

cution of the said seizures and recovery of any of the said fines, forfeitures and penalties, in pursuance of this act.

Provided always, That the said collector before he enter upon the execution of his office shall be sworn or attested before some justice of the peace, and shall, with one or more sufficient sureties, become bound in an obligation of five hundred pounds to the treasurer, conditioned for the due and faithful execution of his said office.

And in case of the death or removal of the said collector, the provincial treasurer for the time being shall appoint another in his stead to collect the said duty until some other person be appointed for that purpose by the general assembly of this province.

[Section VII.] And be it further enacted by the authority aforesaid, That if any person or persons shall at any time be sued or prosecuted for anything done in pursuance of this act, such person or persons so sued or prosecuted may plead the general issue and give this act and the special matter in evidence for their excuse or justification; and if the plaintiff or prosecutor become nonsuit or forbear prosecution or suffer a discontinuance, or if a verdict pass against him in such action, suit or information, the defendant shall have treble costs, as in any cases where costs by law are given to defendants.

Passed May 10, 1729. Apparently never considered by the Crown, but allowed to become a law by lapse of time, in accordance with the proprietary charter. See Volume III, Appendix V, Section I. Repealed by the Act of Assembly passed March 14, 1761, Chapter 467.

CHAPTER CCCV.

AN ACT FOR CONTINUING AND ESTABLISHING A FERRY FROM THE LANDING-PLACE OF JOSEPH KIRKBRIDE OVER DELAWARE RIVER AT THE FALLS.

Whereas by an act of general assembly of this province, entitled "An act for establishing a ferry over Delaware at the

Falls,"¹ a ferry was established at the landing-place of Joseph Kirkbride at the falls aforesaid, to be kept by him the said Joseph Kirkbride from the publication of the said act for and during the term of eleven years; and the said act since being near expired, the said Joseph Kirkbride hath humbly requested that the said ferry be continued to him for a further term; and forasmuch as the said ferry by divers years' experience has been found convenient to accommodate travelers and others passing over the said river:

Therefore may it please the governor that it may be enacted:

[Section I.] And be it enacted by the Honorable Patrick Gordon, Esquire, Lieutenant-Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the free-men of the said Province in General Assembly met, and by the authority of the same, That there shall be continued and kept a ferry at the aforesaid landing-place, which said ferry shall be kept by the said Joseph Kirkbride, his executors, administrators or assigns, who shall and are hereby required at all convenient times to maintain and keep the said ferry, with a good, sufficient boat and man or men to attend the same, as shall from time to time be needful, for the carriage of all persons, cattle, horses and goods which at the place aforesaid are to be carried over the said river.

And also the said Joseph Kirkbride and his successors shall at all times hereafter (during the continuance of this act), by him or themselves or servants, give constant and due attendance on his said ferry.

And the said Joseph Kirkbride and his successors shall have and receive [for] ferriage over at the place aforesaid of all persons (the proprietary and his lieutenant-governor and their attendants excepted) the rates and prices following: (That is to say)

For every single horse and rider, seven pence halfpenny; and when a greater number shall be carried together, six pence for each.

For every single person on foot, three pence; and when a greater number, two pence each.

¹ Passed May 31, 1718, Chapter 233.

For every single ox, cow or heifer, nine pence; and when a greater number, seven pence halfpenny for each.

For every single sheep, two pence; but when a greater number, one penny each.

For every single hog, four pence; and when a greater number, three pence for each and no more.

And for every loaded wagon, one shilling and six pence and no more; and for every empty wagon, one shilling and no more.

And for every sled, six pence and no more.

And if the said Joseph Kirkbride, his executors, administrators or assigns, shall not maintain and keep such sufficient boat as aforesaid with a sufficient and able hand, or shall not give constant and due attendance on the service of the said ferry, or shall exact or demand any greater or other fees for the carriage of any passengers, cattle, horses, hogs or sheep than is hereinbefore limited and appointed, then and in every such case he shall forfeit and pay the sum of five pounds, lawful money of this province, for every such offense, one moiety thereof to the governor for the support of the government of this province, and the other moiety thereof to the party grieved, who shall sue for the same by bill, plaint or information in any court of record of this province; and for the second offense the sum of ten pounds, to be recovered as aforesaid; and for the third offense, to be removed or displaced by the county court or other court of record where he shall be convicted of any of the said offenses mentioned in this act, wherein no essoin, protection or wager of law shall be allowed.

[Section II.] And be it further enacted by the authority aforesaid, That he the said Joseph Kirkbride, his executors, administrators and assigns, shall and may hold and enjoy the said ferry for and during the term of eleven years from the publication of this act if he or they shall so long well behave themselves therein; and that no person or persons shall hereafter for and during the said term of eleven years presume to carry any passengers, horses, cattle, sheep or hogs for any wages, hire or reward whatsoever over the said river Delaware from this province to New Jersey, within the space of two miles either afore or below the above said ferry, under the penalty

of five pounds forfeiture for every such offense, one moiety thereof to the governor for the support of the government of this province, and the other moiety thereof to such as shall from time to time be appointed to keep the said ferry as aforesaid.

Passed May 10, 1729. Apparently never considered by the Crown, but allowed to become a law by lapse of time, in accordance with the proprietary charter. See Volume III, Appendix V, Section I, and the Act of Assembly passed February 8, 1766, Chapter 533.

CHAPTER CCCVI.

AN ACT FOR ERECTING THE UPPER PARTS OF THE PROVINCE OF PENNSYLVANIA LYING TOWARDS SUSQUEHANNA, CONESTOGOE, DONEGAL, &c., INTO A COUNTY.

Whereas a great number of the inhabitants of the upper parts of Chester county have by their petition humbly represented to the governor and assembly of this province the great hardships they lie under by being at so great a distance from the town of Chester, where the courts of justice are held and the public offices kept; and how hard and difficult it is for the sober and quiet inhabitants of that part of the county to secure themselves against the thefts and abuses almost daily committed upon them by idle and dissolute persons, who resort to the remote parts of the province, and by reason of the great distance from a court or prison do frequently find means of making their escape:

For the removing which inconveniency and relief of the said inhabitants:

[Section I.] Be it enacted by the Honorable Patrick Gordon, Esquire, Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That all and singular the lands within the province of Pennsylvania lying to the northward of Octorara Creek and to the westward of a line of marked trees running from