

1774. agreement to the contrary. 14. Supervisors to repair the streets, &c. 15. And may enter upon adjoining lands, to cut drains or ditches for carrying off the water, &c. and £. 5, penalty for stopping them up by the owners of lots. 16. £. 3 penalty on Supervisors for neglect of duty, with appeal to the next Sessions. 17. Supervisors to produce fair and just accounts to the Burgesses, &c. who are to adjust and settle the same—The Supervisor, if aggrieved, first paying the balance in his hands, may appeal to the next Sessions, &c. 18. The borough of Lancaster to be a distinct district, &c. 19. Justices of the Peace empowered to act in all matters appertaining to their office, in the borough, though rateable within the same; 20—Except on an appeal to the Sessions. 21. Penalty on persons casting dirt, earth, &c. from their improvements, into any public street, and not removing the same upon notice; 22. And on persons laying shavings, ashes, dung, &c. on any pavement, &c.—23. Or casting rubbish, &c. in any street—24. And on distillers discharging nauseous liquor, so as to run through the streets, &c.—25. And on persons leaving carrion, &c. on any uninclosed grounds within the borough, or near the streets, &c.—26. Or for obstructing the common sewers—27. Or making pavement or foot-way, &c. contrary to the directions of the Regulators, &c. 28. Regulations respecting encroachments by cellar doors, &c. 29. Owners of porches, &c. exceeding the limitation to be assessed, at discretion of the Burgesses, &c. till they are reduced or taken away. 30. Penalty on damaging lamps, posts, &c.—31. Or removing or damaging the pipes or trunks for conveying water into the borough. 32. £. 10 penalty for keeping more than twenty-five pounds of powder in any house, shop, &c. 33. Mode of recovering the penalties prescribed. 34. The act relating to public roads and highways not to extend to the borough. 35. Persons sued or prosecuted under this act, may plead the general issue, and give the act in evidence, &c.]

Passed 22d January, 1774 —Recorded A. vol. VI. page 15. (o)

(o) The borough corporation re-established, June 19th, 1777, (post. chap. 748.)

## CHAPTER DCXCI.

*An ACT to oblige the Trustees and Assignees of insolvent debtors to execute their trusts. (p)*

**WHEREAS** many persons, finding themselves incapable of discharging their just debts, have, by their deeds and conveyances, duly executed, conveyed and assigned over all their lands, tenements, goods, chattels and effects, to Trustees in the said deeds mentioned, in trust, to sell and dispose thereof, and to apply and appropriate the monies, arising from such sales, towards payment of their

(p) For a general reference to the laws and adjudications respecting insolvent debtors, see ant. chap. 315, and the notes thereto subjoined, pa. 18<sup>o</sup> (Note to former edition.)

said debts, in proportion to the demands of their several and respective creditors: And whereas many of the said Trustees, regardless of their said trusts, have neglected to perform and execute the same, and to pay to the creditors of such insolvents such monies and effects as have come to their hands, under and in pursuance thereof, to the great injury of the said creditors; *Be it therefore enacted*, That where any insolvent debtor or debtors have before conveyed and assigned, or shall, after the passing of this act, convey and assign, by his, her or their deed or conveyance, duly executed, his, her or their lands, tenements, goods, chattels or effects, to a Trustee or Trustees, in trust, for the use of his, her or their creditors, and the said Trustee or Trustees, or his or their executors or administrators, shall have neglected or refused to perform and execute their said trust, it shall and may be lawful for any creditor or creditors of such insolvent debtors to petition any County Court of Common Pleas within this province, setting forth the circumstances of the case, and, upon proof made of such assignment, the acceptance, undertaking or entering upon the execution of the trust therein contained, by the said Trustee or Trustees, or any of them, and his or their neglect or refusal to execute the same, and every part thereof, according to the true intent and meaning of such conveyance and assignment, the said Court shall, and they are hereby authorised and required to nominate and appoint three or more judicious men as Commissioners, who, or a majority of them, shall audit, settle, and finally adjust the accounts of such Trustee or Trustees, his or their executors or administrators, as well as the debts and demands of the said petitioner or petitioners, and all of the other creditors of such insolvent, and to settle and finally determine the shares and proportions, which each and every such creditor or creditors is justly entitled to, of the said insolvent's estate, as well real as personal, in the hands and possession of the said Trustee or Trustees, or his or their executors or administrators, and of such which ought to be in their hands, upon a true and faithful execution of their said trust, and to make a report of their proceedings to the said Court, at such day or days as the said Court shall from time to time appoint; and the said Court shall make such allowance for their trouble to the said Commissioners, out of the estate of the said insolvents, as shall be just and reasonable.

Trustees of insolvent debtors neglecting or refusing to execute their trust, Court of Common Pleas, on petition, to appoint Commissioners, &c.

II. *And be it further enacted*, That the said Commissioners, or a majority of them, shall be, and they are hereby, authorized and empowered to call before them the said Trustee or Trustees, his or their executors or administrators, and to compel them to exhibit just and true accounts of all lands, tenements, goods, chattels, monies, debts and effects, which have come to their hands in virtue of such conveyances and assignments; and also to call before them, and to examine, on oath or affirmation, such persons as they shall think proper, touching the same, as well as concerning any debts or demands which shall be claimed or made by any creditor or creditors of such insolvents; and in case such Trustee or Trustees, or his or their executors or administrators, shall neglect or refuse to appear, or to exhibit his or their accounts as aforesaid, or if any such witnesses shall refuse or neglect to appear, or

Commissioners empowered to compel such Trustees, &c. to exhibit just and true accounts, &c.

1774. to be examined as aforesaid, it shall be lawful for the said Commissioners, or a majority of them, to cause them to be apprehended by their warrant, directed to the sheriff of the proper county, and to commit the delinquents to the common gaol, there to remain, without bail or main-prize, until they shall comply with the directions of this act.

Trustees,  
&c. being ag-  
grieved may  
petition to  
be re-heard  
by the Court,  
&c.

III. *And be it further enacted*, That if any of the said Trustees, or their executors or administrators, shall conceive themselves aggrieved in any article or articles, or particular matters or things, in the account settled and returned to the said Court by the said Commissioners, and shall by his or their petition, particularly mentioning the said articles, or particular matters and things, pray to be re-heard by the said Court, the Justices thereof shall proceed to inquire into, hear and determine the same according to law and justice, and shall thereupon, or upon the report returned as aforesaid, order and adjudge the said Trustee or Trustees, his or their executors or administrators, forthwith to satisfy and pay to each and every creditor and creditors of such insolvent debtors, his just and reasonable dividend and proportion.

Passed 22d January, 1774.—Recorded A. vol. VI. page 29.

## CHAPTER DCXCII.

*An ACT for regulating the fishery in the river Connestogoe, in the county of Lancaster.*

[Supplement  
to this act,  
October 4th,  
1788. (chap.  
1366.) Wit-  
mer's bridge,  
September  
22d, 1787,  
(chap. 1302.)  
Navigation  
of March  
17th, 1806,  
(chap. 2661.)  
A further  
Supplement  
March 7th,  
1810.  
ante. chap.  
627.]  
Manner of  
erecting  
mill-dams  
below the  
mouth of  
Muddy  
creek, &c.

WHEREAS it hath been represented to the Assembly, by petition from a number of the freeholders of the county of Lancaster, that live on or near the river Connestogoe, that their ancestors, themselves, and the adjacent inhabitants, have formerly enjoyed great advantages from the fishery in the same river, but that the petitioners and others have, for some time past, been in great measure deprived of this benefit, from divers persons having erected dams across the said river, to the almost total obstruction of the fish running up the same: Wherefore, for remedying the mischiefs aforesaid, *Be it enacted*, That all and every person and persons whatsoever, having already erected, or that shall hereafter erect, any mill-dam or other obstruction across the said river, below the mouth of Muddy creek, shall make, open and leave, the space of ten feet in breadth near the end of said dam, at least fourteen inches lower than any other part thereof, as far up the said river as the mouth of Cocollico creek, and above that to the mouth of Muddy creek, at least five feet in breadth, and fourteen inches lower, near the end of said dam, than any other part thereof, so that there be at least twelve inches depth of water, during the months of March, April, and May, in every year, constantly running through the same; and for every foot that the dam is or shall be raised perpendicular from the bottom of the said river, there shall be laid a platform, either of stone or timber, or of both, with proper walls on each side, to confine the waters, which shall extend at least five feet down the stream, and of the breadth aforesaid, to form a slope for the water's gradual descent; and that all and every person and