

CHAPTER MDCXLI.

1793.

A SUPPLEMENT to the act, entitled "An Act to secure the persons employed in the building and fitting ships and vessels for sea, by making the body, tackle, apparel and furniture of such ships and vessels, liable to pay the several tradesmen employed in building and fitting them, for their work and materials."

WHEREAS in and by an act of the General Assembly of this commonwealth, passed the twenty-seventh day of March, in the year of our Lord one thousand seven hundred and eighty-four, entitled "An act to secure the persons employed in the building and fitting ships and vessels for sea, by making the body, tackle, apparel and furniture of such ships and vessels, liable to pay the several tradesmen employed in building and fitting them, for their work and materials," a sufficient and ample remedy was provided for such tradesmen in the Court of Admiralty of this commonwealth, and experience has proved the necessity of such remedy: And whereas the Court of Admiralty of this commonwealth no longer exists, and the said act cannot now be carried into effect in any of the courts of this state, or of the United States:

[Original act, chap. 1077, vol. 2, pa. 95.]

SECT. 1. *Be it therefore 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 libel authorized by the third section of the act, entitled "An act to secure the persons employed in the building and fitting ships and vessels for sea, by making the body, tackle, apparel and furniture of such ships and vessels, liable to pay the several tradesmen employed in building and fitting them, for their work and materials," passed the twenty-eighth day of March, in the year of our Lord one thousand seven hundred and eighty-four, to be filed in the Court of Admiralty of this state, may be filed in the office of the prothonotary of the Court of Common Pleas of and for the county wherein the cause of action hath arisen, or shall arise, or in any other county within this state, in all cases by the said act provided for; and thereupon such prothonotary shall cause to be issued a writ, in the nature of a writ of attachment, to be devised by the president of such court, and to be directed to the sheriff of the county, commanding him to arrest, attach and detain such ship or vessel, her tackle, apparel and furniture, to answer the complaint in such libel to be contained, and thereupon the process and proceedings shall be such and the same, and the said Court of Common Pleas shall be, and is hereby, authorized to take the same stipulation, and to pronounce the same interlocutory and final sentence, decree and judgment, upon the said libel, and upon any petition of other person or persons concerned, and to enforce the same by any writ or writs, or other compulsory process, to be devised by the president of such court in like manner, varying the forms as much as shall be proper, as in and by the act of the General Assembly, to which this is a supplement, the said Court of Admiralty was authorized to proceed in like cases. *Provided always nevertheless,* That where, in any of the cases occurring under the said act, or this act, questions of fact shall arise, an issue or issues shall be joined by the parties, their attorneys or

Libel for securing the lien of tradesmen employed in ship building to be filed in the common pleas;

and thereupon an attachment to issue.

Proceedings thereon.

Facts, upon issue joined, to be tried by a jury.

1793. counsel, under the direction of the court, and shall be tried by a jury of the county forthwith, as in such courts is usual and customary in other disputed facts, unless the parties shall agree to refer the matters in variance by rule of court, as usual in other cases in the said courts.

Passed 9th February, 1793.—Recorded in Law Book No. V. page 28.

CHAPTER MDCXLIV.

An ACT to confirm Daniel Leet's survey of a town and out-lots at the mouth of Beaver creek, and to supersede the powers heretofore given to certain commissioners for superintending the said survey.

[Ante. chap.
1589, pa. 56.]

WHEREAS in and by an act of the General Assembly of this commonwealth, entitled "An act to empower the Governor to lay out a town and out-lots at the mouth of Beaver creek, for the uses therein mentioned," passed on the twenty-eighth day of September, in the year one thousand seven hundred and ninety-one, it is, among other things, provided, "That the said town and out-lots shall be laid out, or caused to be laid out, by the Surveyor-General, in such manner as commissioners appointed by the Governor shall direct:" And whereas the Surveyor-General deputed and authorized Daniel Leet, one of the deputy-surveyors, to lay out the said town and lots, but the said commissioners not being able to attend, the said Daniel Leet surveyed and laid the same out in their absence, and without their direction: And whereas the survey so made by the said Daniel Leet corresponds with the original design, and has received the approbation of the General Assembly: Therefore,

Daniel
Leet's sur-
vey con-
firmed.

SECT. I. *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 Daniel Leet shall return the survey of a town and out-lots at the mouth of Beaver creek, by him made, to the Surveyor-General, and the same shall thereupon be deemed and taken to be as valid and effectual, to all intents and purposes, as if it had been made in the presence and by the direction of the commissioners appointed by the Governor, in pursuance of an act, entitled "An act to empower the Governor to lay out a town and out-lots at the mouth of Beaver creek, for the uses therein mentioned," passed on the twenty-eighth day of September, in the year one thousand seven hundred and ninety-one: and the Governor shall proceed to make sale of the town-lots and out-lots contained in said survey, and grant conveyances therefor, in the same manner, and under the same regulations, exceptions and reservations, as are prescribed in the said recited act of the General Assembly.*

The gover-
nor to sell
the lots
therein.

The appoint-
ment of com-
missioners
annulled.

SECT. II. *And be it further enacted by the authority aforesaid, That so much of the aforesaid recited act, as authorizes the Governor to appoint commissioners for the purposes therein mentioned, and the powers and authority of the said commissioners, appointed*