

## No. 28.

## AN ACT

Authorising the Commissioners of Berks county to build a Toll Bridge over the river Schuylkill at Poplar Neck.

Commissioners appointed to locate and to judge of expediency of building.

Their compensation.

Upon confirmation of report commissioners to build.

Agreeably to provisions of former acts.

Completion, inspection, &c.

**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 Peter Kline, jr. of Greenwich, John Miller, Albany, John Ritter of Colebrookdale, Daniel Eyster of Pike, Jacob Bauman of Earl, and Henry Keely of Douglass, be and they are hereby appointed commissioners to view and fix a scite for a Bridge over and across the river Schuylkill at Poplar Neck in the county of Berks at or near the road that leads from the borough of Reading to the city of Philadelphia, they shall receive for their services one dollar and fifty cents per day for each day they shall be necessarily employed in performing that duty, and in case two thirds of the commissioners agree that such bridge is necessary for the convenience of travellers and others and that the county funds are adequate to the expense of building the same and make report to the next court of Quarter Sessions of said county and the court confirm said report, then and in such case the commissioners of the county of Berks are hereby authorised and empowered to build and erect, or contract with any person for building a good and substantial bridge at the expense of the county of Berks, over and across the river Schuylkill at Poplar Neck at or near the road that leads from the borough of Reading to the city of Philadelphia, and to do and 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 one thousand eight hundred and two, and the supplement thereto, passed March the first one thousand eight hundred and fifteen.

**SECT. 2.** *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 and supplement thereto as 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 and supplement thereto.

**SECT. 3.** *And be it further enacted by the authority aforesaid,* Rates of Toll. That as soon as said bridge shall be erected under the au-

thority of this act, the said commissioners or their successors in office 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: for every carriage of whatever description used for trade and agriculture having four wheels and drawn by six horses, thirty-seven and one half cents; for every such carriage having four wheels and drawn by five horses, thirty-one and one quarter cents; for every such carriage having four wheels and drawn by four horses, twenty-five cents; for every such carriage having four wheels and drawn by three horses, eighteen and three quarter cents; for every such carriage having two horses twelve and a half cents; for every such carriage having two or four wheels and drawn by one horse, six and a quarter cents; for every stage having four wheels and drawn by four horses, thirty cents; for every stage having four wheels and drawn by two horses, twenty cents; for every carriage of pleasure having four wheels and drawn by four horses, thirty seven and one half cents; for every such carriage having four wheels and drawn by two horses, twenty-five cents; for every such carriage having two wheels and drawn by two horses, eighteen and three quarter cents; and every such carriage having four or two wheels and drawn by one horse, twelve and one half cents; for every sled or sleigh drawn by one horse, six and one quarter cents; and every additional horse four cents; for every horse and rider six and one quarter cents; for every led or drove horse, mule or ass, three cents; for every head of horned or muley cattle, one cent; for every head of hogs one half cent; for every twenty head of sheep, six and one quarter cents; and so in proportion for any lesser or greater number; for all carriages that be drawn by oxen, or partly by oxen and partly by horses, to be rated in proportion of two oxen for one horse; and for every foot passenger one cent: *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 going to and returning from school; but all such persons shall be allowed to pass and repass said bridge on those occasions free from toll: *And provided also*, That it shall be the duty of said commissioners and their successors, 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, as long as the same shall be a toll bridge.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the commissioners aforesaid may and they are hereby empowered to appoint such person or persons as they may think proper, to attend and receive toll from travellers

Proviso.

Exempts from toll.

2d Proviso.

Lists of rates to be posted.

Toll collectors.

and others, according to the ratio aforesaid, and the said commissioners are hereby empowered to pay to such person or persons employed in the collection of toll, or rendering other services in pursuance of this act, such compensation as they may deem reasonable: *And provided also*, That nothing in this act contained shall extend to authorise the said commissioners, or any person whatever, to erect said bridge so as to stop or interrupt the fording of said river, and in the erection of which bridge, it shall not be lawful for the commissioners aforesaid to erect any abutment or pier on the tow path or margin of the works of the Schuylkill Navigation company, or the tow path or works of the Union Canal company, so as to interrupt or impede the trade passing and re-passing upon the works of the said navigation and canal companies, and that the elevation of the bridge over the river and works aforesaid, shall be of sufficient height for the free passage of boats under the same.

Proviso.

Bridge not to stop fording, nor to interfere with canal navigation.

Penalty on receiving other rates of toll than those fixed by law.

How recovered and appropriated.

Proviso.

Appeal to court.

2d proviso.

3d proviso.

Penalty on wilful injury to bridge property.

Recovery, &c.

Proviso.

SECT.5. *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 offence, forfeit and pay the sum of ten dollars to the commissioners of said county towards defraying the expenses of said bridge, 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 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 of the county, to levy such sum of money on the goods and chattels of the offender, by distress and sale thereof: *Provided always*, That any person so convicted shall not be debarred from an appeal to the court of Quarter Sessions, by giving the requisite security: *Provided*, That in such cases the appeal shall be made within ten days after such conviction: *Provided also*, That no suit or action shall be brought after twenty days from the time when the offence was committed.

SECT.6. *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 any other part or parts of said bridge, piers or 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 said bridge, or any part thereof, the sum of ten dollars, to be recovered in the same manner as debts not exceeding one hundred dollars are now by law recoverable, with costs of suit for the use of the county of Berks: *And provided further*, That if any person or per-

sons shall carry a lighted pipe or segar across said bridge, <sup>Carrying fire.</sup> he or she shall, on due conviction thereof pay a fine of five dollars for the use aforesaid.

SECT. 7. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners for the time <sup>Annual state-</sup> being, and their successors in office, to lay before the court <sup>ment to court</sup> of Quarter Sessions of Berks county, on oath or affirmation, <sup>of Quarter</sup> an account annually of the expenses by them incurred in <sup>Sessions.</sup> 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 <sup>Reduction of</sup> that the principal sum without interest so as aforesaid <sup>toll.</sup> expended in erecting of said bridge hath been raised by means of the said toll, the said court shall forthwith reduce the toll one half.

SECT. 8. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners and <sup>Annual settle-</sup> their successors in office to keep a just and true account of <sup>ment of ac-</sup> their receipts and expenditures of the money which shall <sup>counts.</sup> 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.

SECT. 9. *And be it further enacted by the authority aforesaid,* That nothing in this act contained shall be so construed as to prevent the said commissioners from contracting <sup>Yearly con-</sup> with any person or persons desirous of using the said <sup>tracts for tol</sup> bridge for an annual sum in lieu of the toll herebefore mentioned.

JOHN LAPORTE,

*Speaker of the House of Representatives.*

WM. G. HAWKINS,

*Speaker of the Senate.*

APPROVED—The thirty-first day of January, A. D. one thousand eight hundred and thirty-two.

GEO. WOLF.