

CHAPTER CCXXXIII.

AN ACT FOR ESTABLISHING A FERRY OVER DELAWARE, AT THE FALLS.

Whereas it is of absolute necessity that a ferry be erected and established at the Falls, over Delaware River, for the better accommodation of passengers traveling in this province:

[Section I.] Be it therefore enacted by William Keith, Esquire, by and with the King's royal approbation Deputy-Lieutenant and Governor under William Penn, Esquire, Proprietary and Governor-in-Chief of the Province of Pennsylvania, by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That there shall be erected and kept a ferry at the landing-place of Joseph Kirkbride, which said ferry shall be kept by the said Joseph Kirkbride, at the place aforesaid, his executors, administrators or assigns, who shall and are hereby required at all convenient times to maintain and keep the said ferry with a good and sufficient boat and man or men to attend the same, as shall, from time to time, be needful for the carriage of all persons, cattle, horses and goods which at the place aforesaid are to be carried over the said river.

And also, That the said Joseph Kirkbride, and his successors, shall at all times hereafter (during the time limited by this act) by him or themselves or servants, give constant and due attendance on his said ferry.

And the said Joseph Kirkbride and his successors shall have and receive for ferriage over at the place aforesaid, of all persons (the proprietary and his lieutenant-governor and their attendants excepted) the rates and prices following: (That is to say)

For every single horse and rider, nine pence; and when a greater number shall be carried [together], seven pence half-penny for each.

For every single person on foot, four pence, and when a greater number together, three pence for each.

For every single ox, cow or heifer, one shilling, and when a greater number is carried together, ten pence for each.

For every single sheep, three pence; but when a greater number, one penny halfpenny for each.

For every single hog, five pence, and when a greater number, three pence per head, and no more.

And if the said Joseph Kirkbride, his executors, administrators or assigns, shall not maintain and keep such a sufficient boat as aforesaid, with a sufficient and able hand, or shall not give constant and due attendance on the service of the said ferry, or shall exact or demand any greater or other fees for the carriage of any passenger, cattle, horses, hogs or sheep, than is hereinbefore limited and appointed, then and in every such case he shall forfeit and pay the sum of five pounds, lawful money of this province, for every such offense, one moiety thereof to the governor, for the support of the government of this province, and the other moiety thereof to the party grieved, who shall sue for the same by bill, plaint or information in any court of record in this province, wherein no essoin, protection or wager of law shall be allowed.

[Section II.] And be it further enacted by the authority aforesaid, That he, the said Joseph Kirkbride, his executors, administrators and assigns, shall and may hold and enjoy the said ferry for and during the term of eleven years from the publication of this act, if he or they shall so long [well] behave themselves therein, and that no other person or persons shall hereafter, for and during the said term of eleven years, presume to carry any passengers, horses, cattle, sheep or hogs, for any wages, hire or reward whatsoever over the said river Delaware from this province to New Jersey within the space of two miles, either above or below the abovesaid ferry, under the penalty of five pounds forfeiture for every such offense, one moiety thereof to the governor, for the support of the government of this province, and the other moiety thereof to such as shall from time to time be appointed to keep the said ferry, as aforesaid.

[Section III.] And be it further enacted by the authority aforesaid, That in case the said Joseph Kirkbride shall refuse to provide a boat and keep the said ferry, as by this act is directed and allowed, then it shall and may be lawful for the proprietary, William Penn, Esquire, his heirs and assigns, or his or their commissioners of property for the time being, to appoint any other person for that purpose under the same restrictions and limitations hereinbefore expressed; and such person so appointed shall or may be accommodated at the place aforesaid with a suitable house, or so much convenient land to erect one on (not exceeding half an acre) at such rates as the county court and grand jury shall adjudge reasonable, to be paid by the undertaker to the owner thereof; which land so assigned, as aforesaid, with the improvements, shall be deemed and held as the estate of the improver and occupier thereof, his heirs and assigns, and shall be liable only to be alienated by the county court and grand jury, on such reasonable allowances as they shall think fit, as aforesaid, to any other person for the same uses as is above expressed, any law, usage or custom to the contrary hereof in anywise notwithstanding.

Provided always, That this act shall continue in force for and during the term of eleven years from the publication thereof, and no longer.

Passed May 31, 1718. This Act expired May 31, 1729, before being considered by the Crown. See Appendix IV, Section II, and Hill's letter and Fane's opinion in Appendix V, Section I, and the Acts of Assembly passed May 10, 1729, Chapter 305; February 8, 1766, Chapter 533, and the note thereto.