owners of said bridge or their agent, and from thenceforth the tolls hereby granted shall cease to be demanded or collected until the defective parts of the said bridge shall be put in good order and repair as aforesaid.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person or persons shall cut or destroy any piece or pieces of timber or other part or parts of said bridge, piers, abutments or appendages thereto, or otherwise voluntarily damage the same, he, she or they so offending shall, on conviction thereof, forfeit and pay for every such offence, over and above the damages done to the said bridge or any part or parts thereof, the sum of twenty dollars, to be recovered in the same manner as debts not exceeding one hundred dollars are by law recoverable, with costs of suit, for the use of the owner or owners of the said bridge, at the time the offence shall have been committed. Penalty for destroying or damaging the bridge.

SECT. 5. *And be it further enacted by the authority aforesaid,* That nothing in this act contained, shall extend to authorise the said John Ernst and Samuel Sherer, or any person whatever, to erect the said bridge so as to stop, interrupt, injure or impede the navigation of the said creek, by preventing rafts, boats or other craft from passing up and down, or persons from fording the same. Navigation of the creek not to be impeded.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the justice shall receive for his services, directed in the third section of this act, the same fees that are allowed under the general fee-bill to justices holding inquisition in case of landlord and tenant; the constable the same fees and mileage as in other cases, and each of the viewers the sum of one dollar for every day by them necessarily spent in the premises; said fees to be paid by the owner or owners of said bridge or their agent, in case it should appear there was just cause of complaint at the time information was made, or by the informer in case it should appear there was not just cause, and the said justice is hereby authorised to issue his warrant for the recovery of said fees. Fees of the justice, and of the constable and viewers. By whom to be paid, and how recovered.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the said John Ernst and Samuel Sherer shall, at the end of two years next after the said bridge shall be completed, lay before the first court of quarter sessions to be holden for the county of Dauphin, on oath or affirmation, an abstract of their accounts, shewing the whole amount of their capital expended in prosecution of the said work; and the income and profits arising from tolls for and during the said period, together with an abstract account of the costs and charges of keeping the said bridge in repair, and all other contingent costs and charges to the end, that the clear an- When the accounts shall be laid before the court of quarter sessions.

When the tolls shall be reduced so that the dividend of profits shall be 10 per cent.

When increased so that it may be raised to 8 per cent.

Accounts to be annually rendered.

Tolls to be regulated so that dividend shall not exceed 10 nor be less than 8 per cent.

Penalty for neglecting to make an annual report.

Penalty for failing to reduce the tolls when duly required.

Time within which the Commonwealth may declare it a free bridge.

Conditions on which the same may be done.

nual income and profits thereof may be ascertained and known. And if, from the said accounts, it shall appear that the clear profits and income arising from the said bridge will bear a dividend of more than ten per centum per annum, then the rate of tolls shall be so reduced as to bring the said dividend down to ten per centum per annum. And if, from the same abstract of accounts, it shall appear that the said clear profits and income will not bear a dividend amounting to eight per centum per annum, then the rate of tolls may be so increased as to bring the said dividend up to eight per centum. And at the end of every subsequent term of one year afterwards, like abstracts shall be rendered in manner aforesaid to the said court, and if, at the end of any one year, it shall appear that the income arising from the said bridge, will not bear a dividend amounting to eight, or will bear a dividend of more than ten per centum per annum, then and in either case the rates of toll shall be so increased or reduced as to bear a dividend the minimum of which shall be eight, and the maximum ten per cent. per annum. And if the said John Ernst and Samuel Sherer, their heirs or assigns, shall at any time neglect to make such annual report, they shall be deprived of the right of collecting or receiving toll, until after the said report shall be made as enjoined by this act. And if after such reduction as aforesaid shall be duly required, they shall fail or neglect to make the same accordingly, and shall receive any higher toll than what the several rates would be after such reduction duly made, the said John Ernst and Samuel Sherer, their heirs or assigns, shall forfeit and pay for every such offence the sum of ten dollars, to be recovered as debts of equal amount are or may be recoverable, one half to the use of the person complaining of such charge, the other half to the use of the county of Dauphin.

SECT. 8. *And be it further enacted by the authority aforesaid,* That if at any time after the expiration of twenty-five years, it shall be deemed advisable on the part of this Commonwealth, to declare the same a free bridge, or otherwise dispose of the same, it shall be lawful for them to take the same, on payment being first made to the said John and Samuel, or their heirs or assigns, or such amount being deposited, subject to their draft or order in the nearest bank, as shall be awarded by five reputable freeholders of Dauphin county, two to be appointed by the Governor, two by the said John and Samuel, their heirs or assigns, or in case of their neglecting or refusing so to appoint, by the prothonotary of Dauphin county, and one by the four so appointed, or in case of their neglect or refusal, by the said prothonotary, as shall amount together with the whole tolls that have been received beyond the necessary repairs, to the original cost of said bridge and eight per centum per annum thereon, deducting therefrom however such amount as the said five reputable freeholders

shall determine the value of the said bridge to have been diminished from its first cost, by reason of its wear and tear and natural decay.

WILLIAM DAVIDSON, *Speaker*
of the *House of Representatives*.

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the seventeenth day of February, one thousand eight hundred and eighteen.

WILLIAM FINDLAY.

CHAPTER LI.

AN ACT

Granting part of a lot of ground in the borough of Beaver the property of this commonwealth, to Thomas Henry and John R. Shanon.

SECT. 1. *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 that part of a lot of ground situate in the borough of Beaver, the property of this commonwealth, contained within the following bounds, viz. Beginning on the south side of Front street opposite the east line of Elk street, thence the course of said street to the Ohio river, thence down the same to a point opposite Commerce alley, thence to Front street opposite said alley, thence along Front street to the place of beginning, be, and the same is hereby granted to Thomas Henry and John R. Shanon, for the purpose of erecting thereon suitable buildings for the manufactory of glass and a ware house.

Grant of part of a lot in the borough of Beaver.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the officers of the land office shall appoint three disinterested persons to estimate and value said lot, who shall before they enter on the duties of their appointment, take an oath or affirmation before some judge or justice of the peace of the proper county, that they will justly estimate and a true valuation make of that part of said lot granted as aforesaid, and the said persons or a majority of them having agreed on the real valuation thereof, shall certify the same under their hands directed to the Secretary of the Land Office, and the said persons or any two of them shall also transmit to the Secretary of the Land Office a diagram of said described lot signed and certified by them, and the expenses necessary for

The officers of the land office to appoint 3 persons to estimate the value.

Their expenses how paid.