

No. 212.

AN ACT

To enable the owners and possessors of a certain tract of marsh and meadow land therein described, situate in the township of Kingsessing, in the county of Philadelphia, to keep the banks, dams and sluices in repair, and to raise a fund to defray the expenses thereof.

Preamble.

WHEREAS, there is a certain tract or parcel of marsh and meadow land situate in the township of Kingsessing, in the county of Philadelphia, the whole of which is comprehended within the bounds following, to wit: beginning at the cliff of rocks adjoining Gray's Ferry, on the west side of the river Schuylkill, thence down the said river to the Bartram Botanic Garden, thence along the fast lands of Robert Carr, the heirs of Doctor James H. Bartram, Nathan Jones, James Bartram, Sarah Smith, George Fuhr, the heirs of George Gray, and the heirs of Doctor Benjamin Say, to the place of beginning, which said tract or parcel of marsh and meadow land hath been and now is embanked, but the regulations heretofore made for preventing the tide waters from overflowing the same, being found by experience to be inadequate and unequitable: Therefore,

Name.

SECTION 1. *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 the said tract or parcel of marsh and meadow land shall be henceforth called and named "the eastern district of Kingsessing Meadows," and that the owners, occupiers and possessors of meadow land in the said district, shall be named "the company of the eastern district of Kingsessing Meadows."

3 managers
and 1 treas'r.

SECTION 2. It shall and may be lawful for the said company, or as many of them as shall think fit, to meet together on the first Monday in February, every year, at the inn at Gray's Ferry, in the said township, or such other convenient place as shall hereafter be appointed by the managers of the said district, or any two of them to be chosen by virtue of this act, of which place and time of meeting the treasurer of the said district shall notify the owners and occupiers by three advertisements at least, posted up at the most public places in the said township, ten days before the day appointed for such meeting, and then and there by a majority of those met, shall choose by ballot three fit persons, owners or occupiers of land in the said district, to be managers, and one fit person to be treasurer for the year then next ensuing.

SECTION 3. If any of the owners or occupiers, elected managers as aforesaid on due notice given in writing of his election

by some of the company present at the said election, shall re- ^{Penalty for}
 fuse or afterwards neglect to do the duty required of him or ^{refusal or}
 them by this act, he or they so refusing or neglecting his duty, ^{neglect of}
 shall forfeit and pay to the treasurer for the time being, the sum ^{duty.}
 of five dollars, to be added to the common stock of the said com-
 pany, unless he or they hath or have served two years succes-
 sively in the said office, next before his or their said appointment,
 which fine shall be recovered in the manner hereinafter direc-
 ted for the recovery of other money due to the company, and
 the other managers or a majority of them, may choose others
 of the said owners or occupiers to be manager or managers in
 the place of him or them so refusing or neglecting, and if the
 person so elected treasurer shall refuse or neglect to take upon
 him the duties, or to give the securities required by this act, or
 shall misbehave himself, or by death or otherwise be rendered
 incapable to execute the said office in any of these cases, the
 managers for the time being shall choose another fit person to
 be the treasurer for that year.

SECTION 4. Every treasurer hereafter to be chosen, shall ^{Treasurer to}
 before he takes upon himself the execution of his office, enter ^{enter into ob-}
 into an obligation with at least one sufficient surety, in double ^{ligation, &c.}
 the value of the money which may probably come into his
 hands during the continuance of his office, as near as can be esti-
 mated by the managers, conditioned that he will once in every
 year, or oftener if required, render his accounts to the said ^{Annually to}
 managers or a majority of them, and well and truly account, ^{render acc'ts}
 adjust, and settle with them when required, for and concerning ^{to managers.}
 all monies that are and shall come into his hands by virtue of
 this act, and shall well and truly pay the balance that shall
 appear on such settlement to be in his hands, to such person
 and to such services as any two of the managers for the time
 being shall order and appoint, and not otherwise, and that he
 will do and execute all other matters and things as treasurer to
 the said company, according to the true intent and meaning of
 this act, and that he will, at the expiration of his office, well
 and truly pay, or cause to be paid and delivered, all the money
 then remaining in his hands, together with the books of ac-
 counts concerning the same, and all others, papers and writ-
 ings, in his keeping, belonging to the company, unto his
 successor in the said office.

SECTION 5. The banks, dams, and sluices, which belong to ^{Banks, dams}
 the said district, shall hereafter be maintained and supported in ^{and sluices, to}
 common by the managers, for which purpose it shall and may ^{be supported,}
 be lawful for the said managers or any two of them, as they ^{&c. by mana-}
 shall see occasion, to meet together and lay such assessments ^{gers.}
 and taxes on every acre of land in the said district, as they
 shall judge to be necessary for the benefit and security of the
 same, and the owners or occupiers of land on which the
 banks are, shall sow the said banks with grass seed from time
 to time when necessary, and shall mow and keep them clean

Proviso.

at such times as the managers shall order and direct: *Provided always*, That previous to such reparation and maintenance in common, those banks or allotments which are now deficient, shall be made up and put in equal good order with the best in the district, by the managers, at the expense and cost of the respective owners.

Powers of the managers.

SECTION 6. The managers for the time being, or any two of them, shall have the power of disposing of all monies paid to the treasurer by virtue of this act, and of hiring and appointing at the expense of the said district, any person or persons from time to time to inspect the condition of all the banks, dams, and sluices belonging to the said district, and to offer and pay such rewards as they think necessary, out of the common stock, for the destruction of such vermin as usually damage the banks and dams, as well as for all other general services of the said district, and the orders of any two of the managers on the treasurer of the said district for the time being, shall be complied with by the said treasurer, and shall be good vouchers to indemnify him for the payment and delivery of the money and effects committed to his care by virtue of this act.

Notice to be given three times a year to land holders, to clear off all noxious weeds, &c.

Section 7. The major part of the managers for the time being, of the said district shall, at least three times in each year hereafter, at such time as they shall think necessary, by written or printed advertisements, published in three places in the said township, at least ten days before the time therein appointed, require the owners or occupiers of all marsh meadow lands in the said district respectively, to cut all ranstead, elders, poke, thistles, burdock, and other weeds which may be injurious to the said meadows, and should the owners or occupiers of the said lands, or any of them, neglect to cut or mow the same at such times as they shall be so required, it shall and may be lawful for the said managers, and they are hereby enjoined and required to hire and employ a sufficient number of men to cut or mow the same, and fine the said owner or occupier for his or her neglect, in any sum not exceeding the cost of the said cutting or mowing, and recover the money so expended, and the fine so imposed, in like manner as other sums of money are by this act directed to be recovered, which fine shall be applied to the benefit of the said district.

Penalty for wilful injury.

SECTION 8. If any person or persons shall wickedly and maliciously cut through, break down or damage, any of the banks, dams, or sluices to the said district belonging, or let in any water to annoy, injure or overflow any of the lands in the said district, and shall thereof be convicted before the judges of the court of Quarter Sessions of the county of Philadelphia, in all such cases the person or persons so offending, shall be fined treble the value of the damages, one-third part of which fine shall be paid to the person or persons so injured, and the remaining two-thirds thereof shall be added to the common stock of the district, for the general use and benefit thereof.

SECTION 9. If any of the said owners, occupiers or possessors of meadow lands within the said district, shall neglect or refuse to pay the several sums of money that shall from time to time be rated, assessed or imposed by the major part of the managers of the said district, for paying and discharging their respective proportions for maintaining the banks, dams and sluices to the said district belonging, when thereunto required as aforesaid, for the space of thirty days after the demand made by the treasurer of the said district, it shall and may be lawful to and for the said treasurer, by the direction of the major part of the managers for the time being, in his own name to sue for and recover the several sums of money so charged, assessed or imposed, in the same manner as county rates and levies are or may be by law recoverable.

On refusal to pay sums assessed, suits may issue.

SECTION 10. It shall and may be lawful for the said managers to meet together as often as they shall see occasion to direct the necessary repairs; and the said managers, or a majority of them, for the time being, are hereby empowered, authorized and required to enter upon and inspect, at least four times in each year, the condition of the said banks, dams and sluices, and other conveniences necessary for stopping out the tides and draining the waters from the said meadows; and it shall and may be lawful to and for the said managers, or either of them, together with such workmen, horses, carts, barrows and other tools, as they shall think necessary, to enter into and upon any of the lands in the said district where a breach or defect now is, or hereafter shall happen to be, and to dig and carry earth, or purchase suitable materials to make, amend and repair the said banks, dams and sluices, and all other conveniences necessary for stopping out the tide, or for draining the waters off the meadows, in such manner and by such ways and means as they, the said managers, or a majority of them, shall think fit or reasonable, any law, usage or custom of this Commonwealth to the contrary in any wise notwithstanding.

Duties of the managers.

SECTION 11. The managers of the said district respectively, shall have and receive one dollar and thirty-three cents per day for each day they shall be employed in the several duties required of them, and the treasurer shall have such compensation for his services as a major part of the managers of the said district shall think adequate.

Compensation allowed.

WM. PATTERSON,

Speaker of the House of Representatives.

JACOB KERN,

Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and thirty-four.

GEO: WOLF.