

## CHAPTER MMCDXXIV.

AN ACT DECLARING WYOSOX CREEK, FROM THE MOUTH THEREOF, TO JACOB MYERS' MILL DAM, IN THE COUNTY OF LUZERNE, A PUBLIC STREAM OR HIGHWAY.

Section I. (Section I, P. L.) 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 from and after the passing of this act, Wyosox creek, in the town of Claverack, in the county of Luzerne, from the mouth of the same, to Jacob Myers' mill dam, is hereby declared a public stream or highway, for the passing of rafts, boats or other vessels; and it shall, and may be lawful for the inhabitants and others, desirous of using the navigation of said creek, to remove all natural obstructions in the same: Provided, that any person or persons, owning or possessing land on said creek, shall have liberty to erect any dam, or dams across the same, agreeably and subject to all the restrictions and provisions of an act of the general assembly of this commonwealth, passed the twenty-third day of March, one thousand eight hundred and three,<sup>(1)</sup> entitled "An act to authorize any person or persons, owning land adjoining navigable streams of water, declared public highways, to erect dams upon such streams for mills, and other waterworks."

Approved February 6, 1804. Recorded in L. B. No. 9, p. 311.  
Note (1). Chapter 2353; Supra this volume p. 297.

## CHAPTER MMCDXXV.

AN ACT TO PROVIDE FOR THE ERECTION OF A HOUSE FOR THE EMPLOYMENT AND SUPPORT OF THE POOR IN THE COUNTY OF YORK.

Section I. (Section I, P. L.) 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 a house for the employment and support of the poor shall be erected in the county of York, in the manner and under the conditions hereinafter prescribed and enacted.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the citizens of York county shall, at the next general election after the passing of this act, in the manner prescribed for the election of members of the house of representatives of this commonwealth, elect three reputable citizens of the said county to be directors of the poor and of the house of employment for the county of York; and the judges of election of the said county shall, immediately on receiving the returns from the several election districts, and casting up the number of votes therein, or within three days after, certify, under their hands and seals, the names of the directors so chosen, to the clerk of the court of quarter sessions of the said county, who shall file the said certificate in his office, and forthwith give notice in writing to the said directors, of their being elected; and the said directors shall meet at the courthouse in the borough of York, on the first Monday in November next ensuing their election, and divide themselves into three classes; the place of the first to be vacated at the expiration of the first year; of the second at the expiration of the second year, and of the third at the expiration of the third year; so that those who shall be chosen after the first election, and in the mode above prescribed, may serve for three years, and one-third be annually chosen.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That every director elected in manner aforesaid, shall, within ten days after his appointment, and before he enters upon the execution of his office, take an oath or affirmation, according to law, which any justice of the peace of the said county is hereby authorized to administer, that he will discharge the office of director of the poor truly, faithfully and impartially, to the best of his knowledge and ability; and in case of neglect or refusal to take the necessary oath or affirmation, for the faithful execution of said office, within the time aforesaid, he shall forfeit and pay the sum of

thirty dollars, for the use of the poor of the said county: Provided always, that no person shall be elected a director of the poor, for the said county, who is not a citizen of this state.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said directors respectively shall, forever hereafter, in name and in fact, be one body politic and corporate in law, to all intents and purposes whatsoever, relating to the poor of the said county of York, and shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style and title of "The directors of the poor and of the house of employment for the county of York;" and by that name shall and may respectively receive, take and hold any lands, tenements and hereditaments, not exceeding the yearly value of five thousand dollars, and any goods and chattels whatsoever, of the gift, alienation or bequest of any person or persons whomsoever; to purchase, take and hold any lands and tenements within the said county of York, in fee simple or otherwise, and erect suitable buildings thereon, for the reception, use and accommodation of the poor of their several townships; to provide all things necessary for the reception, lodging, maintenance and employment of the said poor; to appoint a treasurer annually, who shall give bond, with sufficient surety, for the faithful discharge of the duties of his office, and that at the expiration thereof, he will well and truly pay and deliver over to his successor, all monies, bonds, notes, books, accounts and other papers, to the said corporation belonging, which shall then be remaining in his hands, custody and possession; to employ, and at pleasure remove, a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other necessary attendants for the said poor respectively; to bind out as apprentices, to any art, mystery or occupation, so that such apprenticeship may expire, if males, at or before the age of twenty-one years, if females at or before the age of eighteen years, such poor children as shall come under their notice, or as may now be bound apprentices by the overseers of the poor; and to exercise and enjoy all such other powers now vested in the overseers of the poor as are not herein granted

or supplied; and the said directors respectively shall be empowered to use one common seal in all business relating to the said corporation, and the same, at their pleasure, to alter or renew.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said directors, as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands, erecting the necessary buildings, furnishing the same, and maintaining the poor within the said county of York for one year; whereupon the commissioners of York county shall, and they are hereby authorized and required to increase the county tax by one-fourth part of the sum necessary for the purposes aforesaid; and shall procure on loan, on the credit of the taxes herein directed to be levied, the remaining three-fourths thereof, to be paid in instalments, with interest, out of the county taxes: Provided always, that if such loan cannot be made, the whole amount of the sum necessary for the purposes aforesaid, or such part thereof as may be deemed proper, shall immediately be added to the county tax; to be paid by the county treasurer to the directors aforesaid, on orders drawn in their favor by the county commissioners, as the same may be found necessary.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said directors shall, at least once in every year, render an account of all the monies by them received and expended to the auditors appointed to audit and settle the county accounts, subject to the same penalties, rules and regulations as are by law directed respecting the accounts of the county commissioners; and shall also, at least once in every year, lay before the court of quarter sessions and grand jury of York county, a list of the number, ages and sex of the persons maintained and employed in the said house of employment respectively, and of the children by them bound out to apprenticeships, to serve as aforesaid, with the names of their masters and mistresses, and their trade, occupation or calling; and shall, at all times when required, submit to the inspection and free examination of such

visitors as shall, from time to time, be appointed by the said court of quarter sessions, all their books, accounts, affairs, and economy, together with the rents, interests and monies payable and receivable by the said corporation, and also an account of all sales, purchases, donations, devises and bequests as shall have been made by or to them.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That Martin Gartner, Samuel Collins, Abraham Graffius, Christian Hetrick, Peter Small, Peter Storm, John Heneisen, Henry Griger and Daniel Spangler, of the county of York, be, and they are hereby authorized, empowered and directed, to receive and hear such applications, as shall be directed to them, respecting the place which may be deemed most proper for erecting the buildings for the employment and support of the poor as aforesaid, and shall, on or before the first day of July next, determine upon and fix the place on which the building shall be erected, and shall certify their proceedings under their hands and seals, to the clerk of the quarter sessions of the county of York, to be filed in his office.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That so soon as the said buildings shall be erected, and all necessary accommodations provided therein, notices shall be sent, signed by any two of the said directors of the said county, to the overseers of the poor of the several townships and borough of York, requiring them forthwith to bring the poor of the said townships and borough to the said house of employment; which order the said overseers are hereby enjoined and required to comply with, otherwise to forfeit the costs of all future maintenance, except in cases when by sickness or other sufficient cause any poor person cannot be removed; in which case, the overseers shall represent the same to the nearest justice of the peace, who, being satisfied of the truth thereof, shall justify the same to the said directors, and at the same time issue an order, under his hand and seal, to the said overseers, directing them to maintain such poor until such time as he or she shall be in a situation to be removed; then to convey the said pauper and

deliver him or her to the steward or keeper of the said house of employment, together with said order; and the charge and expense of such temporary relief, and of such removal, shall be paid by the said directors, at a reasonable allowance.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said directors shall, from time to time, receive, provide for and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in the county of York, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two justices of the peace, directed to any constable of the said county, or to the overseers of the poor of the proper township in any other county in this commonwealth, and to the directors of the poor and house of employment of said county.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That the said directors, or a majority of them, shall be a quorum in all cases to do business, and shall have full power to make and ordain all such ordinances, rules and regulations as they shall think proper, convenient and necessary for the direction, government and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of all such persons as shall come under their care or cognizance: Provided, the same be not repugnant to this law, or any other of the laws of this state, or of the United States: And provided also, that the same shall not have any force or effect until they shall have been submitted to the court of common pleas for the county of York, and shall have received the approbation of the said court.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the same directors, or any two of them, shall and are hereby enjoined to meet at the said house of employment, at least once in every month, and visit the apartments, and see that the poor are comfortably supported, and hear all complaints; and redress or cause to be redressed, all grievances which may happen by the neglect

or misconduct of their servants or others, in their employ or otherwise.

Section XII. (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the said directors shall each of them receive, for their services, twenty dollars per annum, to defray the expense of their necessary attendance on the duties of their offices.

Section XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That in case of any vacancy by death, resignation or otherwise of any of the said directors, the court of quarter sessions of said county shall fill such vacancy by appointment of one or more citizens of said county to serve until the next general election, when another director shall be elected, to serve for the period which such director was to have served if no such vacancy had happened: Any person refusing or neglecting to take upon himself the office of director, when appointed by the court aforesaid, shall be liable to the same penalty as is provided by the third section of this act.

Section XIV. (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That all monies which shall be remaining in the hands of the overseers of the poor of the several townships of York county, at the same time when the first county poor tax shall be assessed, levied and collected, shall be paid over by the said overseers to the supervisors of the highways of their respective townships, to be by them applied towards the repairing of the roads therein.

Section XV. (Section XV, P. L.) And be it further enacted by the authority aforesaid, That as soon as the poor of the county of York shall be removed to the house of employment for the said county, the office of overseers of the poor within the said county shall from thenceforth be abolished.

Section XVI. (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That for the services enjoined on the clerk of the court of quarter sessions and court of common pleas of York county, by this act, he shall be entitled to exhibit his accounts to the county commissioners, who shall examine, and, if they allow the same to be just, shall

draw on the county treasurer for the amount thereof as is usual in case of other accounts.

Section XVII. (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the commissioners of the county of York are hereby authorized and empowered, to pay to the persons who are appointed by this act to fix the places where the buildings for the accommodation of the poor in said county shall be erected, such sum of money as will be sufficient to reimburse them for their expenses, and also to pay to each of the directors of the poor of York county, such sum of money as, together with the annual sum allowed to them by this act, will be, in the opinion of the commissioners, a reasonable compensation for each of their services during the time they are carrying on and erecting the building aforesaid.

Section XVIII. (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That the powers conferred and duties imposed on the overseers of the poor, in and by "an act to empower the overseers and guardians of the poor of the several townships, within this commonwealth, to recover certain fines, penalties and forfeitures, and for other purposes,"<sup>(1)</sup> are hereby conferred and imposed on the supervisors of the highways in the said county of York, and that the justices of the peace and sheriff within the said county are hereby required and enjoined, to pay to the said supervisors, to be by them applied to the repair of the highways, the aforesaid fines, penalties and forfeitures, within the time and in the manner prescribed by the said act for the payment thereof in other counties, to the overseers of the poor; and to give notice of the receipt thereof to the said supervisors, within the time and in the manner aforesaid; and that for any neglect or refusal to perform any of the duties enjoined on them by the said act, the said justices of the peace and sheriff in the said county shall be subject to all fines, penalties and forfeitures, to which the justices of the peace and sheriffs in other counties are by the said act subject and liable.

Section XIX. (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That so much of the laws



of this commonwealth relating to the poor of York county as is by this act altered or supplied be and the same is hereby repealed.

Approved February 6, 1804. Recorded in L. B. No. 9, p. 312.

Note (\*). Chapter 2398; Supra this volume, p. 498.

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## CHAPTER MMCDXXVI.

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### AN ACT TO REGULATE THE FISHERIES IN THE RIVER DELAWARE AND ITS BRANCHES, AND FOR OTHER PURPOSES.

Whereas experience hath fully shown, that the existing laws for regulating the fisheries, and preserving the young fish in the river Delaware and its branches, are ineffectual: Therefore,

Section I. (Section I, P. L.) 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 seine, or net, shall be cast, or drawn, or in anywise made use of, by any person, or persons whatsoever, in the river Delaware, or its branches, so far as the same is, or shall be hereafter declared a public highway, for the purpose of taking fish, from sun setting on Saturday evening, until sun rising on Monday morning next following; and that no more than one seine, or net, shall be drawn, or in anywise made use of, in any one pool or fishing place, by any person, or persons whosoever, in the aforesaid river, or its branches, from the station point, or northwest corner of the state of New Jersey, to the southern point of Newbold's island; nor more than two seines, or nets, from the said Newbold's island to the circular boundary of the state of Delaware, within any one term of twenty-four hours, to begin at sun rising and to continue until sun rising the next day following; and if any person, or persons whosoever, shall cast, draw, or make use of any seine, or net, in the said river, or its branches, or shall be aiding, or assisting therein, within the term, or terms aforesaid contrary to the true intent and meaning of this act; every person, or persons so offending, and being thereof legally convicted, before any justice of the peace, of