

No. 129.

AN ACT

Relative to bridges in Lancaster county.

Supervisors of townships to keep bridges in repair.

Further duties of supervisors.

Commissioners of county may cause to be contributed a certain amount by individuals before building bridges.

When amount of repairs exceed one hundred dollars.

SECTION 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 hereafter be the duty of the supervisors of the respective townships in the county of Lancaster, to keep in good order and repair, out of the funds of their respective townships, all bridges in their townships which have been or hereafter shall be erected in such township, at the expense in part or in the whole of the said county of Lancaster, provided such expense for each bridge, in one year, does not exceed one hundred dollars; and if, in the opinion of the supervisor or supervisors, such repair will exceed one hundred dollars, he or they shall report, in writing, such bridge immediately to the commissioners of the county of Lancaster, designating, in such report, particularly where such bridge is located, and the nature of the repairs necessary to be done, and the probable amount necessary to make such repairs; and it shall be the duty of the commissioners aforesaid, to take immediate steps to have such bridge properly repaired; and if such repairs shall not amount to one hundred dollars when completed, the commissioners aforesaid shall recover the same from the said township in which such bridge is located, in the same manner as debts of like amount are recovered in court, or before an alderman or justice of the peace; and if any supervisor shall neglect to make report of such bridge wanting repairs, (when the amount of such repairs exceeds one hundred dollars,) to the said commissioners, within three months after being notified, in writing, by the constable of any township in said county, or any private citizen of the township in which the supervisor resides, that such repairs are necessary, such supervisor shall be liable to a penalty of twenty dollars, and to a like penalty of twenty dollars for every three months thereafter that he neglects to make such report to the said commissioners, to be recovered before an alderman or justice of the peace of said county, in the same manner as debts of like amount are now recoverable, to be sued for in the name of the commonwealth; one-half thereof to go to the person or persons who will sue for the same, and the other half shall be for the use of the township in which such supervisor resides. And when any new bridge is now or hereafter may be authorized to be built according to law, in the said county of Lancaster, at the expense of the said county, the commissioners thereof may, if they deem it necessary and expedient, before proceeding to the erection of the said bridge, or appropriate any money for the erection thereof, to cause a certain amount to be contributed, by subscription of individuals or otherwise; and when such subscriptions are made, the same to be recovered as like amounts are recoverable by law.

SECTION 2. When the amount of the repairs shall exceed one hundred dollars, if it shall appear that the expense of such repair was increased above one hundred dollars by reason of the neglect of the supervisor or supervisors neglecting to repair the same in the proper time, the said commissioners shall recover from the township wherein such

bridge is located, the amount paid for such repairs, notwithstanding the same may exceed one hundred dollars, and to be recovered like debts of similar amount are recoverable.

SECTION 3. If any supervisor shall, for the space of three months, neglect to commence repairing, and prosecute with proper diligence, the repairs of any bridge in his township which shall be out of order, or neglect to give notice, as aforesaid, to the commissioners of the county of Lancaster, when the amount shall exceed one hundred dollars, within three months after he shall be informed, as aforesaid, of the necessity of such repairs, he shall, after the expiration of the said three months, be subject to a penalty of twenty dollars for such neglect, to be recovered like debts of similar amount are recoverable, to be sued for in the name of the commonwealth; one-half thereof to be for the use of the township in which such bridge is located, and the other half for the use of the person who will sue for the same, and to a like penalty for every three months that he neglects to commence repairing, as aforesaid; and when there is more than one supervisor, each supervisor who shall not comply with the provisions of this and the preceding sections, shall be liable to the fines heretofore mentioned; and the said supervisor or supervisors are hereby authorized to levy a tax upon the inhabitants of their respective townships, for the payment of the expenses of such repairs.

SECTION 4. When a bridge requiring repairs crosses a stream of water which divides two or more townships, the parts of such bridge as shall be in the respective townships, shall be kept in repair by such township in which such part is located, in the same manner as is heretofore provided, with bridges located altogether in one township; and the supervisor or supervisors of such townships shall be liable to all the fines, in the same manner as is heretofore provided, if they make default, as is before mentioned.

SECTION 5. None of the provisions of the foregoing sections, shall be so construed as to take away any right of action against any township which any individual may hereafter lawfully have, by reason of injury which he or she may sustain, by reason of bridge not being properly repaired; and all liability shall rest on such township, until notice be given to the commissioners to repair, as before mentioned.

JAMES COOPER,

Speaker of the House of Representatives.

CH. GIBBONS,

Speaker of the Senate.

APPROVED—The twenty-seventh day of February, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.