

## CHAPTER DCLXXX.

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."<sup>1</sup>

Whereas many of the commissioners appointed in and by the act of general assembly passed in the first year of His present Majesty's reign, entitled "An act for making the river Schuylkill navigable and for the preservation of the fish in the said river,"<sup>1</sup> are since the passing of the same deceased, so that the good regulations and provisions in the said act contained cannot be enforced, to the great detriment of the trade and commerce of this province:

[Section I.] Be it therefore enacted by the Honorable Richard Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and John Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania, 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 David Rittenhouse, Anthony Levering, John Roberts, miller, William Dewees, Junior, David Thomas, James Hockley, Thomas Potts, Mark Bird, James Star, Jacob Kern and John Pawling, Junior, shall be and they are hereby appointed commissioners for clearing, scouring and making the river Schuylkill navigable and for putting in execution all and every other the purposes in the said act mentioned, and that they or a majority of them or of the survivors of them shall have, hold and exercise all and every the powers, authorities, jurisdictions, rights and privileges given and granted in and by the said recited act to the commissioners therein appointed, and shall be subject to the same duties to all intents and purposes as if they had been the commissioners therein particularly appointed.

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<sup>1</sup> Passed March 14, 1761, Chapter 465.

[Section II.] And be it further enacted by the authority aforesaid, That the surviving commissioners appointed by the said recited act shall and they are hereby enjoined and required immediately after the passing of this act to deliver over to the commissioners hereinbefore appointed all and every sum and sums of money by them collected and received and remaining in their hands unappropriated and applied to the purposes mentioned in the said recited act, together with all books, subscriptions and other papers, vouchers and accounts and all tools and implements which have been provided for opening and clearing the said river and shall be in their or any of their custody, power or possession.

[Section III.] And be it further enacted by the authority aforesaid, That so much of the act to which this act is a supplement as relates to the appointment of commissioners shall be and is hereby declared to be repealed.

And whereas the commissioners appointed in and by the said recited act did agree with Charles Norris, Esquire, late deceased, that he should be permitted and suffered from time to time as occasion should require to repair, keep up and maintain a certain mill-dam running across the eastern channel of the said river from the main eastern shore thereof to Barbadoes Island, which before the date of the said agreement had been made and erected by the said Charles Norris for the use of his mill, on condition that he the said Charles should and would build, erect and carry out from the upper end of the said island a dam or wall of at least twenty perches in length and inclining in some degree to the eastern side of the said river, and of such height as should be above the waters at all times other than in freshes, so as to direct the waters into the western channel, and also should and would in building the said wall or dam make use of the stones lying in the said western channel:

And whereas since the agreement aforesaid the administrators of the said Charles Norris did convey and make over the said mill with the appurtenances to John Bull, Esquire, and it is but just and reasonable in case the said John Bull should be permitted and suffered to hold and enjoy the advantages arising from the repairing, keeping up and maintaining the said mill-

dam that he should on his part fulfil and perform the condition aforesaid:

[Section IV.] Be it therefore enacted by the authority aforesaid, That the said John Bull, his heirs or assigns, shall and he or they are hereby enjoined and required within the space of eight months from and after the passing of this act to build, erect and carry out the said dam or wall of the length, height and in the place aforesaid according to the true intent and meaning of the said agreement, and at all times whenever the same can be done thereafter to keep up, support and maintain the same; and in case the said John Bull, his heirs or assigns, shall refuse or neglect to build, erect and carry out the said wall and dam in manner aforesaid within the time aforesaid, or shall thereafter neglect or refuse to repair, keep up and maintain the same at his or their own proper costs and charges according to the true intent and meaning of the said agreement, that then and in such case the said agreement and every part thereof shall be void, and in that case and not otherwise it shall and may be lawful for the said commissioners appointed by this act or a majority of them or of the survivors of them to prostrate and remove the said mill-dam.

[Section V.] Provided always, and be it further enacted by the authority aforesaid, That if at any time hereafter the commissioners appointed by this act or a majority of them or of the survivors of them shall think it necessary to prostrate or remove the said mill-dam, it shall and may be lawful for them to apply to the justices of the county court of quarter sessions for the county of Philadelphia, who shall issue process directed to the sheriff of the said county commanding him by an inquest of twelve honest and lawful men, duly qualified according to law, to be struck by the clerk of said court and afterwards by the parties and summoned by the said sheriff, to inquire what damages the said John Bull, his heirs or assigns, shall justly and reasonably suffer by reason of the prostrating and removal of the said mill-dam, and to make return of the said inquest in writing under his hand and seal and the hands and seals of the said inquest. And if the said commissioners shall pay or tender the sum of money awarded by the said inquest as a sat-

isfaction for the damages aforesaid, then and not otherwise it shall be lawful for the said commissioners to prostrate and totally to remove the said mill-dam, and open and forever thereafter to keep open, the said eastern channel of the said river free and clear from all manner of impediments and obstructions to the navigation thereof.

Passed February 26, 1773. Referred for consideration by the King in Council, February 2, 1774, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXXI, and the note to the Act of Assembly passed March 14, 1761, Chapter 465.

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## CHAPTER DCLXXXI.

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AN ACT FOR MAKING PERPETUAL THE ACT, ENTITLED "AN ACT FOR LAYING A DUTY ON NEGROES AND MULATTO SLAVES IMPORTED INTO THIS PROVINCE AND LAYING AN ADDITIONAL DUTY ON THE SAID SLAVES."<sup>1</sup>

Whereas the act of general assembly passed in the first year of His present Majesty's reign, entitled "An act for laying a duty on negroes and mulatto slaves imported into this province,"<sup>1</sup> and one other act, entitled "A supplement to the act, entitled 'An act for laying a duty on negroes and mulatto slaves imported into this province.'"<sup>2</sup> were continued beyond the term limited in the said acts by the act of general assembly passed in the eighth year of the same reign, entitled "An act to continue the act for laying a duty on negroes and mulatto slaves imported into this province;"<sup>3</sup> and one other act, entitled "A supplement to the act, entitled 'An act for laying a duty on negroes and mulatto slaves imported into this province.'"<sup>2</sup>

And whereas all the said recited acts are near expiring and inasmuch as the said recited act has been found by experience to

<sup>1</sup> Passed March 14, 1761, Chapter 467.

<sup>2</sup> Passed April 22, 1761, Chapter 468.

<sup>3</sup> Passed February 20, 1768, Chapter 572.