

CHAPTER MMDCLXXIV.

AN ACT FOR THE RELIEF OF JOHN WELCH.

Whereas it hath been represented to the legislature that John Welch now an inhabitant of Butler county, entered the service of his country as a private soldier for three years, or during the war, in captain John M'Dowell's company, in the seventh regiment of the Pennsylvania line, commanded by lieutenant colonel John Greer; and at the battle of Germantown, he received a severe wound in his left shoulder, by reason of which and his advanced age he is now incapable of maintaining himself and family, and as it appears to the legislature that his claim is well founded: 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 officers of the land-office are hereby authorized and required to issue a patent to John Welch, of Butler county, for such quantity of donation land as he would have been entitled to had he served to the end of the war.

Approved March 17, 1806. Recorded in L. B. No. 10, p. 800.

CHAPTER MMDCLXXV.

AN ACT SECURING TO MECHANICS AND OTHERS, PAYMENT FOR THEIR LABOR AND MATERIALS, IN ERECTING ANY HOUSE OR OTHER BUILDING, WITHIN THE CITY AND COUNTY OF PHILADELPHIA.

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 all and every dwelling house or other building hereafter constructed and erected

within the city and county of Philadelphia, shall be subject to the payment of the debts contracted for, or by reason of any work done or materials found and provided by any brick-maker, bricklayer, stonecutter, mason, lime merchant, carpenter, painter and glazier, ironmonger, blacksmith, plasterer, and lumber merchant, or any other person or persons employed in furnishing materials, for, or in the erecting and constructing such house or other building before any other lien, which originated subsequent to the commencement of the said house or other building; but if such house or other building should not sell for a sum of money sufficient to pay all the demands for work and materials, then, and in such case, the same shall be averaged, and each of the creditors paid a sum proportioned to their several demands: Provided always, that no such debt for work and materials, shall remain a lien on the said houses or other buildings longer than two years from the commencement of the building thereof, unless an action for the recovery of the same be instituted or the claim filed within six months after performing the work, or furnishing the materials, in the office of the prothonotary of the county: And provided also, that each and every person having received satisfaction for his or their debt, for which a claim has been or shall be filed or action brought as aforesaid, shall at the request of any person interested in the building on which the same was a lien, or in having the same lien removed, or of his, her, or their legal representatives, on payment of the costs of the claim or action, and on tender of the costs of office, for entering the satisfaction within six days after such request made, enter satisfaction of the claim in the office of the prothonotary of the court, where such claim was or shall be filed or such action brought, which shall forever thereafter discharge, defeat and release the same; and if such person having received such satisfaction as aforesaid, by himself or his attorney, shall not, within six days after request and payment of the costs of the claim or action and tender as aforesaid, by himself or his attorney duly authorized, enter satisfaction as aforesaid, he, she, or they neglecting or refusing so to do, shall

forfeit and pay unto the party or parties aggrieved any sum of money, not exceeding one half of the debt for which the claim was filed or action brought as aforesaid; to be sued for and demanded by the person or persons damnified in like manner as other debts are now recoverable by law of this commonwealth.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the act, entitled "An act securing to mechanics and others, payment for their labor and materials, in erecting any house or other building within the city of Philadelphia, the district of Southwark and the township of the Northern Liberties," passed the first day of April, one thousand eight hundred and three,⁽¹⁾ be, and the same is hereby repealed, excepting as it applies to liens cognizable by the said recited act, previous to the passing of this act, and to actions now pending under the said recited act; to such liens and actions, (and none other) it shall continue in force to the final determination of the same.⁽²⁾

Approved March 17, 1806. Recorded in L. B. No. 10, p. 300.

Note (1). Chapter 2385; 17 Statutes at Large, p. 446.

Note (2). See Supplement to the act in the text; Chapter 2995; *Infra* this volume, p. 893.

CHAPTER MMDCLXXVI.

A SUPPLEMENT TO THE ACT, ENTITLED, "AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH, TO INCORPORATE A COMPANY FOR OPENING A CANAL AND WATER COMMUNICATION, BETWEEN THE RIVERS DELAWARE AND SCHUYLKILL, AND FOR OTHER PURPOSES THEREIN MENTIONED. (1)

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 it shall and may be lawful for the president, managers and company, of the Delaware and Schuylkill canal navigation, as often as they shall find it