

CHAPTER MMDXC.

AN ACT TO REPEAL IN PART, THE ACT, ENTITLED, "AN ACT TO REGULATE FENCES, AND TO ENCOURAGE THE RAISING OF SWINE." (*).

Section I. (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the first day of July next, the act, entitled, "An act to regulate fences and to appoint appraisers in each township in the counties of Bedford, Northumberland, Washington and Fayette, and to encourage the raising of swine," passed the twenty-seventh day of March, one thousand seven hundred and eighty-four,⁽¹⁾ be, and the same is hereby repealed, so far as the same respects, and is in force, in the county of Luzerne.

Approved April, 1805. Recorded in L. B. No. 10, p. 153.

Note (*). Chapter 1089; 11 Statutes at Large, p. 291.

CHAPTER MMDXCI.

AN ACT TO EMPOWER THE BOARD OF WARDENS, FOR THE PORT OF PHILADELPHIA, TO COLLECT A CERTAIN DUTY ON TONNAGE FOR THE PURPOSES THEREIN MENTIONED.

Whereas it has been represented to the legislature, that the access to the port of Philadelphia is considerably obstructed by a bar formed in the river Delaware, and that great losses have been sustained in consequence of the want of sufficient piers or places in the said river, for the security of vessels in the winter season: And whereas the Chamber of Commerce of the city of Philadelphia have requested, that vessels, employed in foreign commerce from the port of Philadelphia, should be subjected to the payment of a tonnage duty, and the proceeds thereof be employed in removing the said obstruction and in providing sufficient piers or other places of security in the said river, which request it is proper to grant; Therefore,

Section I. (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the master, owner or consignee of every ship or vessel which shall clear out from the port of Philadelphia, for any port or place out of the limits of the United States, shall before the departure of such ship or vessel, pay to the Board of Wardens of the said port, a tonnage duty of four cents for every ton which such ship or vessel shall measure, according to the rule which is or may be prescribed by the laws of the United States, for ascertaining the tonnage of ships or vessels; and if any such ship or vessel shall depart from the port before the payment aforesaid be made, the master, owner or owners, consignee or consignees thereof shall pay to the said wardens a sum equal to double the amount of the tonnage duty due on such ship or vessel, by virtue of this act, which may be recovered in the name of the said board before any alderman, justice of the peace or court of justice having lawful jurisdiction of the amount thereof, or the said board may, if they think it expedient, sue for and recover as aforesaid the tonnage duty due on any ship or vessel after she shall have received a clearance and before her departure.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said Board of Wardens shall have power to employ suitable persons to remove the obstructions to the navigation of the river Delaware below the city of Philadelphia, in such manner as to the said board shall seem most proper, and to erect and provide such piers and places as may be deemed necessary for the security of vessels navigating the said river, and for that purpose to obtain cessions to the commonwealth of the ground necessary for such piers or places: Provided nevertheless, that no cession shall be accepted, nor purchase made, nor engagements for the removing of obstructions, or for the erecting of any such piers or places of security be entered into, until the said Board of Wardens shall have submitted to the governor of this com-

monwealth a statement of the nature and conditions of the cession or purchase proposed, and the plan which they shall have formed for removing the obstructions, or providing the piers or places of security, with an estimate of the expense thereof, and shall have obtained his consent to carry the same into execution.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the tonnage duties, collected by virtue of this act, shall be appropriated by the Board of Wardens for the purposes aforesaid, and that the said board shall have power to borrow for the same purposes such sum or sums of money as may be thought necessary on the credit of the said duties.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said Board of Wardens shall keep fair and true accounts of all their receipts and expenditures under this act, and shall, at the expiration of every year, pay over to the state treasurer the balance remaining in their hands, and the same shall remain in the hands of the treasurer appropriated for the purposes aforesaid and no other, and subject to the draughts of the said Board of Wardens; and to the end and intent that fair and just accounts shall be kept and settlements made by the said wardens of all their transactions, in pursuance of this act, they are hereby enjoined and required to exhibit true and just accounts of all monies received and expenses incurred by them in the execution of the duties enjoined by this act, at the expiration of every year, to the register general of the commonwealth, who is hereby authorized and required to settle and adjust the same, in like manner as other accounts are settled by him, and subject to the like appeal, security, trial and costs, and in like manner to proceed and recover the balance or balances which shall be found due from the said wardens, or any of them, and no compensation shall be rendered by the said wardens for the performance of the duties enjoined on them by this act.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That this act shall be in force at

the expiration of one calendar month after the consent of the congress of the United States shall be granted to the operation thereof, and notice of such consent published in one or more newspapers in the city of Philadelphia, and shall continue in force for seven years, and from thence to the end of the next session of the general assembly, and no longer.

Approved April 1, 1805. Recorded in L. B. No. 10, p. 153.

CHAPTER MMDXCII.

AN ACT GRANTING ARREARAGES OF STATE TAXES YET DUE FROM YORK COUNTY TO THE DIRECTORS OF THE POOR.

Whereas application hath been made to the legislature by petition, praying, that the arrearages of state taxes yet due from the county of York may be granted to the directors of the poor of said county, to assist in defraying the expense of erecting a house for the employment and support of the poor; and as it appears that there is but a small balance now due from said county: Therefore, in order to aid so laudable an undertaking,

Section I. (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the arrearages of state taxes now due from the county of York be, and they are hereby granted to the directors of the poor of said county, (provided they can have the same collected) to be by them applied in defraying the expense of erecting a house for the employment and support of the poor.

Approved April 1, 1805. Recorded in L. B. No. 10, p. 155.