

anything therein contained, but that every clause, article and sentence therein (except what is hereby altered or supplied) shall be and remain in full force and virtue.

Passed August 18, 1727. This Act of Assembly was repealed temporarily by the two Acts of Assembly passed May 19, 1739, Chapter 350, and February 3, 1742-43, Chapter 356, and was repealed finally by the Act of Assembly passed March 7, 1745-46, Chapter 364.

CHAPTER CCXCVII.

AN ACT FOR ESTABLISHING A FERRY FROM THE CITY OF PHILADELPHIA TO THE LANDING AT OR NEAR THE HOUSE OF WILLIAM COOPER, AND ANOTHER FROM OR NEAR THE CITY BOUNDS TO GLOUCESTER IN NEW JERSEY.

Whereas the late King Charles the Second by his letters patent under the great seal of England did (amongst other things) grant unto William Penn, Esquire, late proprietor and governor of this province, his heirs and assigns, the free and undisturbed use and continuance in and passage into and out of all and singular ports, harbors, bays, waters, rivers, isles and inlets belonging unto or leading to and from this country, and all the soil, rivers, bays and inlets situate and being within or belonging to the limits and bounds thereof.

By virtue of which grant the river Delaware (being the eastern boundary of this country) as well as all other the great rivers and streams of this province are become and ought to be and continue as common streets and highways for the free and undisturbed use of all such as have occasion to pass and repass in and over the same.

And whereas by an act of general assembly held at Philadelphia in the fourth year of his present Majesty's reign, entitled "An act for erecting a ferry to the landing at or near the land late of Daniel Cooper, and also to Gloucester in the western division of New Jersey,"¹ it was enacted that from the land-

¹ Passed February 22, 1717-18, Chapter 230.

ing-place at or near the High street in Philadelphia there should be a ferry for passengers and goods to the landing-place late of Daniel Cooper, and from the landing-place where Armstrong Smith then dwelt adjoining to the town-bounds of Philadelphia there should be a ferry to Gloucester for the like purposes.

Now forasmuch as it is of absolute necessity that the said ferries be continued for the accommodation of passage between these provinces, and to the intent that they may be well regulated and managed:

[Section I.] 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 freemen of the said Province in General Assembly met, and by the authority of the same, That the said ferry from the city of Philadelphia to William Cooper's shall be and is hereby vested and settled in the mayor and commonalty of the said city of Philadelphia and their successors for the space and term of seven years from and after the twenty-ninth day of September, one thousand seven hundred and twenty-seven, who shall at their own proper cost and charge make or cause to be made a sufficient slip or landing-place at the end of High street aforesaid and shall keep and maintain the same in good repair, and shall also provide and maintain a good, substantial boat or boats and capable ferry-men, who shall reside and dwell in the city of Philadelphia near the landing-place aforesaid, and shall duly and constantly attend the same as occasion may require.

And for the support of the said ferry:

[Section II.] Be it further enacted by the authority aforesaid, That the said mayor and commonalty and their successors by their deputies or officers to be appointed for that purpose under the city seal, shall receive and take for ferriage over the said river of all persons (the governor for the time being and his attendants only excepted) to or from the said landing near William Cooper's, the several rates following and no more: (That is to say)

For every single foot passenger, four pence; but if two or more together, three pence.

For every single horse and rider, one shilling; but if two or more together, nine pence.

For every single ox, cow or heifer, one shilling and three pence; but if two or more oxen, cows or heifers, each one shilling.

For every single hog, six pence; but if two or more together, each three pence halfpenny.

For every single sheep, three pence; but if two or more together, each two pence.

[Section III.] And be it further enacted by the authority aforesaid, That the said ferry from the landing place at or near Armstrong Smith's or such landing-place as the justices of the county of Philadelphia or any three of them for the time being shall appoint, adjoining or near to the town bounds of Philadelphia aforesaid, to Gloucester, is and shall be vested and settled for the aforesaid term of seven years, from the said twenty-ninth day of September, one thousand seven hundred and twenty-seven, in the said justices or any three of them and their successors for the time being, who are hereby empowered and required to demise, grant and to farm-let the said ferry from time to time during the term aforesaid to such capable ferryman as shall be willing to accept and take the same under such conditions and security and for such yearly rent as to them the said justices shall seem reasonable; and the said ferryman so accepting and taking the said ferry shall be under the care and regulation of the said justices from time to time, and shall be obliged to keep good and sufficient boat or boats for carrying men and horses, cattle and goods, and shall well and duly attend the service of the said ferry; and shall and may receive and take from all persons (excepting the governor for the time being and his attendants) for the ferriage or passage over to or from Gloucester aforesaid the respective rates or prices following, viz.:

For every single foot passenger, one shilling; but if two or more together, each nine pence.

For every single horse and rider, two shillings; but if two or more men and horses together, each one shilling and six pence.

For every single ox, cow or heifer, two shillings; but if two or more together, each one shilling and six pence.

For every single hog, one shilling; but if two or more together, each nine pence.

For every single sheep, one shilling; but if two or more together, each six pence.

And for the better regulation and greater certainty of passage in and by the said ferries, as well as to encourage those that keep them:

[Section IV.] It is further enacted by the authority aforesaid, That if any person or persons whatsoever shall presume at any time hereafter to accept, receive or take any grant or license of any other person or persons save of the mayor and commonalty of the city of Philadelphia aforesaid and the said justices of the county of Philadelphia respectively for keeping the said ferries or either of them; or if any person or persons shall under any pretense whatsoever presume to set up, employ or keep any boat, flat or canoe within the bounds of the city of Philadelphia or within two miles above or below the landing-place, to be fixed as aforesaid, for carrying of passengers, horses, cattle, hogs or sheep, for any higher wages or other reward whatsoever over the said river Delaware from this province to New Jersey aforesaid, he or they so offending shall forfeit their boats, flats and canoes so employed, and shall also forfeit and pay the sum of five pounds for every time they so offend, which shall be recovered and applied in manner hereafter mentioned.

Provided nevertheless, That it shall and may be lawful to and for the ferryman from Cooper's, upon the request of the owner or owners, to land or put on shore cattle or horses at the end of Vine street in Philadelphia, commonly called The Penny Pot-house.

[Section V.] And be it further enacted by the authority aforesaid, That the rents, issues and profits which shall and may accrue and arise from the said ferry to Cooper's shall be appropriated to such public uses as the mayor and commonalty of the said city of Philadelphia shall from time to time order and appoint; and the rents, issues and profits which shall

arise from the said ferry to Gloucester shall be appropriated to the service of the public workhouse now erected in the city of Philadelphia aforesaid, as the said justices shall order and direct.

[Section VI.] And be it further enacted, That all fines, forfeitures and penalties arising from this act shall be recovered in any court of record of this province, one-half whereof shall be to the use of the informer or prosecutor who shall sue for the same, and the other half thereof shall be appropriated as followeth: (That is to say) such fines, forfeitures and penalties as arise from the ferry to Cooper's to such public uses as the mayor and commonalty of the city of Philadelphia shall order and appoint; and such as arise from the ferry to Gloucester shall be paid to such person or persons as the said justices shall order and direct for the service of the public workhouse as aforesaid.

Passed August 18, 1727. Expired before being considered by the Crown for action. See the Act of Assembly passed May 30, 1780, Chapter 910.

CHAPTER CCXCVIII.

AN ACT FOR THE ESTABLISHING OF COURTS OF JUDICATURE IN THIS PROVINCE.

Whereas the late King Charles the Second by his royal charter and grant to William Penn, Esquire, of that tract of land called Pennsylvania, and for erecting the same into a province, did for himself, his heirs and successors, grant free, full and absolute power to the said William Penn and his heirs and to his and their deputies and lieutenants for the good and happy government of the said country, by and with the advice, assent and approbation of the freemen of the said country or the greater part of them or of their delegates or deputies in assembly, when and as often as need should require, to ordain, make and enact any laws whatsoever for the public state, peace