

ACTS

OF THE

General Assembly of Pennsylvania.

Passed at a Session which commenced February 6th, 1781,
and ended April 10th, 1781.

JOSEPH REED, PRESIDENT OF THE EXECUTIVE COUNCIL:
F. A. MUHLENBERG, SPEAKER OF THE GENERAL ASSEMBLY:

1781.

CHAPTER DCCCCXIX.

*A further SUPPLEMENT to the act, entitled An Act for making the river Schuylkill navigable, and for the preservation of the fish in the said river. **

[* See ante. Chap. 465, and the notes thereto, pa. 235.]

WHEREAS several of the Commissioners nominated and appointed in and by the act of Assembly, passed on the twenty-sixth day of February, in the year of our Lord one thousand seven hundred seventy and three, entitled *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*, have, since the passing of the same, departed this life, removed from the neighbourhood of the said river, or engaged in other business, so that the regulations and provisions in the said act contained, to which this act is a further supplement, cannot now be properly carried into execution:

II. *Be it therefore enacted, and it is hereby enacted, That David Rittenhouse, Owen Biddle, Mark Bird, Baltzer Gehr, Thomas Potts, David Thomas, Patrick Anderson, John Mear, Isaac Hews, Nathan Levering, George Douglass, John Heister and Christian Steer, shall be, and they are hereby, appointed Commissioners for clearing, scouring, and making the river Schuylkill navigable, and for putting in execution all and singular the purposes mentioned in the act passed the fourteenth day of March, in the year of our Lord one thousand seven hundred sixty and one, entitled An Act for making the river Schuylkill navigable, and for the preservation of the fish in the said river, or contained in the above recited supple-*

Commissioners appointed for clearing the river, &c. and putting in execution the former acts.

1781.

To have the same powers, and to perform the same duties as former commissioners, &c.

The survivors of the former commissioners to deliver to the commissioners appointed by this act unappropriated money, books, tools, &c.

Fine on persons taking fish, or driving the river with brush-nets, &c.

How to be recovered, and how applied.

Brush-nets, &c. may be removed or destroyed.

Fine on persons obstructing such removal.

Certain limitations and restrictions respecting the catching shad, &c.
[Repealed March 23th, 1785, chap. 1135, sect. 24.]

ment thereto; 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.

III. *And be it further enacted*, That the surviving commissioners appointed by the said recited act, entitled *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*, shall, and they are hereby enjoined and required, immediately after the passing of this act, to deliver over to the Commissioners herein before appointed, all and every the sum and sums of money by them, or either of them, collected or received, and remaining in their or either of their hands, unappropriated and unapplied 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 are or shall be in their or any of their custody, power or possession.

IV. *And whereas it is represented to the legislature, that notwithstanding the good and wholesome regulations contained in divers acts of Assembly now in force, for the preservation of fish in the said river Schuylkill, great injury is done by a practice of driving the said river with brush-nets: For remedy whereof, Be it further enacted*, That if any person or persons shall, from and after the publication of this act, take any fish whatsoever with brush-nets, or such like devices, or shall drive the said river with such nets, or in any manner make use of the same therein, he, she or they, so offending, being thereof convicted before any two Justices of the Peace in and for the county, where he, she or they shall be apprehended (which Justices are hereby authorized and empowered to hear, try and determine the same) shall forfeit for every such offence the sum of twenty pounds, one half thereof to be paid to the Overseers of the poor of the township, where such offender shall reside, for the use of the poor thereof, and the other half to the informer, and likewise pay the costs of prosecution; and, moreover, it shall and may be lawful to and for any person or persons whatsoever to remove or destroy any such brush-net, or other like device, found in any part of the said river; and that all and every person or persons who shall assault, hinder or obstruct any person in taking, removing or destroying any of the said brush-nets, or other like device, in any part of the river aforesaid, and shall be thereof convicted in manner aforesaid, shall forfeit and pay for every such offence fifty pounds, one moiety thereof to the use of the poor as aforesaid, and the other moiety to the use of the party so obstructed or aggrieved.

[V. *Provided always, and be it further enacted*, That no person or persons shall draw any sein or net, for the purpose of catching shad, in that part of the river Schuylkill between the mouth thereof and the Lower Falls, five miles from the city of Philadelphia, after the twentieth day of May, or between said Falls and the Black Rock, near the mouth of French creek, after the twenty-fifth of said month, or in any part of the said Schuylkill river after the first day

of June, in every year, under the penalty of ten pounds for every such offence, to be recovered as aforesaid. 1781.

VI. *And be it further enacted,* That so much of the above recited supplementary act, as relates to the appointment of Commissioners, shall be, and the same is hereby repealed, made null, and void. Part of supplementary act repealed.

Passed 24th March, 1781.—Recorded in Law Book vol. I. page 417.

CHAPTER DCCCXX.

An ACT for erecting part of the county of Westmoreland into a separate county.

WHEREAS the inhabitants of that part of Westmoreland county, which lies west of the Monongahela river, have represented to the Assembly of this state the great hardships they lie under, from being so remote from the present seat of judicature and the public offices : For remedy whereof,

II. *Be it enacted, and it is hereby enacted,* That all that part of the state of Pennsylvania, west of the Monongahela river, and south of the Ohio, beginning at the junction of the said rivers ; thence up the Monongahela river aforesaid, to the line run by Mason and Dixon ; thence by the said line due west, to the end thereof ; and from thence the same course, to the end of five degrees of west longitude, to be computed from the river Delaware ; thence by a meridian line extended north, until the same shall intersect the Ohio river, and thence by the same to the place of beginning (the said lines, from the end of Mason and Dixon's line to the Ohio river, to be understood as to be hereafter ascertained by Commissioners now appointed, or to be appointed for that purpose) shall be, and the same is hereby declared to be, erected into a county, henceforth to be called Washington. Boundaries of the county.

III. *And be it further enacted,* That the inhabitants of the said county of Washington shall, at all times hereafter, have and enjoy all and singular the jurisdictions, powers, rights, liberties, and privileges whatsoever, which the inhabitants of any other county, within this state, do, may or ought to enjoy, by any charter of privileges, or the laws of this state, or by any other ways and means whatsoever. Rights, privileges, &c. of the inhabitants.

VI. *And be it further enacted,* That the Justices of the Supreme Court of this state shall have like powers, jurisdictions and authorities, within the said county of Washington, as by law they are vested with and entitled to in the other counties within this state ; and are hereby authorized and empowered, from time to time, to deliver the gaols of the said county of capital and other offenders, in like manner as they are authorized to do in the other counties of the state. Justices of the Supreme Court to have like powers, &c.

IX. *And be it further enacted,* [That when the persons elected for Justices of the Peace as aforesaid, or that shall be appointed by the President and Council,] have taken the oaths or affirmations required by the laws of this commonwealth, and received their commissions as directed in the constitution of this state, the said Justices, or any Justices to hold Courts of General Quarter Sessions, &c. [Altered by the constitution.]