ACTS

OF THE

GENERAL ASSEMBLY

OF THE

Commonwealth of Pennsylvania,

PASSED

AT

A SESSION, WHICH WAS BEGUN AND HELD

AT THE

BOROUGH OF LANCASTER,

ON TUESDAY THE SECOND DAY OF DECEMBER, IN THE YEAR OF OUR LORD, ONE THOUSAND EIGHT HUNDRED AND SIX,

AND OF THE

INDEPENDENCE OF THE UNITED STATES OF AMERICA, THE THIRTY-FIRST.

1806/07

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inspectors respectively, shall receive in addition to their other allowances for their services in carrying the provisions of the act passed April the eleventh, one thousand seven hundred and ninety-three, and the ninth section of a supplement thereto, passed April the fourth, one thousand eight hundred and five, into effect, five per centum on all the monies collected and paid into the state treasury, after deducting the disbursements made out of the same.

Additional compensation to the brigade inspector.

SECT. III. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the brigade inspectors respectively, to appoint a suitable person or persons as collector of the said fines in cases where the constable of the township shall neglect or refuse to collect the same, or where there is no constable appointed; and in that case, the person or persons so appointed, and accepting of such appointment, shall be entitled to the same compensation and vested with the same powers as a constable, and liable to the same fines and forfeitures as a constable is liable to for neglect of duty.

Empowered to appoint a collector of the fines, in case the constable of the township neglect or refuse to collect them.

SIMON SNYDER, *Speaker of the House of Representatives.*

P. C. LANE, *Speaker of the Senate.*

APPROVED—the ninth day of April, one thousand eight hundred and seven.

THOMAS M'KEAN.

CHAPTER CXVII.

Robert Kennedy authorized to dig and support a mill race on and contiguous to the land now held by him on the north-east side of the falls of Schuylkill, to extend not more than two perches into said river and lead off the water necessary for a grist and saw mill, &c.

An ACT *to authorize Robert Kennedy, his heirs and assigns, to dig and support a mill race, in, and adjacent to the river Schuylkill, near its falls.*

SECTION I. *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 Robert Kennedy of the township of the Northern Liberties, in the county of Philadelphia, innkeeper, his heirs and assigns, be, and they are hereby authorized to dig, continue, support and keep in repair a mill-race on and contiguous to the tract of land now held by him on the north-east side of the falls of Schuylkill, to extend not more than two perches into the said river, and to keep the same in good repair for ever, and to lead

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off thereby on his own land, so much of the water of the said river as shall be necessary for a grist and saw-mill, or such other machinery as it shall by him be found expedient to establish: *Provided*, That the said Robert Kennedy, his heirs and assigns, shall not obstruct the navigation of the said river, or prevent the fish from passing up the same, nor in any degree interfere with any private property on the said river: *And provided*, That the said Robert Kennedy, his heirs and assigns, at his or their own proper expence, shall fill up the interstices so as to prevent the water from passing between the rocks at the said falls, except in the channel that is now used for the purposes of navigation, which shall be left open and free for boats to pass as heretofore: *And provided also*, That the said Robert Kennedy, his heirs and assigns shall cut through the rock, erect and forever keep in repair a good and sufficient lock, at his or their own proper expence, at the said falls, for the safe and convenient passage of all boats using the navigation of the said river, and shall attend the same for the purpose of opening the gates of the said lock at all times that boats may pass through the same, with as little interruption as the nature of that kind of navigation will admit: *And Provided also*, That if at any time hereafter the corporation of the city of Philadelphia, shall be desirous of erecting any works or machinery for the purpose of conducting the waters of the said river to the said city, the right so to erect is hereby reserved; but if by such erection the works of the said Robert Kennedy, shall be materially injured or destroyed, the said corporation shall be liable to pay the whole of the reasonable expences incurred by the said Robert, together with twenty per centum thereon, for his trouble and disappointment, on due conveyances being made for the whole of his right in the premises.

Conditions annexed to the grant.

To erect and forever keep in repair a lock, at the said falls, for the passage of boats &c.

SECT. II. *And be it further enacted by the authority aforesaid*, That on the complaint of any person or persons to the judges of the court of quarter sessions of Philadelphia county, it shall and may be lawful for the said judges to appoint three commissioners to view the said race, and report to them at their next sessions, the state thereof, and whether it is conformable to the limitations and provisions of this act; which report on oath or affirmation if it contain an offence against this act, shall be a sufficient ground for the court to direct a bill of indictment to be sent to the grand jury, against the said Robert Kennedy, his heirs or assigns; and upon prosecution to conviction, he or either of them, for every such offence shall be liable to pay a fine of not more than two hundred dollars, nor less than one hundred dollars, at the discretion of the court, who shall order so much of the said race to be abated and altered by the supervisors of the highways of the said township, as shall bring the same within the limitations and provisions of this act, at the cost of the person or persons so convicted.

Proceedings to ascertain whether said race be made in conformity to the limitations and provisions of this act, and to punish any departure therefrom.

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SECT. III. *And be it further enacted by the authority aforesaid,* That if the said Robert Kennedy, his heirs or assigns, shall refuse or neglect to attend to, and open the gates of the said lock, according to the directions of this act, he or they shall for the first offence forfeit and pay ten dollars, and for each and every subsequent offence, twenty dollars, to be recovered in the same manner as debts of a similar amount are or may be recoverable; and appropriated, one moiety to the repair of roads within the said township, the other moiety for the use of the person who shall sue for the same.

Penalty on neglecting to open the gates of the lock for the passage of boats.

How to be recovered and appropriated.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said Robert Kennedy, his heirs and assigns are hereby authorized to demand and receive from the master, owner or supercargo of any and every boat passing through the said lock, thirty-three cents; to be paid before such boat passes through the same.

Toll allowed for passing through said lock.

SIMON SNYDER, *Speaker of the House of Representatives.*

P. C. LANE, *Speaker of the Senate.*

APPROVED—the ninth day of April, one thousand eight hundred and seven.

THOMAS M'KEAN.

CHAPTER CXVIII.

An ACT *to raise by way of lottery, a sum of money to defray the expence of completing a church in Stoys-town, and for building a bridge over the Quemahoning creek, on the road leading from Stoys-town to Ebensburgh.*

SECTION I. *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 George Graham, Henry Fisher, Joseph Boisle, Henry Beaner, Michael Zimmerman, Michael Mourey, John Forry, Charles Boyle, and John Lehmer, be, and they are hereby appointed commissioners to raise by way of lottery, the sum of one thousand dollars, to be applied to defraying the expences of completing a church in Stoys-town, in Somerset county; and for building a bridge over the Quemahoning creek where the road crosses, leading from Stoys-town to Ebensburgh in such manner as a majority of the commissioners may deem most beneficial.

Commissioners of the lottery.

Sum to be raised and how applied.

SECT. II. *And be it further enacted by the authority aforesaid,* That the commissioners before they proceed to sell any tickets in the said lottery, shall lay such scheme thereof before the Governor, as shall meet his approbation, and enter into bonds to him

Commissioners to lay the scheme before the governor and other duties of the commissioners.

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