

At a General Assembly begun and holden at Philadelphia, the fourteenth day of October, A. D. 1769, and continued by adjournments until the twenty-ninth day of September, 1770, the following acts were passed:

CHAPTER DCII.

AN ACT TO ENABLE THE OWNERS OF MEADOW LANDS ON BOTH SIDES OF GUNNER'S CREEK TO CONSTRUCT, MAINTAIN AND KEEP UP A DAM AND SLUICES AND TO RAISE A FUND TO DEFRAY THE EXPENSE THEREOF.

Whereas it has been represented to the assembly of this province by petition of sundry owners of meadow lands on both sides of Gunner's creek or run, in the Northern Liberties township, in the county of Philadelphia, adjoining the precinct of Richmond, that there is a dam across the said creek near the mouth thereof with trunks laid in the said dam formerly erected by the said owners for stopping out the tides and discharging the back waters from said meadows, but that the said dam and sluices have hitherto proved insufficient, and for want of due care have often been damaged to the great loss of the said owners:

[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 Isaac Lane, Joseph Johnson, Matthew Johns, William Jones and Stephen Paschall, of the county of Philadelphia, gentlemen, are hereby nominated and appointed, author-

ized and empowered as soon as conveniently may be after the passing of this act to view the premises and by a surveyor of their appointing to ascertain the outlines of all the meadows which are or may be made above the said dam and will be benefited by the making and maintaining thereof, with the quantities of meadow land already made or that may hereafter be made belonging to each owner, and the plat or draft of such survey being first approved of and signed by the said Isaac Lane, Joseph Johnson, Matthew Johns, William Jones and Stephen Paschall, or a majority of them, shall be delivered to the managers hereinafter named and by them safely kept for the use of the said owners, and the lands included therein shall from thenceforth be called Gunner's Creek Meadows and the owners thereof Gunner's Creek Company. And that the said dam shall be of the length of seventy-two feet and of the breadth of thirty-three feet at least at the top, with posts and rails on each side thereof; and that the said Isaac Lane, Joseph Johnson, Matthew Johns, William Jones and Stephen Paschall, or a majority of them, shall consider, settle and determine of what height the said dam shall be, of what dimensions and materials the sluices or floodgates shall be made, and in what manner the said dam and sluices may best be secured and defended, whether by logs or stone walls; of all which their proceedings in the premises they shall make out a certificate and order in writing signed by them, or a majority of them, and directed to William Ball, John Chevalier and Charles West, gentlemen, who are hereby appointed managers (until a general election shall be made for and on behalf of the said Gunner's Creek Company) to make and repair the said dam and sluices agreeable to the directions and orders of the said Isaac Lane, Joseph Johnson, Matthew Johns, William Jones and Stephen Paschall, or a majority of them, as aforesaid, and to do all other acts, matters and things hereinafter particularly mentioned and enjoined to be done by the managers.

[Section II.] And be it enacted by the authority aforesaid, That the said William Ball, John Chevalier and Charles West, or any two of them, shall appoint a fit person to be the treasurer of the said Gunner's Creek Company until the general election

in September next; and the said treasurer and every future treasurer to be chosen agreeable to the directions of this act shall, before he shall take upon himself the execution of his said office become bound with one sufficient surety in double the value of the money that probably may come into his hands during the continuance of his office, with condition that he will as often as required render his account to the said managers and well and truly account and settle with them for and concerning all moneys that are or shall come to his hands by virtue of this act, or belong to the owners of the said meadow land, and pay the balance that shall appear on such settlements to be in his hands unto such person or persons and for such services as any two of the managers for the time being shall order and appoint and not otherwise, and that he will at the expiration of his office well and truly deliver up and pay the balance of 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 owners of the said meadow lands unto his successor in the said office, and that he will do and execute all other things as treasurer to the said owners according to the true intent and meaning of this act.

[Section III.] And be it further enacted by the authority aforesaid, That the said William Ball, John Chevalier and Charles West, or any two of them, shall within the space of one month next after such certificate and order as aforesaid obtained make an estimate of the expense of making the said dam and floodgates and of securing and defending the same, and lay a rate or assessment per the acre on their own and the lands of the rest of the owners of the said Gunner's Creek Meadows, rating each of the estates of each of the said owners in proportion to the quantity of meadow lands which he, she or they have, hold, occupy or possess agreeable to the aforesaid draft or plat, and make out and deliver to the treasurer a list of the names of the owners of the said meadow lands, with the quantity of meadow belonging to each and the sum of money each of them is rated, and order and direct the said treasurer to leave notice in writing at their respective dwellings of the said rate

or assessment per acre, at least ten days before the day of payment in every year hereafter and at the expiration of such time to demand and receive of and from the several owners of the said meadow lands the sums of money assessed as aforesaid, which sums of money when received by him shall be subject to the drafts and orders of the said managers, or any two of them. And if the sum in the first estimate and assessment of the said managers shall prove insufficient to pay for the completely building, defending and securing the said dam and sluices, that they the said William Ball, John Chevalier and Charles West, or a majority of them, shall and may as often as occasion shall require in the like manner estimate and assess such further sum or sums of money as are or may be necessary for perfecting the said dam and sluices, and upon such estimate and assessments as aforesaid shall in the same manner as hereinbefore is directed order their treasurer to collect and receive the same, which said moneys when collected and received shall be laid out and expended for and towards the purposes aforesaid.

[Section IV.] And be it further enacted by the authority aforesaid, That after the said dam and sluices shall be completely finished the said William Ball, John Chevalier and Charles West and all future managers to be chosen by the direction of this act shall from time to time at least once in every three months, view the said dam and sluices, or at any time upon notice given of any breach or damage thereof to them by any of the said owners or tenants shall repair to and view the same, and order and direct such amendments thereof to be made forthwith as to them, or any two of them, shall seem necessary, and for defraying the charges thereof shall lay and assess such sums of money as shall be necessary for the purposes aforesaid, and issue their orders for payment thereof to the treasurer for the time being.

And whereas the present owners do not exceed six in number, and the meadows may hereafter fall into the hands of single women, widows or minors, who can neither elect or be elected:

[Section V.] Therefore be it further enacted by the authority aforesaid, That all and every the present and future owners of the said meadow land, their, or either of their attorneys in fact,

trustees or guardians of minor owners, may elect or be elected managers and treasurers unless any of them should be females; and so many of the men as shall think fit may meet and assemble yearly and every year on the second Monday in the month of September at such convenient place in the city of Philadelphia or the Northern Liberties thereof as shall hereafter be appointed by the managers of the said company, who shall by advertisements in the newspapers published in the said city give notice of the time and place of election, and then and there, by a majority of those met, shall choose by ballot three fit persons, owners of the said meadow land, or attorneys, trustees or guardians of such owners, to be managers, and one fit person to be treasurer for the year then next ensuing. And the managers and treasurers so chosen as aforesaid shall from time to time have the same powers to assess and collect the moneys that shall be necessary for maintaining and repairing said dam and sluices and the defending and securing the same as hereinbefore is given to the said William Ball, John Chevalier and Charles West and to the treasurer to be chosen by them or any two of them.

Provided always, That the said attorneys, trustees or guardians shall have but one vote at the said election for the shares or estates they respectively have under their care.

[Section VI.] And be it further enacted by the authority aforesaid, That if any of the said owners, attorneys in fact, trustees or guardians so elected managers or treasurer as aforesaid shall, on notice in writing given him or them or left at their respective dwelling houses of such their election refuse, or shall afterwards neglect to do the duty required of him or them by this act, he or they so refusing or neglecting shall forfeit and pay to the treasurer for the time being the sum of three pounds each, to be added to the common stock of the said company, unless he or they shall have served three years successively in said office, which fine shall be recovered in manner hereinafter directed for the recovery of other moneys payable to the treasurer of said company, and the other manager or managers shall proceed in their duty without him or them so refusing or neglecting, or if they think fit may choose other owners, at-

torneys in fact, trustees or guardians aforesaid to supply the places of such manager or treasurer so refusing or neglecting as aforesaid.

[Section VII.] And be it further enacted by the authority aforesaid, That if any of the said owners, attorneys in fact, trustees or guardians shall neglect or refuse to pay the several sums of money so to be assessed upon them as aforesaid after any of the days or times aforesaid which they respectively ought to pay according to the true intent and meaning of this act, they and each of them so neglecting or refusing shall for every three months forfeit and pay to the treasurer for the time being the additional sum of two pence for every shilling unpaid which they respectively ought to have paid by direction of this act, and in case of neglect or refusal afterwards shall, for every three months' neglect or refusal in like manner forfeit and pay to the treasurer for the time being the like sum of two pence for every shilling which he, she or they failed of paying on the day or time when they respectively ought to have paid by direction of this act.

[Section VIII.] And be it further enacted by the authority aforesaid, That if any of the said owners, attorneys in fact, trustees or guardians shall neglect or refuse to pay the several sums of money, together with the forfeitures arising thereon, which they respectively ought to pay at the time or times hereafter for the space of twelve months after any of the days or times in which it ought to have been paid, agreeable to the direction and true intent and meaning of this act, that then and thereafter it shall and may be lawful to and for the said treasurer by direction of the said managers, or any two of them, in his own name to sue all and every such person and persons so refusing or neglecting for the respective sum or sums which he, she or they ought to have paid by virtue hereof, by action of debt if five pounds or under, before any one justice of the peace of the county aforesaid, and if above five pounds, in any of His Majesty's courts of common pleas within this province, and give this act and the said assessment or the said account as the case may require, in evidence; and the said court or justice of the peace is hereby empowered and directed to give

judgment and issue execution for the same with costs of suit accordingly, to be levied on the tract or piece of meadow land belonging to such delinquent owners, and the officer to whom such execution is directed shall deliver the premises unto the managers for the time being, who are hereby empowered and authorized to let out on rent all or any part of the said meadow land belonging as aforesaid to any of the said delinquent owners for such time as the rent or rents arising therefrom shall pay all such sum or sums of money so assessed or charged together with all the forfeitures arising thereon for neglect or refusal to pay the same as aforesaid and no longer.

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

[Section IX.] And be it further enacted by the authority aforesaid, That the said managers, or any two of them, are hereby empowered and authorized to settle accounts with the treasurer from time to time and do and execute all other matters and things pertaining to the general good and benefit of the said owners in and about the premises.

Provided nevertheless, That if any owner or owners, attorneys in fact, trustees or guardians shall think him, her or themselves aggrieved by any order or proceeding of the said managers, such owners, attorneys in fact, trustees or guardians shall choose two fit and disinterested persons and the managers shall choose two other fit and disinterested persons who, or any three of them, shall finally settle the same and all other matters and things in dispute between them.

[Section X.] And be it further enacted by the authority aforesaid, That if any person or persons shall wickedly and maliciously cut through or break down or damage the said dam, sluices or floodgates, or shall by opening the sluices let in the waters of the said Gunner's creek in such manner as shall annoy, injure or overflow any of the adjoining meadow lands, and thereof shall be convicted before the justices of the county court of quarter sessions of the said county of Philadelphia, every such person so offending shall be fined treble the value of the damages, to be assessed by two or more indifferent persons to be

appointed by the said court to value the same, which fine shall be added to the common stock for the general use and benefit of the owners of the said meadow land.

Passed February 24, 1770. Confirmed by the King in Council, May 24, 1771. See Appendix XXVII, Section III.

CHAPTER DCIII.

AN ACT FOR REPAIRING THE HIGHWAY BETWEEN FRANKFORT BRIDGE AND THE BRIDGE OVER FRANKFORT MILL-RACE.

Whereas the highway or causeway now in use between Frankfort creek bridge and the bridge over Frankfort mill-race is much out of repair and dangerous to persons traveling thereon:

And whereas it will be too great a burden on the township in which the said highway or causeway lies to amend the same:

[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 the commissioners and assessors for the county of Philadelphia, shall and they are hereby enjoined and required immediately after the passing of this act and from time to time hereafter to amend and repair the said highway or causeway out of the county stock in such manner as shall be proper and convenient for travelers to pass and repass thereon, and for that purpose, with the concurrence of the justices of the court of quarter sessions of the peace of and for the county of Philadelphia, shall agree with proper workmen.

Passed February 24, 1770. Confirmed by the King in Council, May 24, 1771. See Appendix XXVII, Section III.