

same, That the administrators of Samuel Sellers, late of Bucks county deceased, be, and they are hereby authorised to sell to the best advantage, all the undivided right, interest and estate of the deceased, in and to a certain tract of land situate in East Penn township, Northampton county, on the Mahoney creek, adjoining lands of Philip Sendel and others, containing about three hundred acres, and to execute a lawful deed in fee simple to the purchaser: *Provided*, That the said administrators, before they proceed to carry this act into effect, enter into recognizance in the orphan's court of Bucks county, with sureties, in such sum as the court shall direct, for the faithful execution of the powers herein given, and for the due application of the proceeds of the sale, according to the directions of the said court. Proviso.

REES HILL, *Speaker of the
House of Representatives.*

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and nineteen.

WILLIAM FINDLAY.

CHAPTER CLVI.

AN ACT

To prevent the continuance or establishment of obstructions to the navigation of the river Delaware.

WHEREAS a compact was entered into on the twenty-sixth day of April, one thousand seven hundred and eighty-three, by Abraham Clark, Joseph Cooper and Thomas Henderson, commissioners on behalf of the state of New-Jersey, and George Bryan, George Gray and William Bingham, commissioners on the part of the state of Pennsylvania, which compact was afterwards ratified by the legislatures of both states, and amongst other things provides, "That the river Delaware, from the Station point or north-west corner of New-Jersey, northerly, to the place upon the said river where the insular boundary of the state of Delaware touches upon the same, in the whole length and breadth thereof, is, and shall continue to be and remain a common highway, equally free and open for the use, benefit and advantage of the said

contracting parties." Notwithstanding which, sundry dams and obstructions have been placed in the channel of the said river, since the date of the said compact and of its ratification. And it is advisable for the preservation of the navigation of the said river, and of harmony between the said states and the citizens thereof, that adequate measures should be adopted for the removal or prevention of such dams and obstructions.

Therefore,

SECT. 1. *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 no bridge, floating stage or other device, in the nature of a bridge, no dam, wing or other device creating, drawing off or using a water power, or taking fish, shall hereafter be erected, placed or dug in any part of the river Delaware, between New-Jersey and Pennsylvania, without a view first had by three skilful and respectable freeholders in each state, residing near the spot where it may be intended to erect such bridge, stage, dam, wing or device, appointed by the court of quarter sessions. And a specific report by them or a majority of them respectively, in each state, to the court of quarter sessions of the county by whom appointed, showing distinctly the bridge, stage, dam, wing or device intended, and stating that it will not impede or injure the navigation of the said river. And such report being approved of and confirmed by each court of quarter sessions and unappealed from, to the supreme court of either state, during one year after it shall have been so approved of shall be final. But if on such appeal, the supreme court of either state should reverse such approval and confirmation, the same shall be set aside. And any person or persons offending against the provisions of this act, shall on conviction thereof before the court of quarter sessions of the next adjoining county, forfeit and pay for each offence, such sum, not less than five hundred nor more than one thousand dollars, as such court shall adjudge, one half to the informer or informers and the other half to the use of the poor of the proper county.

Proceeding to authorise any device to draw off or use water, or take fish in certain parts of the river Delaware.

Penalty for offending.

When the Governor may appoint commissioners.

SECT. 2. *And be it further enacted by the authority aforesaid,* That whenever official information shall be received by the Governor, that commissioners have been appointed under the authority of the state of New-Jersey, to ascertain the particular injury done to the navigation of the river Delaware, by any dams already erected, he shall be authorised to appoint an equal number of commissioners, on the part of Pennsylvania, for the same purpose, who shall report to the legislature of each state, such an act on the subject as they may jointly agree to recommend to be concurrently adopted, for the purpose of enforcing all proper removals, alterations and restrictions.

Sect. 3. *And be it further enacted by the authority aforesaid,* That the commissioners to be appointed in pursuance of the second section of this act, be specially instructed to take into view, any obstructions occasioned by the Dam from Yard's island, to the Jersey shore, and by such other dams or wings as may have been erected or made since the communication to the Governor of New-Jersey, of the resolution on the subject, passed by the legislature of this state, on the twenty-first of February, one thousand eight hundred and fifteen, or in pursuance of any law of New-Jersey, passed since the compact of the twenty-sixth day of April, one thousand seven hundred and eighty-three, was ratified by that state. And to insist as a preliminary on such removal or alterations, as will effectually render the navigation and use of the river in all respects as free and open as before they existed.

Duty of such commissioners.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the commissioners to be appointed as aforesaid, shall be allowed a sum not exceeding three dollars per day, and they are hereby authorised to employ such assistants as they shall deem necessary, in order to perform the duties enjoined upon them by this act, the expenses of which, as well as a reasonable compensation for their time and services, while so employed, shall be paid out of the treasury of this commonwealth, after being audited and allowed by the Auditor General.

Pay of the commissioners and their assistants.

How defrayed.

Sect. 5. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Governor, as soon as may be, after the passage of this act, to transmit to the Governor of New-Jersey a certified copy thereof.

Copy to be transmitted to Governor of New Jersey.

REES HILL, *Speaker of the House of Representatives.*

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and nineteen.

WILLIAM FINDLAY.