

1784.

CHAPTER MLXIII.

An ACT for incorporating the Presbyterian church in Hanover township, Lancaster county.

Passed 15th March, 1784.—Private Act.—Recorded in Law Book No. II. page 245.

CHAPTER MLXVII.

A SUPPLEMENT to an act, entitled "An act for making the river Schuylkill navigable, and for the preservation of the fish in the said river," and to two supplements to the same act. (t)

SECT. I. WHEREAS the improving the navigation of the river Schuylkill, so as to make it passable at all times, will be very advantageous to the poor, greatly promote the spirit of industry, and be beneficial to a considerable part of this state, by enabling the inhabitants to bring their produce to market, for furnishing the country adjoining the same river, and the city of Philadelphia, with coal, masts, spars, boards, scantling, and many other necessary and useful articles : And whereas divers inhabitants of this state have, by their petitions, prayed that some effectual steps may be taken to make the same river navigable, and the laws heretofore enacted being inadequate for the purpose aforesaid, for want of a proper fund, to be employed by commissioners therein named :

SECT. II. *Be it therefore enacted, and it is hereby enacted, by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That David Rittenhouse, Lindsey Coats, Anthony Levering, John Jones, of the Gulph Mill, Robert Curry, Isaac Potts, Joseph Paul, David Thomas, of Providence, Matthias Pennebaker, James Hockley, John Brooks, Jacob Light, Abraham Lincoln, Mordecai Miller, John Bishop, George Gardiner, John Mears, Charles Shoemaker, George Miller, Henry Haller, Samuel Baird and Frederick Cleckner, shall be, and they are hereby, constituted and appointed commissioners for clearing the navigation of the said river, and to carry all and singular the powers, rights, authorities and jurisdictions, severally given and granted to certain different sets of commissioners by the three several acts of Assembly, the titles whereof are herein referred to ; the first of them passed the fourteenth day of March, one thousand seven hundred and sixty-one, entitled "An act for making the river Schuylkill navigable, and for the preservation of the fish in the said river ;" the second passed the twenty-sixth day of February, one thousand seven hundred and seventy-three, and entitled "A supplement to the act, entitled "An act for making the river Schuylkill navigable, and for the preservation of the fish in the said river ;" and the third and last law passed the twenty-fourth day of March, one thousand seven hundred and eigh-

Commissioners named for clearing Schuylkill.

(t) For the act referred to in the title, see 1st vol. chap. 465, and for a particular reference to the supplements thereto, and to other acts respecting this river, see the note there subjoined. See also the title *Schuylkill River*, in the index. (Note to former edition.)

ty-one, entitled "A further supplement to the act, entitled "An act for making the river Schuylkill navigable, and for the preservation of the fish in the said river;" and that the said David Rittenhouse, Lindsey Coats, Anthony Levering, John Jones, of the Gulph Mill, Robert Curry, Isaac Potts, Joseph Paul, David Thomas, of Providence, Matthias Pennebaker, James Hockley, John Brooks, Jacob Light, Abraham Lincoln, Mordecai Miller, John Bishop, George Gardiner, John Mears, Charles Shoemaker, George Miller, Henry Haller, Samuel Baird and Frederick Cleckner, shall be henceforward taken and considered as the only commissioners, for clearing the navigation of the same river, with all the powers, rights, authorities and jurisdictions, in the act and supplements aforesaid; and the commissioners in the said supplement, passed the twenty-fourth day of March, one thousand seven hundred and eighty-one, except such as are re-appointed by this act, shall cease to exercise any power, right, authority, or jurisdiction, under their said appointment in the last supplement aforesaid; and the said commissioners by this act appointed shall ask, demand, sue for, recover and receive, all the monies, goods securities and effects, which the said commissioners have, or are entitled to, in right of their appointment aforesaid, and make use of them for the purpose in this act mentioned.

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SECT. III. *And be it further enacted by the authority aforesaid,* That the penalty of twenty pounds mentioned in the third section of the first act aforesaid, entitled "An act for making the river Schuylkill navigable, and for the preservation of the fish in the said river," and the fourth section of the act last aforesaid, entitled "A further Supplement to the act, entitled "An act for making the river Schuylkill navigable, and for the preservation of the fish in the said river," shall be recovered, by warrant, before the Chief Justice, or either of the Assistant Justices of the Supreme Court, or before any Justice of the courts of Common Pleas, or of the Quarter Sessions of the peace, who shall reside in the county wherein, or adjacent to which, the offences described in the third and fourth sections aforesaid shall be committed; the same penalty, when recovered shall be for the sole use of the informer.

Penalty, in what manner recoverable.

SECT. IV. And that the several commissioners in this act named shall attend to the duties of their appointment under this act, and the act and supplements aforesaid, *Be it therefore enacted by the authority aforesaid,* That each commissioner or commissioners in this act named shall take such part of Schuylkill, for the purpose of clearing, as is herein specially directed:

Commissioners, their several districts.

From the tide water, below the falls, to Spring mill, David Rittenhouse, Lindsey Coats, Anthony Levering, and John Jones, of the Gulph mill.

From thence to the mouth of Valley creek, Robert Curry, Isaac Potts, and Joseph Paul.

From thence to the mouth of Mingo creek, David Thomas, of Providence, and Matthias Pennebaker.

From thence to Berks county line, James Hockley, John Brooks, and Jacob Light.

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From thence to Beidler's mill, Abraham Lincoln, and Mordecai Miller.

From thence to the mouth of Tulpehoccon creek, John Bishop, and George Gardiner.

From thence to the mouth of Maiden creek, John Mears.

From thence to the mouth of Tamaguay creek, Charles Shoemaker, and George Miller.

From thence to the coal mines, on Schuylkill, at Basler's saw-mill, Henry Haller, Samuel Baird, and Frederick Cleckner.

Power of a majority of Commissioners.

SECT. V. And should any of the commissioners aforesaid die, or refuse to act, before the completing the business aforesaid, the majority of the said commissioners shall appoint other person or persons for executing the powers, rights, authorities and jurisdictions of this act, who, when appointed, and after acceptance of their appointment, shall receive the same wages, and be under the same regulations, with the other commissioners under this act.

Time and place assigned for meetings of the commissioners.

[SECT. VI. *And be it further enacted by the authority aforesaid,* That the commissioners in this act mentioned are hereby required and enjoined to meet at the inn of Jacob Witz, in Potts town, Philadelphia county, at ten o'clock in the morning, on the first Tuesday in May next; and when a majority of such commissioners shall have assembled, they shall agree on some general plan for executing the powers, rights, authorities and jurisdictions, under this act, and the act and two supplements aforesaid, which said plan, as far as situation and circumstances concur, shall be directory to each other in clearing said river; and shall also meet at the same time of day and place, on the first Tuesday in June, July, August, September and October next, and at such meetings shall give a faithful account in writing, to each other, of the sums of money they have severally expended in the work aforesaid, and of the part of such work which they have completed; and in case any of the commissioners shall neglect or refuse to attend at any of the meetings aforesaid, on the days and times aforesaid, and at the place aforesaid, he shall pay the fine of five pounds, to be recovered by any informer, prosecuting for the same, and for the use of such informer, and in the same manner as the twenty pounds aforesaid, in the acts aforesaid, shall be recovered; and the Chief Justice and the Justices aforesaid, before whom the fine shall be recovered, are hereby, respectively, empowered to judge of the sufficiency or insufficiency of the excuse of such commissioner, and proceed accordingly.]

[Obsolete.];

Penalty on neglecting to meet.

Treasurer appointed, his duty.

SECT. VII. And that the navigation of the said river may be obtained at as little expense as possible, *Be it further enacted by the authority aforesaid,* That Samuel Potts, of Potts town, is hereby appointed Treasurer for the said board of commissioners, who is authorized and empowered to draw out of the Bank of North-America, all such sums of money as shall be deposited in the same, for the purpose of improving the navigation of the said river, by the managers of the public lottery of this state, which same Samuel Potts shall pay the draughts on him made, by each of the same commissioners aforesaid, who, for such payment, shall be allowed ten shillings in the hundred pounds, and no more; that the said Samuel Potts, and each of the said commissioners, shall be accountable for the sum

Treasurer and commissioners shall

which he or they severally shall receive, and for which sums so received as aforesaid, together with the goods, securities, monies, and other effects, received from the commissioners under the supplement aforesaid, passed the twenty-fourth day of March, one thousand seven hundred and eighty-one, they shall account for to the Comptroller-General of this state, in the month of October next; and that each commissioner shall, whilst on the business aforesaid, receive for his services seven shillings and six-pence per diem, and no more, to be paid by the said Samuel Potts. 1784.
account to the Comptroller-General.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the Treasurer aforesaid shall, before he enters on the duties of his office, become bound to the President in Council, with two sufficient securities, in the sum of five thousand pounds, conditioned for the true and faithful performance of his trust. Commissioners wages.
Treasurer to give security.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the said recited act, and the two supplements aforesaid, and every part and parcel thereof, except such parts as are herein altered or amended, shall be taken to be and remain in full force, virtue and effect, any thing herein contained to the contrary thereof in any wise notwithstanding. Explanatory clause.

Passed 15th of March, 1784.—Recorded in Law Book No. II. page 267.

CHAPTER MLXX.

A SUPPLEMENT to an act, entitled "An act to enable William Clingan, Thomas Bull, John Kinkead, Roger Kirk, John Sellers, John Wilson, and Joseph Davis, to build a new court house and prison in the county of Chester, and sell the old court house and prison in the borough of Chester." (u)

SECT. I. WHEREAS the act, entitled "An act to enable William Clingan, Thomas Bull, John Kinkead, Roger Kirk, John Sellers, John Wilson, and Joseph Davis, to build a new court house and prison in the county of Chester, and sell the old court house and prison in the borough of Chester," passed the twentieth day of March, in the year of our Lord one thousand seven hundred and eighty, hath not been carried into execution by the commissioners therein named.

SECT. II. *Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the*

(u) For the original act, see ante chap. 890. This supplement was suspended by an act of the 30th of March, 1785; that suspension was taken off by an act of the 18th of March, 1786; by an act of the 25th of September, 1786, provision was made for removing prisoners from the old to the new gaol; by an act of the 3d of March, 1788, the district of country in which the county court house stands was erected into a

county town; by another act of the same date, the commissioners were authorized to sell a lot, which they had purchased for a court house and prison; and by an act of the 26th of September, 1789, a part of the county of Chester was erected into a new county, called Delaware. The original act, above printed, varies the christian name of Taylor, from John to Isaac. (Note to former edition.)