

believes that there is just cause to fear that such person or persons is or are about to depart and remove from the same, it shall and may be lawful for the plaintiff to cause to be inserted in the body of the writ of attachment a clause of *capias* against all such person and persons as aforesaid, upon whom the same shall be directed to be served as garnishee and he, she or they shall thereupon be held to sufficient sureties to appear at court and to make answers as by this act is required and further render his, her or their bodies to the prison of the proper county or to pay the condemnation money if judgment shall pass against him, her or them.

Passed September 28, 1789. Recorded L. B. No. 3, p. 557. See the Acts of Assembly passed October 28, 1791, Chapter 108; January 12, 1795-6, Chapter 142.

CHAPTER MCDXLVI.

AN ACT TO APPROPRIATE THE SUM OF FIVE THOUSAND POUNDS ANNUALLY FOR THE PURPOSE THEREIN MENTIONED.

(Section I, P. L.) This house having set apart out of the aggregate funds of the state the sum of ten thousand pounds annually for the purposes mentioned in an act entitled "An act to appropriate divers funds accruing and growing due to this commonwealth towards the payment of the expenses of government, and to provide a fund for other purposes,"¹ but no specific designation of the particular parts of the said sum having been made, declarative of the special purpose to which such parts shall be exclusively applied, and it being necessary to make such designation as well to prevent disorders in accounts as to preserve a due regard to the objects of the appropriation, so that one shall not be injured or neglected while the moneys are applied to others, and it being of the highest consequence to the prosperity of this commonwealth that the transportation of produce, commodities and merchandise should by every practicable means be facilitated by an atten-

¹Passed March 26, 1789, Chapter 1404.

tion to the improvement of roads and inland navigation, and as it is the truest economy to provide money to pay all expenses incurred on this account so that no difficulties may occur in payments, delays in such cases raising prices and obstructing the execution of the measures:

[Section I.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freeman of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That the treasurer of this state be and he is hereby directed and enjoined yearly and every year to set apart the sum of five thousand pounds [part of the sum of ten thousand pounds] appropriated by an act entitled "An act to appropriate divers funds accruing and growing due to this commonwealth towards the payment of the expenses of government and to provide a fund for other purposes,"² for claims and improvements, and the said treasurer shall keep a distinct account of this fund and always take care that so much be reserved in his hands ready to answer all drafts directed by law to be drawn for the purposes of roads and navigation to which it is hereby solely and exclusively appropriated. And that in the first instance a sum, part of the said sum hereby appropriated not exceeding twenty-five hundred pounds, shall be expended and laid out under the direction of council for clearing and making navigable such parts of the river Susquehanna above Wright's ferry and the Juniata and their waters as the supreme executive council shall judge most proper and necessary, the sum of one thousand pounds under the like circumstances for clearing and making navigable the Schuylkill and its waters, and the sum of fifteen hundred pounds under the like circumstances and direction for clearing and making navigable the Delaware, Lehigh and their waters.

And whereas the time for which the members of this house are elected is so nearly expired that it is impracticable to mature and finally enact any proper system on a subject so important, but to the end that sufficient information may be possessed by the succeeding house of assembly on this subject:

² Ante.

[Section II.] (Section III, P. L.) Be it enacted by the authority aforesaid, That the supreme executive council be and they are hereby authorized and empowered to appoint a sufficient number of ingenious and discreet persons commissioners to view the navigable waters in this state, confining their investigations in the first instance to those of the Delaware, Schuylkill and Susquehanna and the various streams running into the said rivers respectively or capable of being connected therewith, marking places where locks or canals are necessary, the distances between the waters capable of navigation, all falls, obstructions and all other matters and things requisite and necessary as well for the information of the assembly of this state so as to enable them to form and enact a proper law on the subject as to afford materials, plans, maps and estimates for facilitating the execution [of] the important design herein mentioned. And the said commissioners or any convenient number of them at the direction of the supreme executive council shall also view such and so many of the roads and highways already laid out within this commonwealth or the places and parts of the state through which roads generally useful should pass, having regard to the general purposes of commerce and transportation most interesting to the state at large and pointing out the necessary improvements in the said roads already laid out and also such others as may be deemed [requisite] for the purposes aforesaid, noting everything properly falling under the subject and returning their plans, estimates, maps and observations to the supreme executive council, to be laid before the general assembly of this commonwealth. And the supreme executive council are hereby authorized and empowered to give such instructions to the said commissioners as they shall deem necessary for effectuating the purposes aforesaid. And the supreme executive council are hereby authorized and empowered to draw orders from time to time for the moneys as appropriated herein or any part or parts thereof on the treasurer of this state for the time being for the purpose herein directed and no other.

Passed September 28, 1789. Recorded L. B. No. 4, p. 4. See the Acts of Assembly passed March 14, 1761, Chapter 465; April 17, 1795, Chapter 1849.