

disposed of by them for the purposes and in manner herein before described and directed.

Passed February 5, 1785. Recorded L. B. No. 2, p. 393, etc. See the Acts of Assembly passed March 10, 1787, Chapter 1272; September 29, 1787, Chapter 1325; November 22, 1788, Chapter 1382.

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## CHAPTER MCXXV.

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AN ACT TO GRANT TO ARTHUR DONALDSON, HIS EXECUTORS, ADMINISTRATORS AND ASSIGNS, THE EXCLUSIVE RIGHT OF MAKING AND USING IN THE RIVER DELAWARE A MACHINE CALLED HIPPOPOTAMOS BY HIM INVENTED, FOR THE CLEANSING OF DOCKS AND RAISING SAND, GRAVEL, DIRT AND OTHER THINGS FROM THE BED OF THE RIVER.

(Section I, P. L.) Whereas the docks in the port of Philadelphia have for many years past been filling up by means of dirt and rubbish washed thereinto by the land floods and deposited in times of freshets to the great injury of the commerce of the port and a remedy for the inconvenience has been long wished for but not being found the owners of the quays and wharves have been obliged to carry out piers to a great distance into the river in order to make docks to preserve shipping from the ice in winter whereby the channel of the Delaware opposite the city may be in danger of being diverted to the Jersey shore. And whereas Arthur Donaldson of the city of Philadelphia, shipwright, did in the year of our Lord one thousand seven hundred and seventy-four invent and construct at a great expense a machine called by him hippopotamos which he submitted to the inspection of a committee appointed by the general assembly of the late province of Pennsylvania appointed for that purpose, which committee reported that they had viewed the same and observed its operations and effects when applied to use and were of opinion that it would well answer the purpose of cleaning docks and removing beds of gravel, etc., and the inventor of that very useful machine ought to be recommended to the particular notice of the next assembly for

that encouragement which his merit entitled him to in pursuance of which recommendation the general assembly of the late province did resolve that the sum of one hundred pounds be allowed and given to the said Arthur Donaldson as a reward for his ingenuity in the said invention. And whereas during the invasion of this state by the troops of his Britanic Majesty the said machine was totally destroyed to the great loss of the inventor: And whereas the said Arthur Donaldson hath applied to this house for the exclusive privilege of constructing and using such machines within the jurisdiction of this state: And whereas it is consistent with the honor of this state to reward the inventors of useful machines and the most rational and just mode of such reward is and ought to be the exclusive advantage resulting from the invention for a term of years:

[Section I.] (Section II, P. L.) 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 from and after the publication of this act the said Arthur Donaldson, his executors, administrators and assigns shall have the sole and exclusive liberty and privilege of constructing, making, and using of machines for the purpose of raising, removing, mud, gravel, sand and other things from the beds of any bay, rivers, creeks, docks or other places within this commonwealth in the form, similitude and likeness of, or upon the same or like principles upon which the said machine called hippopotamos was constructed by him the said Arthur Donaldson in the said year of our Lord one thousand seven hundred and seventy-four and that no other person or persons whatsoever without the consent in writing first had and obtained of him the said Arthur Donaldson, his executors, administrators or assigns shall within the term of seven years from and after the passing of this act make, construct or use in any place within this commonwealth any machine for the raising or removing any mud, sand, gravel or other things whatsoever from the bed of the bay, rivers, creeks, docks, or other places covered with tide water within this commonwealth, formed, made or constructed in

the similitude or likeness or upon the same principles of or with the said machine invented by the said Arthur Donaldson and called hippitamos. And that all and every such machine or machines so to be made, constructed or used within the jurisdiction of this commonwealth by any other person or persons without the consent of the said Arthur Donaldson, his executors, administrators or assigns, first had and obtained in writing in manner aforesaid shall be and they are hereby declared to be forfeited to and to become the absolute property of the said Arthur Donaldson, his executors, administrators and assigns, as fully and effectually as if the same were made and constructed at his own proper costs and charges and that in any action of replevin for any such machine to be brought by the said Arthur Donaldson, his executors, administrators or assigns, for such machine so made or used without his or their consent in writing first obtained in manner aforesaid, the sheriff, water bailiff, coroner, or other officer to whom such writ shall be delivered to be executed shall cause the said machine to be delivered with its appurtenances to him or them unless the defendant in the said writ or the possessor of the said machine shall produce to such officer immediately the said consent in writing so obtained from the said Arthur Donaldson, his executors, administrators or assigns, any claim of property by the defendant, or possessor notwithstanding and if the parties to the said writs or either of them shall choose to proceed to the trial of the property of such machine the sheriff or other officer shall return the said writs and such further proceedings shall be thereupon had as are usual in cases of replevins and such damages, costs and charges shall be had and recovered by the plaintiff or defendant as parties in writs of replevin by the laws of the land are entitled unto.

(Section III, P. L.) And whereas the inventor of this machine has had in view besides the cleansing the docks in the port of Philadelphia, the raising sand and gravel for use of the builders and other persons in the neighboring states taking advantage of the invention when brought to perfection may make, construct, and use others of the like kind, without the jurisdiction of this state, whereby the benefit intended to him, his executors, ad-

ministrators and assigns may be intercepted. To prevent the same:

[Section II.] It is hereby further enacted by the authority aforesaid, That no sand, gravel, stones or other like matter raised from the bottom or bed of the bay, or any river, creek or place covered with tide water by means of any machine constructed on the principles and similitude aforesaid, and made or used without this state, and without such consent in writing as aforesaid from the said Arthur Donaldson, his executors, administrators, or assigns first had and obtained shall be sold or exposed to sale within this commonwealth within the aforesaid term of seven years under penalty of forfeiture of the whole of such sand, gravel, stones and other matter of the like kind to the said Arthur Donaldson, his executors, administrators, or assigns, who will seize the same and prosecute the person offering the same for sale before one of the justices of the peace of the city, county or place where the same shall be offered for sale if the value thereof be under ten pounds lawful money of this state and before the court of common pleas of the city or county where the same shall be offered for sale if above the value of ten pounds, which prosecution shall commence by a writ or warrant from the prothonotary's office or justice of the peace as the case may be commanding the sheriff or any constable to seize the said sand, gravel, stones or other like matter and deliver possession of the same to the said Arthur Donaldson, his executors, administrators, or assigns, plaintiffs in such writ or warrant unless the defendant in the writ or warrant or the possessor of such sand, gravel, stones or other such matter will forthwith become bound with sufficient surety to such officer in a penal sum of double the value of the, conditioned that he will appear at the next court of common pleas or before such justice as the writ or warrant shall direct and there abide by and perform such judgment as by such court or justice shall thereupon be given. Provided always, that in all hearings and trials upon any such complaints the burden of proof shall always be on the said Arthur Donaldson, his executors, administrators, and assigns, and in case he or they making such complaints shall fail to produce such proofs as

ought according to the true intent and meaning of this act to entitle him or them to a recovery, he or they shall pay and be adjudged to pay full costs to the defendant for his or their false claimor but if he or they shall support his or their charge and allegation, then he or they shall recover as well the full value of the sand, gravel, stone or other such like matter as aforesaid as full costs and charges against the defendant or defendants.

(Section IV, P. L.) And in order to prevent the said Arthur Donaldson, his executors, administrators, and assigns, from demanding or taking an unreasonable price or prices from any of the citizens of this state for cleansing the docks in this port or other service performed or article furnished by means of the exclusive use of the said machine as aforesaid:

[Section III.] It is hereby enacted by the authority aforesaid, That whenever any dispute shall arise between the owners of the said machine and the owners of any dock concerning the price of cleansing the same or the price of any sand, gravel, stones or other such matter so produced and furnished, the wardens of the port of Philadelphia of a majority of them for the time being shall and they are hereby authorized and empowered to fix and assess the rate or price of cleansing such docks and the price of such articles so procured and furnished as aforesaid by the time; to which assessment the said Arthur Donaldson, his executors, administrators, and assigns shall during the term aforesaid always adhere and be bound by.

Passed February 7, 1785. Recorded L. B. No. 2, p. 398, etc.

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## CHAPTER MCXXVI.

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AN ACT TO ENABLE THE COURTS OF QUARTER SESSIONS OF THE SEVERAL COUNTIES OF THIS COMMONWEALTH TO VACATE ROADS AND HIGHWAYS IN PROPER CASES.

(Section I, P. L.) Whereas in the course of the gradual improvement of a newly cultivated country the roads and highways which were first laid out and established have sometimes,