

through and break down or endamage any of the said banks, dams, sluices or flood-gates either their own or others', or shall let in any creek or water to annoy, injure or overflow any of their neighbors' lands, and shall thereof be convicted before the justices of the court of quarter sessions of the said county of Chester, in all such cases the persons so offending shall be fined treble the value of all the damages, to be assessed by two or more indifferent persons to be appointed by the said court to value the same, which fine shall be added to the common stock for the general use and benefit of the said district.

Passed February 17, 1762. Referred for consideration by the King in Council, February 14, 1763, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section II, and the Acts of Assembly passed March 4, 1763, Chapter 492; February 15, 1765, Chapter 523; March 4, 1797, Chapter 1922; February 26, 1800, Chapter 2108.

CHAPTER CCCCLXXVI.

AN ACT FOR THE RECOVERY OF THE DUTIES OF TONNAGE UPON SHIPS AND VESSELS AND CERTAIN OTHER DUTIES UPON WINE, RUM, BRANDY AND OTHER SPIRITS AND UPON SUGAR WHICH BECAME DUE BY VIRTUE OF A LAW OF THIS PROVINCE LATELY EXPIRED, AND WHICH WERE NOT RECEIVED OR SECURED DURING THE CONTINUANCE THEREOF, AND FOR APPROPRIATING THE SURPLUS OF THE SAID DUTIES.

Whereas by an act of General Assembly of this province passed in the thirty-first year of his late Majesty, George the Second, entitled "An act for granting to His Majesty a duty of tonnage upon ships and vessels and also certain duties upon wine, rum, brandy and other spirits and a duty upon sugar for supporting and maintaining the provincial ship-of-war for protecting the trade of this province and other purposes for His Majesty's service,"¹ certain duties of tonnage upon ships and vessels and upon rum, wine, brandy and other spirits and upon sugar were thereby granted to His Majesty for the purposes and uses therein mentioned; but inasmuch as Richard Pearne, now

¹ Passed April 29, 1758, Chapter 432.

deceased, the late officer appointed in and by the said act to collect and secure the said duties, did, in his lifetime, neglect to take bonds for and to secure and recover a considerable part of the same, which became due and payable during the continuance of his office according to the directions of the said act, and the person and persons from whom the said duties not already collected are respectively due, neglect or refuse to pay the same, to the officer lately appointed for that purpose, a remedy is wanting to authorize and enforce the collecting, recovery and payment thereof. And whereas by one other act of general assembly of this province, entitled "A supplement to the act, entitled 'An act for granting to His Majesty a duty of tonnage upon ships and vessels and also certain duties upon wine, rum, brandy and other spirits and a duty upon sugar for supporting and maintaining the provincial ship of war for protecting the trade of this province and other purposes for His Majesty's service,'" ¹ the commissioners therein named were authorized and empowered, with the approbation of the governor for the time being, to sell and dispose of the ship of war therein mentioned and to invest the produce thereof, with such other moneys as should come to their hands by virtue of the act hereinbefore recited, in another ship of war for protecting the trade of this province, and to borrow the sum of money therein specified and to pay off the same out of the moneys arising from the duties aforesaid as soon as a sufficient sum of the said moneys should come to their hands:

And whereas by one other act passed in the first year of his present Majesty, George the Third, entitled "An act to enable Thomas Yorke, James Child, Daniel Rundle, Peter Chevalier, junior, and Enoch Story, or any three of them to sell the provincial ship of war," ² it is, among other things, enacted that after the payment of all the debts and charges intended to be paid and defrayed by the acts hereinbefore recited the surplus, if any, should be applied towards building a pier or piers in the river Delaware for the greater security of the navigation to and from the city of Philadelphia: Now, to the

¹ Passed April 21, 1759, Chapter 440.

² Passed March 14, 1761, Chapter 461.

end and intent that so much of the said duties which remain uncollected may be received and applied to the purposes aforesaid:

[Section I.] Be it enacted by the Honorable James Hamilton, 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 Enoch Story, one of the administrators of the said Richard Pearne, deceased, is hereby nominated and appointed collector of the said duties, and is hereby authorized and fully empowered and required, with all convenient speed to ask for, demand, receive, collect and in his own name sue for and recover all and every such sum and sums of money which became due for any of the duties aforesaid in and by virtue and during the continuance of the act hereinbefore first mentioned and as yet remain unpaid in as full and ample a manner as if the said duties had become due to him in his own right, and the same sums of money so collected or recovered to pay over to the provincial treasurer for the time being.

[Section II.] And be it further enacted by the authority aforesaid, That if, after demand made as aforesaid, any person or persons whatsoever from whom such duties became due by virtue of the said first recited act shall refuse or neglect to pay the same to the said Enoch Story, that then it shall and may be lawful and the said Enoch Story is hereby enjoined and required, in his own name, to sue for and recover the said duties so remaining unpaid by an action of debt to be brought for the sum due, if above five pounds in any court of common pleas within this province, if five pounds or under before any justice of the peace, and upon trial to give this act and the books of account of the said Richard Pearne wherein the said duties are respectively charged in evidence in support of the said action; 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, then the said court or justice respectively shall give judgment

against the defendant for so much as shall appear [to be] due as aforesaid, and shall award execution for the same as is usually done in actions of debt before them respectively triable by the laws of this province; and if no part thereof shall appear to be due as aforesaid, that 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 III.] And be it further enacted by the authority aforesaid, That all the moneys arising in and by virtue of the said several acts hereinbefore recited more than is sufficient to defray the expenses, debts and charges accrued or accruing by virtue of the same acts shall be paid into the hands of the provincial treasurer for the time being and subject to the drafts of Samuel Rhoads, Henry Harrison, Thomas Willing, Esquires, Thomas Wharton, George Bryan, Luke Morris and Peter Reeve, gentlemen, who, or the major part of them or of the survivors of them, with the consent and approbation of the governor or commander in chief of this province for the time being, shall, as soon as conveniently may be, order and appoint the disposition of the same for and towards purchasing a convenient piece or pieces of ground on the river or bay of Delaware, fit for erecting one or more pier or piers thereon for the defense and security of ships and vessels from the dangers of ice, storms and other accidents obstructing the navigation to and from the city of Philadelphia and for and towards building and erecting the said pier or piers thereon in such manner as to them shall appear best for answering the good purposes aforesaid; and the said Samuel Rhoads, Henry Harrison and Thomas Willing, Esquires, Thomas Wharton, George Bryan, Luke Morris and Peter Reeve, gentlemen, or the major part of them or of the survivors of them, shall make report of their proceedings therein from time to time to the assembly of this province, and that the receipt or receipts of the said treasurer to the said Enoch Story shall discharge him of and from so much of the said distress as shall be in such receipts expressed, and the said receipts shall be by the said collector produced to the committees of assembly for the time being to be allowed in the settlement of his ac-

counts, and the said collector shall have and receive for his trouble in performing the duties hereby enjoined five per centum upon all moneys which he shall receive and pay as aforesaid; and the said provincial treasurer shall have and receive for his trouble the sum of twenty shillings for every hundred pounds by him paid and received; and that the said collector, before he enters upon the execution of his said office, shall take an oath and shall also become bound with one or more sufficient sureties in the sum of one thousand pounds to the governor [or] commander in chief for the time being, conditioned for the true and faithful execution of his said office.

[Section IV.] And be it enacted by the authority aforesaid, That so much of the said act hereinbefore last recited as relates to the appropriation of the surplus of the duties aforesaid is hereby repealed and made null and void to all intents and purposes.

Passed February 17, 1762. Referred for consideration by the King in Council, February 14, 1763, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section II, and the note to the Act of Assembly passed April 29, 1758, Chapter 432; and the Act of Assembly passed March 6, 1769, Chapter 568.

CHAPTER CCCCLXXVII.

AN ACT FOR VESTING THE STATE HOUSE AND OTHER PUBLIC BUILDINGS, WITH THE LOTS OF GROUND WHEREON THE SAME ARE ERECTED, TOGETHER WITH OTHER LOTS SITUATE IN THE CITY OF PHILADELPHIA, IN TRUSTEES FOR THE USES THEREIN PARTICULARLY MENTIONED.

Whereas by the directions of the representatives of the free-men of the province of Pennsylvania Andrew Hamilton and William Allen, Esquires, did purchase for the use of the said province divers lots of ground situate and being on the south side of Chestnut street, in the city of Philadelphia, lying contiguous to each other and contained within the bounds following, to wit: Beginning at a corner on the east side of the Sixth