

ded? Surely those in favour of whom the former law had been made, but which was not found to be effectual. To extend the law to other persons would be repugnant not only to the preamble, but to the enacting clause also, if we are to consider the two laws together, which is certainly proper. It would provide a remedy where none was intended.

How then do the two laws read together? Judgments shall be enrolled at the time they were signed, or they shall not by relation affect a *bona fide* purchaser or mortgagee, and as to *such persons* the lien of the judgment creditor shall cease, unless the judgment be revived in five years by a *sci. fa.* This reading produces a perfect harmony between the old and the new law.

That this was the intention of the law is further manifested from the third section of it, which, noticing those who may be interested, directs the *sci. fa.* to be served on the debtor or his representatives, his alienees and terretenants. If the judgment creditor had been an object of the law, and intended to be protected by it, why not have directed the writ to have been served on him who might as easily have been found as the alienee?

I think it not improper to make some general observations on the cases which I before noticed under classes.

In not one of them are creditors noticed, except in the following instances.

1. Those under the Statute of *Elizabeth*, against fraudulent conveyances, and in that creditors are specially mentioned.

2. Where the creditor is considered *quasi* purchaser, as where he advances money on the credit of the judgment, trusting to that as his security without notice of the prior judgment. *Precedent*. Chan. 478. And that this distinction is closely observed appears from those decisions in equity, which establish even an *agreement to sell lands*, against a judgment creditor, and which prevent a prior judgment creditor from tacking it to a subsequent mortgage, though in the first case the agreement would not prevail against a mortgage, and in the latter, a prior mortgage obtaining a subsequent judgment may tack the latter to the former against an intermediate incumbrance, *Finch v. Winchelsea*, 1 P. Wms. 278. 2 Vez. 662-3. The reason is plain. The judgment, though a lien, is not a *specific* lien on the land, that is, the creditor did not go on the security of the land, but trusted to the general credit of the debtor and of his estate.

I am therefore of opinion, that the judgment of *Brownjohn* must prevail against the other judgment creditors. (*W. MSS. Reports.*)

An execution within a year and a day, continues the lien of a judgment, without resorting to a *scire facias*, under the act in the text. *Young v. Taylor*, 2 Binney, 218.

CHAPTER MDCCCXCIX.

A SUPPLEMENT to the act, entitled "An Act for establishing and building a bridge across Conestogoe creek, in the county of Lancaster." [Original act vol. 2, pa. 421.]

SECT. 1. [ABRAHAM WITMER empowered to build a bridge across Conestogoe creek. *Provided*, That the said Abraham Witmer, his heirs and assigns, shall and will, as soon as the new bridge is completed, remove the old bridge, and leave a passage of twenty feet on the said road, on the south side of the said new bridge, and at both ends thereof, for the use of all those who may think proper to pass and repass the said creek, without going over the said bridge: and that nothing herein contained shall be construed to enable the said Abraham Witmer, his heirs or assigns, to prevent, by the said erection, any person or persons, with or without horses, carriages, or cattle of any kind, from passing the said creek free from toll, according to the provisions of the act to which this is a supplement, unless the said Abraham Witmer, his heirs or assigns, shall cause a passage to be opened on the south side of the said old bridge, where-

Condition of the grant.

1798. by the aforesaid creek may be crossed free from toll, with as much safety and convenience as on the north side thereof.

SECT. 2. [Rates of toll, penalties, &c. as in original act. 3. Power of the Legislature to make the bridge free. 4. Partial repeal of the original act.]

Passed 4th April, 1798.—Recorded in Law Book No. VI. page 297.

CHAPTER MM.

An ACT to authorize the Governor of this commonwealth to incorporate a company, for erecting a bridge over the river Delaware, at or near Trenton.

SECT. 1. [COMMISSIONERS to receive subscriptions for erecting a bridge over Delaware, at Trenton. Form of subscription. Proceedings to obtain subscriptions. Sum to be paid at the time of subscribing. 2. Proceedings to obtain a charter of incorporation. Corporate style to be "The president, managers and company, for erecting a bridge over the river Delaware, at or near Trenton," and to have the usual corporate powers. 3. Proceedings to organize the corporation. Its officers. Limitation of the number of votes. 4. Annual meeting of the stockholders, to be on the first Monday in May. 5. Certificates of stock, how to be issued and transferable. 6. Proceedings and powers of the Board of Managers, prescribed. 7. Penalty for making default in paying subscriptions. 8. Power to take materials from the neighbouring grounds to build the bridge, making amends, &c. 9. Accounts of the company to be kept. When the number of shares may be increased. 10. The property of the bridge vested in the company. What tolls may be collected. The navigation and fording not to be obstructed by the bridge. 11. Two oxen to pay equal to one horse. 12. Penalty for injuring the bridge. 13. For extorting higher tolls than the act allows. Limitation of suits. 14. Account to be kept of tolls, and dividends of profits to be made. 15. Accounts to be laid before the Legislature. When tolls may be raised; or diminished. 16. This act suspended till a similar act is passed by the Legislature of New-Jersey. Time for commencing and finishing the work.*]

(*This bridge has been completed.)

Passed 4th April, 1798.—Recorded in Law Book No. VI. page 285.