

CHAPTER MMCDXXX.

AN ACT DECLARING CLEARFIELD CREEK, IN THE COUNTY OF HUNTINGDON, AND SINEMAHOING CREEK, IN THE COUNTY OF LYCOMING, PUBLIC HIGHWAYS.

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, Clearfield creek, in the county of Huntingdon, from the mouth to the forks thereof, at the great Elk Lick, and Sinemahoning creek, in the county of Lycoming, from the mouth to the forks thereof, at the place called the Driftwood, be, and the same are hereby declared public streams and highways, for the passage of boats, rafts and other vessels; and it shall be lawful for the inhabitants or others desirous of using the navigation of said streams, to remove all natural obstructions therefrom, subject nevertheless to the provisions of the act, entitled, "An act to authorize any person or persons owning lands adjoining navigable streams of water declared public highways, to erect dams upon such streams, for mills and other water-works;" passed the twenty-third day of March one thousand eight hundred and three.⁽¹⁾

Approved February 13, 1804. Recorded in L. B. No. 9, p. 346.

Note (1). Chapter 2353, Supra this volume p. 297.

CHAPTER MMCDXXXI.

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

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 employ-

ment and support of the poor shall be erected in the county of Delaware, 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 electors of the said county of Delaware shall, at the general election next ensuing the passing of this act, in the manner prescribed for the election of members of the house of representatives of this commonwealth, elect seven reputable citizens of the said county, whose duty it shall be, on or before the first day of May next after their election, to determine upon and fix the place on which the said building shall be erected, and shall certify their proceedings therein, under their hands and seals, to the clerk of the court of quarter sessions of the county of Delaware, to be filed in his office; and the said electors shall also elect three reputable citizens of the said county, in like manner, to be directors of the poor and of the house of employment for the county of Delaware, for the ensuing year; 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 thereafter, certify under their hands and seals the names of the persons so elected to fix on a proper site for the said building, and 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 persons, and directors, of their being elected; and the said directors shall meet at the courthouse in the said county, on the first Monday in November next ensuing their election, and divide themselves by lot into three classes, the places 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 chosen annually.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That every director elected in

manner aforesaid, or appointed as is directed by the twelfth section of this act, shall within ten days after he is notified of such election or appointment, and before he enters on the duties of the said office, take an oath or affirmation, 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 for the said county, truly, faithfully and impartially, to the best of his knowledge and ability; and in case of neglect or refusal to take the said oath or affirmation within the time aforesaid, he shall forfeit and pay the sum of ten dollars, for the use of the poor of the said county; which fine shall be recovered by the directors, for the time being, as debts of equal amount are or shall be by law recoverable.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said directors shall for ever 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 Delaware; 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 Delaware," and by that name shall and may 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 whatsoever, to purchase, take and hold any lands and tenements within their county, in fee simple or otherwise, and erect suitable buildings thereon, for the reception, use and accommodation of the poor of their respective 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 re-

move 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, 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 other powers now vested in the overseers of the poor, as are not herein granted or supplied; and the said directors 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 expence of purchasing the lands, erecting the necessary buildings, and furnishing the same, and maintaining the poor within the said county for one year; whereupon the county commissioners of the said 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 repaid in installments 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 re-

specting 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 the said county, a list of the number, ages and sexes of the persons maintained and employed in the said house of employment, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeship as aforesaid, with the names of the masters or mistresses, and their trade occupation or calling; and shall at all times when thereunto required, submit to the inspection and free examination of such visitors as shall from time to time be appointed by the court of quarter sessions of the said county, all their books and accounts, together with the rents, interests and monies payable and receivable by the said corporation, and also an account of 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 as soon as the said buildings shall be erected, and all necessary accommodations provided therein, notices shall be sent, signed by any two of the directors, to the overseers of the poor of the several townships of the said county of Delaware, requiring them forthwith to bring the poor of their respective townships to the said house of employment, which order the said overseers are hereby enjoined and required to comply with, or otherwise to forfeit the cost of all future maintenance; except in cases when by sickness or other sufficient cause, any poor person cannot be removed, in which case the said overseers shall represent the same to the nearest justice of the peace, who, being satisfied of the truth thereof, shall certify 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, and then to convey the said pauper, and deliver him or her to the steward or keeper of the said house of employment, together with the said order; and the charge and expence of such temporary relief, and of

such removal, shall be paid by the said directors at a reasonable allowance.

Section VIII. (Section VIII, 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 said county of Delaware, 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 of Delaware, or to the overseers of the proper township in any other county of this commonwealth, and to the said directors of the poor and of the house of employment of the said county of Delaware; and the said directors are hereby authorized, when they shall deem it proper and convenient so to do, to permit any poor person or persons to be maintained elsewhere.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said directors, or any two of them, who shall be a quorum in all cases to do business, 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 time being of the said county of Delaware, and shall have received the approbation of the said court.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That a quorum of the said directors shall, and they are hereby enjoined and required 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 any person or persons in their employment or otherwise.

Section XI. (Section XI, 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 expences of their necessary attendance on the duties of their offices.

Section XII. (Section XII, P. L.) And be it further enacted by the authority aforesaid, That in case of any vacancy by death, resignation, removal, neglect, refusal, or otherwise, of any of the said directors, the remaining directors shall fill such vacancy by appointment of a citizen of their said county, under the same penalty as is provided for in the third section of this act, 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.

Section XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That all the monies which shall be remaining in the hands of the overseers of the poor of the several townships of Delaware county, at the 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 XIV. (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That as soon as the poor of the county of Delaware shall be removed to the house of employment of the said county, the office of overseer of the poor within the said county shall from thenceforth be abolished.

Section XV. (Section XV, P. L.) And be it further enacted by the authority aforesaid, That so much of the laws of the commonwealth relating to the poor of the county of Delaware, as is by this act altered or supplied, be and the same is hereby repealed.

Section XVI. (Section XVI, 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,"⁽¹⁾ are hereby conferred and imposed on the supervisors of the highways in the said county of Delaware; 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 the 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 XVII. (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the commissioners of the said county are hereby authorized and empowered to pay to the persons who are appointed by this act to fix the place where the buildings for the accommodation of the poor in said county shall be erected, such sums of money as will be sufficient to reimburse them for their expences, and also to pay to each of the said directors such sum of money as (together with the annual sum allowed them by this act) may be in the opinion of the commissioners a reasonable compensation for their services during the time they are employed in erecting the buildings aforesaid.

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