

1773.

Westmoreland was divided into five election districts, by the act of Sept'r 1785, (chap. 1164.) But in consequence of the erection of *Allegheny* county, several of the districts are new modelled, by act of Sept'r 29th, 1789, (chap. 1444,) and the 4th, 5th and 6th districts are erected and described. Two additional districts erected, Sept'r 30th, 1791, (chap. 1579.)

The place of holding elections in the first district, altered, March 29th, 1792, (chap. 1605)

The 5th district enlarged, Feb'y 21st, 1801, (chap. 2176,) and Jan'y 11th, 1803, (chap. 2296.)

The place of holding elections in the second district, altered, March 12th, 1802, (chap. 2241.)

Fairfield and *Donegal* townships, erected into separate districts, April 4th, 1805, (chap. 2599.)

See title, *Westmoreland county*, in the Index to this edition.

CHAPTER DCLXXX.

A SUPPLEMENT to the act, entitled An Act for making the river Schuylkill navigable, and for the preservation of the fish in the said river. (n)

WHEREAS many of the Commissioners appointed in and by the act of General Assembly, passed in the first year of his present Majesty's reign, entitled *An Act for making the river Schuylkill navigable, and for the preservation of the fish in the said river*, are, since the passing of the same, deceased, so that the good regulations and provisions in the said act contained cannot be enforced, to the great detriment of the trade and commerce of this province: *Be it therefore enacted*, That David Rittenhouse, Anthony Levering, John Roberts, miller, William Dewees, junior, David Thomas, James Hockley, Thomas Potts, Mark Bird, James Star, Jacob Kern, and John Pawling, junior, shall be, and they are hereby appointed Commissioners for clearing, scouring and making the river Schuylkill navigable, and for putting in execution all and every other the purposes in the said act mentioned; and that they, or a majority of them, or of the survivors of them, shall have, hold and exercise, all and every the powers, authorities, jurisdictions, rights and privileges, given and granted in and by the said recited act, to the Commissioners therein appointed, and shall be subject to the same duties, to all intents and purposes, as if they had been the Commissioners therein particularly appointed.

II. *And be it further enacted*, That the surviving Commissioners, appointed by the said recited act, shall, and they are hereby enjoined and required, immediately after the passing of this act, to deliver over to the Commissioners herein before appointed, all and every sum and sums of money by them collected and received, and remaining in their hands unappropriated and unapplied* to the purposes mentioned in the said recited act, together with all books, subscriptions, and other papers, vouchers and accounts, and all tools and implements, which have been provided for opening and clearing

(n) For the original act, see ante. see the note there subjoined. (Note to chap. 465; and for a general reference former edition.)
to the laws respecting the Schuylkill,

* In the original the word is erroneously written "applied." (Note to former edition.)

Commissioners appointed for putting the act in execution;

who are to have like powers, &c.

Surviving Commissioners, formerly appointed, to deliver all monies, &c. to the present Commissioners.

the said river, and shall be in their or any of their custody, power or possession. 1773.

III. *And be it further enacted*, That so much of the act, to which this act is a supplement, as relates to the appointment of Commissioners, shall be, and is hereby declared to be, repealed. Part of a former act repealed.

IV. And whereas the Commissioners appointed in and by the said recited act, did agree with Charles Norris, Esq. late deceased, that he should be permitted and suffered, from time to time, as occasion should require, to repair, keep up and maintain a certain mill-dam, running across the eastern channel of the said river, from the main eastern shore thereof to Barbadoes Island, which, before the date of the said agreement, had been made and erected by the said Charles Norris, for the use of his mill, on condition that he, the said Charles, should and would build, erect and carry out, from the upper end of the said island, a dam, or wall, of at least twenty perches in length, and inclining in some degree to the eastern side of the said river, and of such height, as should be above the waters at all times, other than in freshes, so as to direct the waters into the western channel, and also should and would, in the building the said wall or dam, make use of the stones lying in the said western channel. And whereas, since the agreement aforesaid, the administrators of the said Charles Norris, did convey and make over the said mill, with the appurtenances, to John Bull, Esq. and it is but just and reasonable, in case the said John Bull should be permitted and suffered to hold and enjoy the advantages arising from the repairing, keeping up and maintaining the said mill-dam, that he should on his part, fulfil and perform the condition aforesaid: *Be it therefore enacted*, That the said John Bull, his heirs or assigns, shall, and he' or they are hereby enjoined and required, within the space of eight months from and after the passing of this act, to build, erect and carry out the said dam or wall, of the length, height, and in the place aforesaid, according to the true intent and meaning of the said agreement, and at all times, whenever the same can be done thereafter, to keep up, support and maintain the same; and in case the said John Bull, his heirs or assigns, shall refuse or neglect to build, erect, and carry out the said wall and dam, in manner aforesaid, within the time aforesaid, or shall thereafter neglect or refuse to repair, keep up and maintain the same, at his or their own proper costs and charges, according to the true intent and meaning of the said agreement, that then, and in such case, the said agreement, and every part thereof, shall be void; and in that case, and not otherwise, it shall and may be lawful for the said Commissioners appointed by this act, or a majority of them, or of the survivors of them, to prostrate and remove the said mill-dam. Manner how John Bull is to repair, support and maintain his mill-dam, &c.

V. *Provided always, and be it further enacted*, That if at any time hereafter the Commissioners appointed by this act, or a majority of them, or of the survivors of them, shall think it necessary to prostrate or remove the said mill-dam, it shall and may be lawful for them to apply to the Justices of the County Court of Quarter Sessions for the county of Philadelphia, who shall issue process, directed to the Sheriff of the said county, commanding him, by an inquest of twelve honest and lawful men, duly qualified according to law, to be struck by the Clerk of said court, and afterwards by Manner of proceeding, in case the Commissioners shall think it necessary to remove the said dam.

1773. the parties, and summoned by the said Sheriff, to enquire what damages the said John Bull, his heirs or assigns, shall justly and reasonably suffer, by reason of the prostrating and removal of the said mill-dam, and to make return of the said inquest, in writing, under his hand and seal, and the hands and seals of the said inquest; and if the said Commissioners shall pay, or tender the sum of money awarded by the said inquest, as a satisfaction for the damages aforesaid, then, and not otherwise, it shall be lawful for the said Commissioners to prostrate, and totally to remove the said mill-dam, and open, and for ever thereafter to keep open, the said eastern channel of the said river, free and clear from all manner of impediments and obstructions to the navigation thereof.

Passed 26th February, 1773.—Recorded A. vol. VI. page 3.

CHAPTER DCLXXXII.

An ACT for vacating a part of a road in the township of the North-ern-Liberties, and for confirming a new road, laid out and made instead thereof.

WHEREAS, by an order of the Governor and Council, on the eleventh day of January, one thousand seven hundred and twelve, a road was laid out, beginning at the north side of Vine-street, and the end of the Front-street of the city of Philadelphia, on Delaware side, and thence proceeding by the several courses and distances following, viz. north twenty-one degrees easterly, fifty-two perches, to Nathaniel Pool's house; north twenty-two degrees easterly, fifty-six perches to Daniel Pegg's porch; north twenty-one degrees easterly, sixty-one perches; north one degree west, sixty-six perches; north two degrees west, sixteen perches, over the marsh and mill creek; north twenty-two degrees west, thirty perches; and from thence by several other courses and distances, therein further set forth.

Part of the
old road
made void.

Courses, &c.
of the new
road.

And whereas it hath been since found by the inhabitants and owners of the grounds through which the said road passes, that part of the same is inconvenient, and a more convenient road has been for many years in use, which, if established by law, will be of public advantage: *Be it therefore enacted*, That so much of the said road, so as aforesaid laid out by order of the Governor and Council, as extends from the north side of Vine-street to the end of the fifth course from the said street, shall be, and the same is hereby declared to be, made void; and that instead thereof, the road shall be of the following courses and distances, to wit; beginning at the end of Front-street, on the north side of Vine-street; from thence extending north seventeen degrees east, two hundred and fifteen perches, to a stake set in the middle of the road, two and an half perches northerly of the line of the north wall of Jacob Weaver's house; thence north twenty-seven degrees west, fifty-one perches and six tenths of a perch, to a stake set in the middle of the old road, in the line of the south wall of the house of Thomas Preston; which shall be for ever hereafter a public road and highway, of the width of sixty feet, and maintained and supported as other public roads and highways are by law directed to be maintained and supported.

Passed 26th February, 1773.—Recorded A. vol. V. page 558.