

time be acquainted with the state of the whole transactions and affairs belonging to the said loan office. And such of the said trustees as shall undertake and execute the said trust shall each of them receive the same like salaries as are allowed and appointed by the aforesaid several acts of assembly to be paid to the former trustees.

Passed August 15, 1730. 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 note to the Act of Assembly passed March 5, 1725-26, Chapter 289; and the Resolution of January 1, 1733-34, recorded in Votes of Assembly, Volume III, p. 202; and the Act of Assembly passed August 25, 1738, Chapter 345.

CHAPTER CCCXVIII.

AN ACT TO PREVENT THE ERECTING WEIRS, DAMS, &c., WITHIN THE RIVER SCHUYLKILL.

Whereas the common passage for rafts of timber, boards, staves, boats, canoes and other craft is very much hindered and obstructed by weirs and fishing dams set up against the public good and convenience of trade up and down within the river Schuylkill:

For the preventing whereof:

[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 all weirs, fishing-dams and other devices or obstructions whatsoever built, laid or erected within the river Schuylkill so as the trade of the said river or creek may thereby be hindered or obstructed, shall within the space of twenty days next after the publication of this act or as soon as conveniently may [be] be removed in the manner hereinafter directed by this act.

And if any person or persons whatsoever shall hereafter presume to build, erect, set up or repair any such weirs or fish-

ing dams or other device or obstruction whatsoever within the river or creek aforesaid, whereby the trade or passage of the said river or creek for the purposes aforesaid may be impeded or hindered, and complaint thereof be made to two of the next justices of the peace to the place where such device or obstruction is erected or laid, who are hereby required upon such complaint to repair to and view the said dam or obstruction, and if the same shall appear to them to be such dam or device as may incommode or hinder the trade aforesaid within the said river or creek, the justices shall then issue their warrant against the person or persons suspected to have erected or laid such obstruction, and such person or persons, being convicted by the oath or affirmation of one or more credible witnesses before the said two justices, such offender or offenders shall each of them forfeit for every such offense the sum of thirty shillings, to be levied by distress and sale of the offenders' goods. But if no effects can be found, the offender or offenders shall stand committed to the common gaol for the space of twenty days.

Provided always, That if the defendant shall be dissatisfied with such judgment and crave the benefit of an appeal for the same to the next court of general quarter-sessions of the peace to be held for the county where the offense is committed, and shall further enter into recognizance with one or more sureties before the justices in the sum of ten pounds to prosecute his, her or their appeal with effect and to pay all such costs and charges in law as shall accrue in case the appellant or appellants be condemned in such appeal, then execution upon the judgment aforesaid shall be stayed until the said appeal be determined. And for the more speedy removing such obstructions as are already made or hereafter shall be made it shall and may be lawful for the justices who shall view the same, and they are hereby enjoined and required, to issue forth their warrant to the surveyor of the highways of the townships next adjacent to the obstruction so erected (or to such person or persons as the justices shall think fit) requiring them to summon the inhabitants of the respective townships or the nearest inhabitants to the dam or device so erected or laid, by giving them four days' notice to repair to and remove the said obstruction.

And any person or persons refusing or neglecting to appear and assist in removing such obstruction at the time appointed shall for every such offense forfeit the sum of five shillings to be levied in manner aforesaid. All the fines and forfeitures arising by virtue of this act shall be applied towards the defraying the costs of prosecution, and if any overplus be it shall be applied to the use of the poor of the said township.

Passed August 15, 1730. 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 August 17, 1734, Chapter 335, and also by the Act of Assembly passed March 14, 1761, Chapter 465.