

CHAPTER DCXXIV.

AN ACT FOR BUILDING A BRIDGE OVER SKIPPACK CREEK IN THE COUNTY OF PHILADELPHIA.

Whereas in and by an act of general assembly passed in the fifth year of His present Majesty's reign, entitled "An act to enable the commissioners hereinafter named to settle the accounts of the managers and to sue for and recover from several persons such sums of money as are now due and unpaid on account of a lottery set up and drawn for erecting a bridge over Skippack Creek in the county of Philadelphia," etc.,¹ commissioners were appointed to settle the accounts of the managers of a lottery [set up and drawn] for erecting a bridge over the said creek, and to sue for and recover all such sums of money as should be found in the hands of the said managers or any other person or persons indebted to them for tickets purchased in the said lottery and to apply the same towards erecting the said bridge:

And whereas the said recited act has been for some time expired, and the said commissioners have not fully executed the trust reposed in them, and it is but just and reasonable that the said money should be applied to the public use for which it was originally intended:

[Section I.] Be it therefore enacted by the Honorable John Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That Benjamin Jacobs, Jacob Umstat and John Kester (Fuller), shall be and they are hereby constituted and

¹ Passed September 20, 1765, Chapter 530.

appointed commissioners for building a bridge over Skippack creek, in the county of Philadelphia.

And in order to enable them to execute and perform that duty:

[Section II.] Be it further enacted by the authority aforesaid, That the commissioners appointed by the said recited act and every of them shall and they are hereby enjoined and required, within one month next after the publication of this act, upon request made by the commissioners hereby appointed, or a majority of them, to render fair and just accounts of the moneys by them, or any of them, received and of all other moneys due and owing for or on account of the said lottery by the managers of or any other persons concerned in the same which have not been by them the said commissioners appointed by the said recited act collected and received, and deliver over to them all books and other vouchers in their custody or power in any manner concerning the same; and upon settlement of such accounts the said commissioners appointed by the said recited act are hereby required forthwith to pay the sum or sums from them respectively due to the commissioners appointed by this act; and in default of payment by the said commissioners appointed by the said recited act, or any of them, or by any other person or persons whatsoever from whom any moneys shall be due on account of the said lottery, it shall and may be lawful to and for the said commissioners hereby appointed, or a majority of them, in their own names to sue for and recover all such sums of money by action of debt, action on the case or otherwise as may be proper, if above five pounds in any court of common pleas within this province or if five pounds or under before any justice of the peace, and upon trial to give this act, the books of the said managers and the accounts of the commissioners appointed by the said recited act or any other legal proof in evidence, and if it shall appear to the court and jury or to the justice of the peace aforesaid that the sum demanded or any part thereof is justly due, the said court or justice 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 cases before them triable by the laws of this province; but if no part of the sum demanded shall appear to be

due, then the said court or justice respectively shall give judgment for the costs against the plaintiffs, which costs shall be paid out of the moneys recovered or received by virtue of this act.

And in order to procure a sufficient stock of money for building the said bridge:

[Section III.] Be it enacted by the authority aforesaid, That the said commissioners hereby appointed, or a majority of them, shall be and they are hereby authorized and empowered to sue for and recover and receive in manner aforesaid of and from any person and persons any sum or sums of money which have been or hereafter shall be subscribed for and towards building the said bridge, provided the same shall not exceed in the whole five hundred pounds, and to apply the said moneys, with the other moneys arising from the said lottery, for erecting and building the said bridge over Skippack Creek, with all convenient speed in the place originally intended by the managers of the said lottery, and to no other purpose whatsoever, and for that end to set the building of the said bridge to such capable person or persons as they, in their discretion, shall think proper.

[Section IV.] And be it further enacted by the authority aforesaid, That the said commissioners hereby appointed shall render and make report of their proceedings in the premises and shall exhibit a true and just account of all and every sum and sums of money by them received and in what manner the same shall be by them expended before the committee of assembly appointed to settle the public accounts for the time being, that the same may be examined, adjusted and settled.

Passed March 9, 1771. Referred for consideration by the King in Council, October 9, 1771, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIX, and the note to the Act of Assembly passed September 20, 1765, Chapter 530; and the Act of Assembly passed October 3, 1788, Chapter 1366.