

## CHAPTER MMCCCXCVII.

## AN ACT DECLARING THE SHENANGO OR PYMATUNING CREEK A PUBLIC STREAM OR HIGHWAY.

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 from and after the passing of this act, the Shenango or Pymatuning creek, a branch of Beaver creek, from the mouth of the same, up to its source be, and the same is hereby declared a public stream or highway, for the passage of rafts, boats or other vessels; and it shall and may be lawful for the inhabitants and others, desirous of using the navigation of the said creek, to remove all the natural obstructions in the said creek; Provided, that any person or persons, owning or possessing land on said creek, shall have liberty to erect any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act, of the general assembly of this commonwealth, passed the twenty-third day of March, one thousand eight hundred and three,<sup>(1)</sup> entitled "An act to authorize any person or persons owning lands adjoining navigable streams of water, declared public highways, to erect dams upon such streams for mills and other water-works."

Approved April 4, 1803. Recorded in L. B. No. 9, p. 249.  
Note (1). Chapter 2353; Supra this volume, p. 297.

## CHAPTER MMCCCXCVIII.

## AN ACT TO EMPOWER THE OVERSEERS AND GUARDIANS OF THE POOR OF THE SEVERAL TOWNSHIPS WITHIN THIS COMMONWEALTH TO RECOVER CERTAIN FINES, PENALTIES AND FORFEITURES, AND FOR OTHER PURPOSES.

Whereas certain fines, penalties and forfeitures are by divers acts of assembly, directed to be paid to justices of the peace for the use of the poor: And whereas the means by law pro-

vided for recovering the same from the said justices, are defective and inadequate: For remedy whereof,

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 the duty of any justice of the peace, who shall receive by virtue of any act of assembly, any fine, penalty or forfeiture, appropriated to or for the use of the poor, forthwith to enter at length on his docket the name or names of the person or persons convicted, the offense committed, the amount of the fine, penalty or forfeiture, and the time when the same was paid; and forthwith shall deliver to any constable who may be present at, or whom he shall next see after such conviction, a transcript of such entry or entries; whose duty it shall be, under a penalty of ten dollars, to be recovered before any justice of the peace of the proper county, within twenty days after such delivery to him, to deliver such transcript or transcripts to one of the overseers of the poor of the township to which the forfeiture belongs; and such justice shall, at any time within two weeks after the receipt of such money, if demanded, pay over the same to the overseers of the poor lawfully entitled thereto: And moreover every such justice shall annually, at the settlement of the accounts of the supervisors of the highways, of the township in which he resides, exhibit his docket, if required, to the inspection of those who may be elected for the purpose of settling and adjusting the accounts aforesaid.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That any justice of the peace, for wilfully neglecting, or refusing to perform any of the duties enjoined by this act, shall be liable to be indicted, and on conviction be deemed guilty of misbehavior in office, and fined for the use of the poor of the township in which he shall reside, any sum not exceeding twenty dollars; but if he shall be convicted of neglecting or refusing to pay over to the proper overseers of the poor within the time prescribed by this act, any monies which he shall have received as aforesaid, he shall be fined and pay for the use aforesaid, over and above the

fine last aforesaid, any sum not exceeding double the sum or sums which he shall be convicted of having refused or neglected to pay to the proper overseers of the poor.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of every justice of the peace, or any other person who hath heretofore received any such fines, penalties or forfeitures, and who hath not made payment thereof to the proper overseers of the poor, within six months after the passing of this act, to make out transcripts from his docket, of all such monies by him so received and yet in his hands, and shall forthwith deliver such transcript or transcripts to the constable of the borough or township wherein such conviction did take place, whose duty it shall be under the penalty aforesaid, to deliver the same to the overseers of the poor of his township, within ten days after he shall have received the same; and such justice shall pay over to the said overseers of the poor within twenty days thereafter, if demanded, all such monies so remaining in his hands, and shall moreover at the next settlement of township accounts, after the passing of this act, submit any docket, if required, which he may have kept previous to the passing of this act, to the inspection of the proper borough or township auditors.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That any, and every overseer or overseers of the poor, shall be and are hereby authorized and required, by action of debt, or trespass on the case, to recover before any justice of the peace, or court of common pleas of the proper county, as from the amount the cause shall be more properly cognizable, all the fines, penalties and forfeitures, which now are, or hereafter shall be in the hands of any such justice, if he shall not, within the time prescribed by this act, and after demand in writing for that purpose made, pay over the same to the overseers of the poor entitled thereto.

Section V. (Section V, P. L.) And whereas the fine imposed by law on persons who refuse to serve the office of constable, is now paid into the hands of the sheriff of the proper county, but no provision is made in what manner, and to what

purpose such fines shall be appropriated: Be it therefore enacted by the authority aforesaid, That it shall be the duty of any sheriff in this commonwealth, who hath heretofore received any such fine or fines, within six months from and after the passing of this act, to send a notice in writing to the overseers of the poor of the township, wherein the person or persons who may have been so fined shall have resided, at the time the fine was imposed, informing them therein, as well of the amount in his hands, as of the name or names of the person or persons so fined as aforesaid; which notice he may send by any constable living in or near the proper township, whose duty it shall be to deliver the same to the proper overseers of the poor, within the time and under the penalty mentioned in the third section of this act; and such sheriff shall pay over all and any such monies to the overseers entitled thereto, within ten days thereafter, if demanded, or at any time when the same shall be demanded; and in default of any of the duties imposed by this act on such sheriff, he shall be liable to the same pains, penalties and forfeitures, to which justices of the peace are liable for similar misconduct.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the clerk of any court within this commonwealth, in case any fine be hereafter imposed by such court, on any person who shall refuse to serve the office of constable, forthwith, through any constable living in or near the township, where the person fined resides, to send a written notice thereof to the proper overseers of the poor, informing them as well of the amount of fine imposed, as of the name of the person fined; for which service the said clerk shall receive twenty-five cents, and no more, from the said overseers of the poor; and it shall be the duty of such constable, to deliver the notice within ten days after the receipt of the same, to the overseers of the poor of the proper township, who shall pay him for such service twenty-five cents, to which sum all constables shall be entitled for performing similar services enjoined by this act; and the sheriff shall, after he hath received the said fines, pay over the same on demand made, to the proper overseers of the poor,

and if he shall refuse so to do within ten days after such demand made, he shall be subject to all the pains, penalties and forfeitures to which justices of the peace are liable by this act for similar misconduct.

Section VII. (Section VII, P. L.) And whereas by an act passed the twenty-seventh day of February, one thousand seven hundred and ninety-eight,<sup>(1)</sup> provision is made for the erection of houses for the employment and support of the poor in the counties of Chester and Lancaster, in and whereby the office of overseers of the poor, is abolished in the said counties: Therefore, be it further enacted by the authority aforesaid, that the powers conferred and duties imposed by this act on the overseers of the poor in other counties, are hereby conferred and imposed on the supervisors of the highways in the said counties of Chester and Lancaster; that the justices of the peace and sheriffs within the said counties are hereby required and enjoined to pay to the said supervisors, to be applied for the repair of the highways, the aforesaid fines, penalties and forfeitures, within the time, and in the manner prescribed by this act, for the payment thereof in other counties to the overseers of the poor; and to give notice of the receipt thereof to the said supervisors, within the time and in the manner aforesaid; and that for any neglect or refusal to perform any of the duties enjoined on them by this act, the said justices of the peace and sheriffs in the counties of Chester and Lancaster, shall and hereby are declared to be subject to all the fines, pains, penalties and forfeitures, to which, for similar misconduct, the justices of the peace and sheriffs in other counties are by this act made subject and liable.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That all and singular the provisions of this act, respecting the disposal of any fines and forfeitures incurred under the laws of this commonwealth, and now are or hereafter may be in the hands of any justice of the peace, or sheriff of any county within the state, shall be extended to, and be binding on the mayor, aldermen and aldermen's court of the city of Philadelphia, and the justices of the peace of the township of the Northern Liberties and the

district of Southwark; and all fines and forfeitures that have been, or hereafter may be received by the mayor, aldermen, aldermen's court and justices of the peace as aforesaid, shall be paid to the guardians of the poor for the city of Philadelphia, the township of the Northern Liberties, and the district of Southwark aforesaid, and the constables of the city, township and district aforesaid, shall perform the like services, and be entitled to the like compensations, as the constables of any township within this state are entitled to, for services rendered agreeably to the requisitions of this act; and the mayor, aldermen and aldermen's court of the city of Philadelphia, and the justices of the peace of the township of the Northern Liberties and district of Southwark, shall annually at the settlement of the accounts of the guardians of the poor of said city, township and district, by the auditors appointed for the purpose, exhibit their respective dockets, if required, for the inspection of the said auditors for settlement.

Approved April 4, 1803. Recorded in L. B. No. 9, p. 250.  
Note (\*). Chapter 1971; 16 Statutes at Large, p. 15.

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## CHAPTER MMCCCXCIX.

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### AN ACT TO AUTHORIZE DEPUTY SURVEYORS OR ASSISTANTS TO ADMINISTER OATHS TO CHAIN CARRIERS.

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 deputy surveyors or their regularly authorized assistants, to administer an oath or affirmation, to the persons employed as chain carriers, obliging each of them to the faithful performance of the duty of chain carriers.

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