

judge of the supreme court of this province or before any justice of the court of common pleas for the county where the lands lie, anything herein contained to the contrary notwithstanding.

Passed February 24, 1770. Confirmed by the King in Council, May 24, 1771. See Appendix XXVII, Section III, and the note to the Act of Assembly passed May 28, 1715, Chapter 208; and the Acts of Assembly passed August 31, 1778, Chapter 804; April 8, 1785, Chapter 1163; April 13, 1791, Chapter 1575; September 30, 1791, Chapter 1601; April 11, 1799, Chapter 2091; February 7, 1803, P. L. 305; January 20, 1806, P. L. 304; March 18, 1814, P. L. 132; March 18, 1816, P. L. 160; January 9, 1817, P. L. 16; March 23, 1819, P. L. 144; April 3, 1826, P. L. 187; January 16, 1827, P. L. 9; April 14, 1828, P. L. 447; February 19, 1835, P. L. 39; April 13, 1840, P. L. 303; (the two Acts of Assembly passed) April 16, 1840, P. L. 357, 410; May 5, 1841, P. L. 350; April 6, 1843, P. L. 175; (the two Acts of Assembly passed) April 11, 1848, P. L. 525, 536; January 24, 1849, P. L. 676; April 9, 1849, P. L. 524; April 10, 1849, P. L. 619; April 2, 1850, P. L. 312; April 25, 1850, P. L. 569; March 15, 1851, P. L. 163; April 15, 1851, P. L. 661; March 18, 1852, P. L. 645; April 18, 1853, P. L. 567; May 5, 1854, P. L. 572; December 14, 1854, P. L. (1855) 724; April 11, 1856, P. L. 315; April 21, 1856, P. L. 484; April 2, 1859, P. L. 352; April 6, 1859, P. L. 383; (the two Acts of Assembly passed) April 22, 1863, P. L. 533, 548; August 10, 1864, P. L. 962; March 22, 1865, P. L. 30; April 12, 1866, P. L. 864; April 17, 1866, P. L. 1004; April 23, 1866, P. L. 1034; May 17, 1866, P. L. 1085; April 10, 1867, P. L. 67; February 23, 1870, P. L. 82; March 22, 1870, P. L. 525; March 28, 1870, P. L. 619; May 25, 1874, P. L. 222; May 26, 1874, P. L. 229; April 28, 1876, P. L. 52; May 13, 1876, P. L. 153; March 23, 1877, P. L. 29; May 25, 1878, P. L. 149; May 12, 1891, P. L. 53; June 1, 1891, P. L. 159; May 19, 1893, P. L. 108; May 25, 1893, P. L. 136; (the two Acts of Assembly passed) June 9, 1897, P. L. 212, 214; May 6, 1899, P. L. 257.

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## CHAPTER DCVI.

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A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO ENABLE THE OWNERS AND POSSESSORS OF A CERTAIN TRACT OF MARSH AND MEADOW LAND THEREIN DESCRIBED, SITUATE IN THE COUNTY OF CHESTER, TO KEEP THE BANKS, DAMS, SLUICES AND FLOODGATES IN REPAIR AND TO RAISE A FUND TO DEFRAY THE EXPENSE THEREOF." <sup>1</sup>

Whereas in and by the act to which this act is a supplement divers persons were appointed to divide the dams, sluices, flood-

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<sup>1</sup> Passed February 20, 1768, Chapter 577.

gates and banks which surrounded the tract of meadow land described in the before-mentioned act, and to ascertain and declare what sum or sums of money or proportion of the expense each owner, occupier or possessor should bear towards stopping out the creeks and maintaining them after they should be so stopped out in proportion to the number of acres which he held therein:

And whereas the persons so appointed did take on themselves the powers by the said act vested in them and did declare the proportion of expense which each owner should bear towards stopping out the said creeks; but inasmuch as no appeal from the determination of the said persons was given by the said law, and it is alleged that some of the said owners conceive themselves aggrieved by such determination whereby they are ordered to pay such parts of the expense which in equity it is apprehended should rather have been paid by the tenant or occupier:

In order, therefore, to give relief in the premises:

[Section I.] Be it 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 if any owner, occupier or possessor shall conceive him or herself aggrieved by any determination so made and declared by the said persons appointed as aforesaid, it shall and may be lawful for such owner, occupier or possessor by petition setting forth the reason and cause of such appeal to appeal to the court of common pleas to be held for the county of Chester, whereupon the said court shall and they are hereby authorized and empowered in the presence of the parties if they will attend, or otherwise in their absence, to appoint three or more indifferent and judicious men to hear the said parties and to make report to the said court, who thereupon shall, if they approve thereof, give judgment accordingly, and the managers of the said meadow company are hereby authorized and required to receive

the sum or sums of money so reported to be due either from the said owners, occupiers or tenants, against whom the said judgment shall be so as aforesaid given in the same manner and under the same penalties as they are authorized and required to recover the other proportions of expense accrued on stopping out the said creeks, anything in the said act to which this act is a supplement to the contrary in any wise notwithstanding.

Passed February 24, 1770. Confirmed by the King in Council, May 24, 1771. See Appendix XXVII, Section III, and the note to the Act of Assembly passed February 20, 1768, Chapter 577.

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## CHAPTER DCVII.

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AN ACT FOR THE SALE OF GOODS DISTRAINED FOR RENT AND TO SECURE SUCH GOODS TO THE PERSONS DISTRAINING THE SAME, FOR THE BETTER SECURITY OF RENTS AND TO PREVENT FRAUDS [AND ABUSES] COMMITTED BY TENANTS.

Whereas the most ordinary and ready way for recovery of arrears of rent is by distress; and no provision hath yet been made by the laws of this province that such distresses may be sold; and by the common law the same may be only detained as pledges for enforcing the payment of such rent and the persons distraining have little benefit thereby:

For the remedying whereof:

[Section I.] Be it 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 from and after the publication of this act, where any goods or chattels shall be distrained for any rent reserved and due upon any demise, lease or contract whatsoever, and the tenant or owner of the goods so distrained shall not within five days next after such distress taken and notice thereof with