

CHAPTER DLVIII.

AN ACT TO APPOINT CERTAIN PERSONS THEREIN NAMED SUPERVISORS AND DIRECTORS OF THE ROAD AND BRIDGE OVER HOLLANDER'S CREEK, LEADING TO THE WEST DISTRICT OF GREENWICH ISLAND; AND TO ENABLE THEM TO LAY SUCH RATES AND ASSESSMENTS FROM TIME TO TIME ON ALL LANDS IN THE SAID DISTRICT ACCOMMODATED BY THE ROAD AND BRIDGE AFORESAID AS MAY BE FOUND NECESSARY FOR SUPPORTING, MAINTAINING AND KEEPING THE SAME IN GOOD REPAIR.

Whereas divers persons, owners of a large tract of marsh and meadow lands on and near the western end of Greenwich Island have purchased and left out ground for a road through a considerable part thereof, and have continued the same by purchasing through the lands late of James Lownes to Hollander's creek, and from the said creek through other lands purchased of the said Lownes and Peter Stilley up to the main road leading from Moyamensing to the plantation of Joseph Turner, Esquire, and have erected a large, substantial bridge and causeways across the said Hollander's creek, and have raised, by throwing up ditches, a convenient road through the whole extent of the said meadows at a very great expense, and as it will require a diligent and watchful care and frequent taxes on the owners of the said meadows to support and maintain the said bridge and road in good order, for which no adequate provision is yet made:

[Section I.] Be it therefore enacted by the Honorable John Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That it shall and may be lawful for such of the owners of the said meadow ground as are interested in and accommodated by the said bridge and road, otherwise called and hereafter to be known by the name of The Bridge and Road Company,

or as many of them as think fit, to meet together on the first Monday in July yearly and every year, at the court-house in Philadelphia or such other convenient place as shall hereafter be appointed by the directors to be chosen by virtue of this act, and then and there by a majority of those met shall choose by ballot five fit persons from among the said Bridge and Road Company to be directors and one fit person to be treasurer for the said company for the year then next ensuing.

[Section II.] And be it enacted by the authority aforesaid, That if any of the said company elected directors as aforesaid, on due notice given to him or them in writing of his or their election by some of the company present at the said election, shall refuse or afterwards neglect to do the duty required of him or them, he or they so refusing or neglecting his or their duty shall forfeit and pay to the treasurer for the time being the sum of forty shillings, to be added to the common stock of the company, unless he shall have served three years successively in the said office, which fine shall be recovered in the manner hereinafter directed for the recovery of all other moneys payable to the treasurer of the said company, and the other directors shall proceed in the execution of their office without him or them, or, if they think fit, may choose others of the said company to be director or directors in the place of him or them so neglecting or refusing; 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 directors for the time being shall choose another fit person not a director to be treasurer for that year; and if the said directors shall appoint any other place of election than the court-house, they shall give notice of it in the Gazette or other public newspaper.

[Section III.] And be it further enacted by the authority aforesaid, That every treasurer so chosen shall, before he takes upon him the execution of his office, enter into an obligation with at least one sufficient security, if required, in double the value of the money that doth or may probably come into his hands, as nearly as can be estimated by the directors, condi-

tioned that he will once in every three months, or oftener if required, render his account to the directors and well and truly account, adjust and settle with them when required for and concerning all moneys that are or shall come to his hands by virtue of this act or that belongs to the said Bridge and Road Company, and shall well and truly pay the balance that shall appear on such settlement to be in his hands to such persons and to such service as any three of the directors for the time being shall order and appoint and not otherwise, and that at the expiration of his office he will well and truly pay, or cause to be paid and delivered, all the moneys then remaining in his hands, together with the books of accounts concerning the same and all other papers and writings in his keeping belonging to the said company unto his successor in the said office, 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.

[Section IV.] And be it further enacted by the authority aforesaid, That the directors for the time being, or any three of them, shall have the power of disposing of all moneys paid to the treasurer by virtue of this act. And the said directors, or any three of them, shall adjust and settle all the company's accounts with the treasurer or with any of the owners or others who have been or may hereafter be employed about the said bridge and road or who may have received, expended or advanced money for or concerning the same and call for all papers and vouchers necessary thereto, and shall also discover what parts of the said grounds have not yet paid their quota or shares of taxes towards the said improvements, and shall recover the same from the persons from whom it is due by such methods as are hereafter appointed by this act, and shall enter in their book a true list of the names of all the owners or possessors of land in the said island who are accommodated by the said bridge and road, with a true account of all and every acre of land respectively which they have and possess, exclusive of creeks, flats or waste land, and shall note from time to time the several assignments, transfers and alienations of right in the several parts and parcels thereof as they shall come to their knowledge.

[Section V.] And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said directors, or a majority of them, as often as they shall see occasion, to meet together and lay such assessments and taxes on every acre of the said meadow grounds that is or shall hereafter be accommodated by the said bridge and road as they shall judge to be necessary to raise money sufficient for repairing, benefiting and keeping the same in good order in all times hereafter and for paying and discharging the debts that are already due from the company on that account and also for keeping in their hands a standing fund of thirty pounds to answer any contingent or sudden demands, and shall appoint a person if they think fit to collect the said rates or taxes, and shall fine all persons neglecting or refusing to pay the sums they are respectively assessed on the days appointed them for payment (of which twenty days' notice shall be first given them) in the additional sum of two-pence for every shilling unpaid on the day on which they ought to have paid the same, and for every three months' neglect afterwards the like sum of two pence for every shilling which by the said assessment they ought to have paid, and shall charge and rate all other lands on the said Greenwich Island that are or hereafter shall be accommodated by the said bridge and road for the purchasing, making and repairing the same in the same proportion per acre as the other lands of the said island accommodated thereby have been charged and rated, the owners of all which lands shall be entitled to the same privileges and be subject to the same penalties as the other owners of lands in the said island are subject to by virtue of this act; of all which sums of money and of all other moneys coming into the treasurer's hands by virtue of this act and of all disbursements and payments thereof from time to time made the said treasurer shall, in books to be provided for that purpose, keep a just and true account and shall pay and deliver the same according to the directions and orders of the directors or any three of them for the time being and not otherwise; and the said directors shall carefully inspect the condition of the said bridge and road, and if any places or parts shall be damaged, unfinished or decayed they, or a majority of them, shall have power to agree with

and employ workmen and buy materials to repair, finish and amend the same by such methods and in such manner as they shall think best, and shall in general have power to bargain and agree with all persons whatsoever, and to do and perform in all business and affairs concerning the said bridge and road as they shall think most for the advantage of the said company.

And whereas by reason of the low situation of the road and causeways and the difficulty to procure earth to raise and amend the same it may be necessary for the said owners to purchase land in the neighborhood for that purpose:

[Section VI.] Therefore be it enacted by the authority aforesaid, That it shall and may be lawful for the said directors, by the name of "The Directors of the Bridge and Road leading to the West End of Greenwich Island," to bargain for and purchase such land as they think necessary and convenient for the purposes aforesaid, and no other, for the use of the said company, to have, hold and enjoy the said lands to themselves and their successors for the use of the aforesaid company, their heirs and assigns, and also to give, grant, let, sell or assign the same lands for and on behalf and to the use of the said company by the name aforesaid.

Provided nevertheless, That before such purchase is made or any such lands are granted, let, sold or assigned the said directors shall give notice in some public newspaper for the company to meet and consider the same, and the opinion of a majority so met shall determine whether such purchase, sale or lease shall be made or not by the said directors for the use aforesaid.

[Section VII.] And be it further enacted by the authority aforesaid, That before any person's land shall be levied upon in the manner hereafter directed by this act for any debt due to the said Bridge and Road Company, he, she or they to whom such land belongs shall first be served by the said company's treasurer with a written notice to be left at his, her or their dwelling-house, or at the house or dwelling of his, her or their guardian, trustee or attorney of the time and place of meeting of the said directors at least ten days before the time appointed, in order that he, she or they may have opportunity to offer his,

her or their reasons, if any they have, to show that the sum or debt demanded is not due from them to the said company; and if it shall happen that any of the said company shall think him, her or themselves aggrieved by any order, account or proceeding of the said directors, such person or persons shall, if they think proper, choose two fit and disinterested persons, and the said directors, or three of them, shall choose two other fit and disinterested persons who, or any three of them, shall finally settle the same and all matters and things in dispute that shall be submitted to them by the said parties, and in all such determinations shall have reference and due regard to the rights and privileges granted by this act to the said company.

[Section VIII.] And be it further enacted by the authority aforesaid, That if any of the said owners, possessors or occupiers of meadow lands in the said island which are accommodated by the said bridge and road shall neglect or refuse to pay their parts or proportions of the several sums of money that have been heretofore from time to time expended or laid out by the owners of the said meadows for purchasing, making, building or repairing the aforesaid bridge and road or that shall hereafter from time to time be rated, assessed and laid on the said lands according to the respective proportions of land they have accommodated thereby by the directors, or the major part of them, together with the forfeitures that shall arise thereon by virtue of this act which they respectively ought to pay for the space of twenty days after demand by the treasurer of the said company, that then and so often it shall and may be lawful to and for the said treasurer, by direction of the major part of the directors for the time being respectively in his own name to apply to some justice of the peace of the county for his warrant of distress to levy the said sums of money so neglected or refused to be paid, directed to the constable of the township where the meadows are, which said warrant the said justice of the peace (having first taken the said treasurer's oath or affirmation that due notice was given according to the direction of this act to the party or parties concerned to attend the directors at the settlement of his or their accounts) is hereby empowered and directed to grant accordingly, to be by the said constable

levied on the tract or piece of marsh or meadow ground belonging as aforesaid to such owner or owners so neglecting or refusing, and deliver the same over unto the directors of the Road and Bridge Company for the time being, who, or the major part of them, are hereby empowered and authorized to let the same on rent, or any part thereof that may be sufficient belonging to such delinquent owner or owners so neglecting as aforesaid from time to time for so long time as until the rent or rents arising therefrom shall as nearly as may be computed pay all such sum or sums of money so assessed or so charged, together with all costs and forfeitures arising thereon for his, her or their neglect or refusal to pay the same as aforesaid and no longer.

Provided always, That in letting out the said meadow land the said directors do publicly notify the leasing thereof and let the same to the highest bidder at private sale or bargain.

[Section IX.] And be it further enacted by the authority aforesaid, That Charles Moore, Samuel Morris, Jonathan Shoemaker, Richard Humphreys and Joseph Lownes shall be and are hereby declared to be directors of all affairs relating to the said bridge and road, and John Lownes, treasurer, to do and execute the office of directors and treasurer in all things enjoined and commanded by this act to all intents and purposes in as full and ample manner as any directors and treasurer hereafter to be chosen by virtue of the same act may or can do, and so shall continue to be by virtue of this appointment until the first Monday in July next and no longer.

[Section X.] And be it further enacted by the authority aforesaid, That so much of an act of the general assembly of this province, entitled "An act to enable the owners of Greenwich Island to embank and drain the same, to keep the outside banks and dams in good repair forever, and to raise a fund to defray sundry contingent and yearly expenses accruing thereon,"¹ passed in the thirty-third year of the reign of King George the Second, and so much of another act, entitled "An act for amending each and every of the acts of assembly of this province heretofore made for embanking and draining several parcels of

¹ Passed April 12, 1760, Chapter 455.

marshy land situate in the counties of Philadelphia and Chester and for repairing and maintaining the banks, dams and sluices thereunto belonging,"¹ passed in the fifth year of the reign of King George the Third, as relates to the said bridge and road, shall be and is hereby declared to be repealed and made null and void to all intents and purposes whatsoever.

Passed February 21, 1767. Referred for consideration by the King in Council, December 17, 1767, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXVI, Section II, and the note to the Act of Assembly passed April 12, 1760, Chapter 455.

CHAPTER DLIX.

AN ACT FOR RAISING THE SUM OF TWENTY THOUSAND POUNDS FOR THE SUPPORT OF THE GOVERNMENT OF THIS PROVINCE AND PAYMENT OF THE PUBLIC DEBTS.

Whereas through the scarcity of gold and silver within this province, occasioned by the frequent remittances thereof to Great Britain in discharge of the debts continually accruing by the importations of manufactures and merchandise from thence, together with the heavy taxes under which the inhabitants now labor for sinking the bills of credit emitted during the late war and granted to His Majesty for the protection of his American dominions, it would be extremely distressing to the people of this province to impose on them an additional tax to be immediately raised on their real and personal estate, yet being desirous of supporting the honor and dignity of the government, of discharging the debts and incidental expenses thereof, and of preserving the public credit, we, the representatives of the freemen of the [said] province, do pray that it may be enacted:

[Section I.] And be it enacted by the Honorable John Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprie-

¹ Passed February 15, 1765, Chapter 523.