

tested election, shall be paid, in all respects, agreeably to the rates set forth in the fourth section of this act.

Passed March 6, 1793. Recorded L. B. No. 5, p. (not given).

CHAPTER MDCLVII.

AN ACT TO AUTHORIZE TRUSTEES TO RECEIVE, FOR A LIMITED TIME, THE TOLL THEREIN MENTIONED, FROM TRAVELERS AND OTHERS GOING OVER THE BRIDGE ERECTED OVER CONOSTOGOE CREEK, IN LANCASTER COUNTY, WHERE MARTICK FORGE ROAD CROSSES THE SAME.

Whereas it hath been represented to the legislature, by the petition of John Miller, Adam Weaver, John Swenk, and John Miley, on behalf of themselves and others interested, that they have erected a bridge over Conostogoe creek, where Martick Forge road crosses the same, in the county of Lancaster, which hath been found very beneficial to the interests of the surrounding country; and for the purpose of defraying the expenses thereof, and also of raising a competent fund to keep the same in repair, they have petitioned the legislature, that an act may be passed, authorizing them to receive a reasonable toll from passengers over the said bridge, until the above mentioned purposes are accomplished; and it appears proper that the prayer of their petition should be granted: Therefore:

[Section I.] (Section I, P. L.) 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 be lawful for John Miller, Adam Weaver, John Swenk, and John Miley, the survivors and survivor of them, and such persons as shall be appointed, in manner hereafter directed, to act as trustees, to demand and receive from travelers, and others, toll for passing over a bridge erected over Conostogoe creek, where Martick Forge road crosses the same, in the county of Lancas-

ter, according to the following rates; for every coach, chariot, phaeton, loaded wagon, or other four-wheeled carriage, the sum of twelve cents; for every empty wagon, chaise, riding chair, cart, or other two-wheeled carriage, the sum of six cents; for every sled or sleigh, the sum of six cents; and for every single horse and rider, the sum of two cents; for every foot passenger, and for every head of horned cattle, sheep or swine, the sum of an half cent. Provided always, That no toll or price for passage across the said bridge be demanded or received, after a sum sufficient to defray the expenses of erecting, superintending and keeping the same in repair, together with interest on the sum originally expended, and also the further sum of one thousand three hundred and thirty-three dollars and thirty-three cents, for keeping the same hereafter in repair shall have been raised. And provided also, That all poor persons, exempted from the payment of taxes, shall have liberty to pass and repass the said bridge toll free.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That if the said John Miller, Adam Weaver, John Swenk, and John Miley, or any one of them, or any other person or persons, who shall be hereafter qualified and empowered to act as a trustee or trustees for the said bridge, shall demand or receive any other or greater rates or prices for passage over the same, than are hereinbefore specified, or shall demand or receive any rate or price for passage over the same, after it shall have been declared a free bridge, in manner hereafter directed, or shall neglect to keep the said bridge in good repair, he or they, so offending, shall, for every such offence, forfeit and pay the sum of twenty-six dollars, one moiety to the poor of the townships of Lancaster and Lampeter, in the county of Lancaster, in equal portions, 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, who is hereby empowered, on information 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 information shall be

made to come before him, and, on due proof of the said offence, to convict such person thereof, and on such conviction, issue his warrant, after the expiration of five days from the date of such conviction, to any such constable, to levy the said sum of money on the goods and chattels of such offender, by distress and sale thereof; and in case no goods or chattels of the said offender can be found, on which to make such distress, then to take his body and commit him to the gaol of the county where such offence is committed, until the said sum be paid. Provided always, That any person as aforesaid convicted, who shall find himself aggrieved thereby, may, within the same five days, appeal to the next court of quarter sessions for the county, which appeal, on giving security within the said time before the said justice, by two sufficient freeholders of the county, to pay all costs, shall be allowed; and if the conviction so made by the said justice shall be confirmed, the said justice shall proceed to levy the said forfeiture, in manner hereinbefore directed. And provided, also, That no suit or action shall be brought, unless the same is brought within two months after the offence is committed.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That for preserving a succession of trustees to have the care and management of the said bridge, it shall be lawful for the court of quarter sessions of the peace for the county of Lancaster, and they are hereby required, so often as a vacancy shall happen in the number of the said trustees, by death, inability, refusal to act, or removal from the said county of Lancaster, to appoint other trustees from among the inhabitants of the said county, resident within five miles from the said bridge, so that the whole number of the said trustees shall never exceed four, nor be less than two; and the said court shall be, and they are hereby authorized and required, from time to time, not oftener than once in six calendar months, to appoint three auditors to examine and settle the accounts of the said trustees, which auditors, or any two of them, shall have the like powers and authorities, so far as relates to the purpose herein mentioned, and be entitled to the like compensations, as the auditors

appointed by virtue of the act, entitled "An act to provide a more effectual method of settling the public accounts of the commissioners and treasurers of the respective counties,"¹ passed the thirtieth day of March, one thousand seven hundred and ninety-one, save only so far as the said act relates to the court of common pleas; and the said trustees, for the time being, shall have the like remedy, by appeal, from any settlement to be made by the said auditors, as in and by the said act is afforded to the county commissioners and treasurers, save only, that such appeal shall be made to, and tried in, the said court of quarter sessions.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That when it shall appear to the said court of quarter sessions, that the said sum of one thousand three hundred and thirty-three dollars and thirty-three cents, exclusive of the original costs and interest, current repairs, and expenses of the said bridge, hath been raised by means of the said toll, they shall forthwith, by public advertisement inserted in one of the newspapers printed in the borough of Lancaster, declare the said bridge to be free of toll; from and after which time the powers and duties of the said trustees shall be continued, for the purpose of managing and receiving the said fund, and applying the proceeds thereof to keeping the said bridge in repair; and the said trustees for the time being shall, from time to time, with the approbation of the said court of quarter sessions, vest the said sum of money appropriated for the future repairs of the said bridge, in good landed securities, so that the interest thereof shall be regularly applied to the said repairs, when occasion shall require.

[Section V.] (Section V. P. L.) And be it further enacted by the authority aforesaid, That it shall be lawful for the said court of quarter sessions to allow to the said trustees, for the time being, such sum, for their attendance and services in managing the transactions and concerns relative to the said bridge, not exceeding one dollar per day, as to the said court shall appear reasonable.

¹ Chapter 1543.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the compensations to be allowed, by virtue of this act, to trustees and auditors, shall be paid out of the moneys arising from the toll received at the above mentioned bridge.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the aforesaid John Miller, Adam Weaver, John Swenk and John Miley, shall present, upon oath or affirmation, to the court of quarter sessions for the county of Lancaster, on or before the next May term, the account of the expenses heretofore incurred in erecting the said bridge, which account, if confirmed by the said court, shall be held to contain the sum justly due to them, and to be repaid to them by the profits of the toll aforesaid, with interest, from the period fixed by the said court, to the time of payment. Provided always, That the said John Miller, Adam Weaver, John Swenk, and John Miley, or the other trustees to be appointed by virtue of this act, shall be accountable to the several subscribers, who have paid any sums of money for the purpose of erecting the said bridge, for the several sums thus paid, and shall repay the same, with the interest thereof, as they shall be enabled so to do, out of the moneys arising from the toll received at the said bridge.

Passed March 6, 1793. Recorded L. B. No. 5, p. (not given).

CHAPTER MDCLVIII.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT TO PROVIDE A MORE EFFECTUAL METHOD OF SETTLING THE PUBLIC ACCOUNTS OF THE COMMISSIONERS AND TREASURERS OF THE RESPECTIVE COUNTIES."¹

Whereas, in and by an act of assembly passed the twentieth day of February, Anno Domini one thousand seven hundred and sixty-eight, entitled "An act for raising by way of lottery

¹ Passed March 30, 1791, Chapter 1543.