

clause, matter or thing in them or any of them contained shall be and they are hereby repealed.

Passed October 4, 1788. Recorded L. B. No. 3, p. 385. See the Acts of Assembly passed March 27, 1789, Chapter 1417; September 29, 1789, Chapter 1461; April 13, Chapter 1572; April 11, 1793, Chapter 1698.

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#### CHAPTER MCCCLVI.

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AN ACT TO APPOINT COMMISSIONERS TO SETTLE THE ACCOUNTS OF CERTAIN COMMISSIONERS WHO BY A CERTAIN ACT OF ASSEMBLY PASSED THE NINTH DAY OF MARCH ONE THOUSAND SEVEN HUNDRED AND SEVENTY-ONE WERE APPOINTED TO SETTLE THE ACCOUNTS OF CERTAIN OTHER COMMISSIONERS WHO BY A CERTAIN ACT OF ASSEMBLY PASSED THE TWENTIETH DAY OF SEPTEMBER ONE THOUAND SEVEN HUNDRED AND SIXTY-FIVE<sup>2</sup> WERE APPOINTED TO SETTLE THE ACCOUNTS OF THE MANAGERS OF A LOTTERY WHICH HAD BEEN SET UP AND DRAWN FOR THE PURPOSE OF ERECTING A BRIDGE OVER SKIPPACK CREEK IN THE THEN COUNTY OF PHILADELPHIA (NOW MONTGOMERY) AND TO RECEIVE VOLUNTARY DONATIONS AND SUBSCRIPTIONS FOR PERFECTING SAID BRIDGE.

(Section I, P. L.) Whereas in and by the above recited act passed the twentieth day of September one thousand seven hundred and sixty-five, William Dewees, Michael Hillegas and Benjamin Davis were appointed commissioners for the purpose of erecting a bridge over said Skippack creek and in order to enable them to perform that duty they were empowered to settle with, sue for and recover from the managers of said lottery all such sums of money as they or either of them had received on account of said lottery or otherwise, for the purpose of erecting said bridge:

And whereas in and by the above recited act passed the ninth day of March one thousand seven hundred and seventy-one, Benjamin Jacobs, Jacob Umstat and John Kestar were appointed commissioners for building a bridge over said Skippack creek and for calling upon the first mentioned commissioners and compelling them to account for such sum or sums of money as they or any or either of them had received for the purpose of erecting said bridge:

And whereas a number of the inhabitants of said county of Montgomery have petitioned this house setting forth that although a sum of money had been raised by lottery and subscriptions obtained for the purpose of erecting said bridge, yet the good intentions of the contributors have not been carried into effect and that travellers are subject to great dangers, difficulties and delays consequent on the sudden risings of the waters of said creek and that two of the last mentioned commissioners are now deceased therefore praying this house to appoint commissioners and grant them power to recover the money which hath been received by any person or persons on account of said bridge and to apply the same for the purpose aforesaid:

And whereas it is just and reasonable to comply with the prayer of said petitioners:

Therefore:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That Anthony Cruthers, Thomas Davis and William Armstrong are hereby nominated and appointed commissioners for the purpose of erecting said bridge over Skippack creek and in order to enable them to perform that duty the said commissioners appointed by the last recited act, their heirs, executors or administrators and all other persons who have moneys in their hands on account of said bridge are hereby required within three months after the passing of this act upon the request of the commissioners appointed by this act or a majority of them to render fair and just accounts of all the moneys by them, any or either of them received for the purpose of erecting said bridge, as well as all debts due to them or either of them on that account and upon settlement to pay unto the said commissioners appointed by this act all such sum and sums of money as they have respectively received, together with all books of accounts, papers and vouchers respecting the same

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<sup>1</sup> Chapter 634.

<sup>2</sup> Chapter 530.

and in default of payment as aforesaid it shall and may be lawful to and for the said commissioners hereby appointed or a majority of them to sue for and recover all such sums of money by action on the case or otherwise as may be proper, if above the sum of ten pounds in any court of common pleas within this commonwealth, if ten pounds or under before any justice of the peace, and upon trial to give this act and other legal proof in evidence, and if it shall appear to the court and jury or to the justice of the peace aforesaid on any trial by virtue of this act before them respectively had that the sum demanded or any part thereof is justly due, then the said court or justice as the case may be respectively shall give judgment against the defendant for so much as shall appear to be due, with costs of suit, and shall award execution for the same as is usually done in like actions before them respectively triable and determinable by the laws of this commonwealth but if no part of the sum demanded shall appear to be due as aforesaid, then the said court or justice respectively shall give judgment for the costs against the plaintiff, which costs shall be paid out of the moneys recovered or collected by virtue of this act.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners appointed by this act, shall, under the penalty of fifty pounds lay a clear statement of their procedure in the recovery of the money due on account of said lottery or otherwise respecting said bridge before the grand jury of the said county at every court of quarter sessions until the whole is recovered at which time the grand jury shall make such allowance to the said commissioners for their time and trouble out of the money so recovered as aforesaid as shall appear just and reasonable.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if the money to be collected by virtue of this act shall appear sufficient for the purpose of erecting said bridge, that then the said commissioners are hereby authorized and required to erect the same, and when completed to lay a clear statement of their accounts and transactions respecting the premises before the then next succeeding grand jury of the county for their inspection and approbation.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That in case the money to be collected by virtue of this act should not be sufficient after deducting the allowance made to said commissioners as aforesaid for the purpose of erecting said bridge, that then and in such case, the said commissioners are hereby required to pay the same into the hands of the county treasurer for the time being to be by him kept safe until an additional sum sufficient for that purpose can be otherwise procured, at which time the commissioners for the purpose of erecting said bridge are hereby authorized and empowered to draw an order or orders on said county treasurer to the full amount of the sum paid into his hands as aforesaid, which order or orders the said treasurer is hereby enjoined and required to pay and discharge.

Passed October 3, 1788. Recorded L. B. No. 3, p. 407.

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## CHAPTER MCCCLXVII.

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AN ACT TO AUTHORIZE THE SUPREME EXECUTIVE COUNCIL TO DRAW ON THE STATE TREASURER [FOR] A SUM OF MONEY FOR DEFRAYING THE EXPENSE OF PURCHASING OF THE INDIANS LANDS ON LAKE ERIE.

(Section I, P. L.) Whereas a purchase hath been made by this commonwealth from the United States of a certain tract of country lying on Lake Erie, bounded by part of the said lake, part of the northern line of this state and by a meridian line run from the said [northern] boundary of this state to Lake Erie the said meridian being a part of the western boundary of New York, and it is necessary to provide funds for defraying the expenses of purchasing the claims of the Indian natives to the said tract or parcel of land:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby