

Sheward for the use of said county by William Clingan, Thomas Bull, John Kinkead, Roger Kirk, John Sellers, John Wilson, and Joseph Davis, commissioners under the act first recited, bounded as follows, viz, beginning at a marked hickory sapling, standing on the north side of the Conestogo road, thence by said road north seventy degrees and an half east, ten perches to a post, thence by lands of said Rosanna Sheward north eighteen degrees west sixteen perches to a post, thence by said Rosanna Sheward's land south seventy-one degrees and a half west ten perches to a post thence south eighteen degrees and a half east sixteen perches to the place of beginning, containing one acre be the same more or less.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the commissioners of the county aforesaid, be and they hereby are authorized and empowered to give assurances in the law to the purchaser or purchasers, his, her or their heirs and assigns forever and the moneys arising therefrom shall be appropriated to the use of the county in the same manner that county rates and levies are appropriated.

Passed March 3, 1788. Recorded L. B. No. 3, p. 338.

CHAPTER MCCCXXXVII.

AN ACT TO ENABLE THE OWNERS AND POSSESSORS OF A CERTAIN TRACT OF MARSH AND MEADOW LAND THEREIN DESCRIBED SITUATE IN THE COUNTIES OF PHILADELPHIA AND CHESTER TO KEEP THE BANKS DAMS, SLUICES AND FLOOD GATES IN REPAIR AND TO RAISE A FUND TO DEFRAY THE EXPENSE THEREOF.

(Section I, P. L.) Whereas there is a certain parcel of marsh and meadow land situate in the township of Kingsessing in the county of Philadelphia, commonly known by the name of Boone's Island and Carcus-Hook marsh, and also other parcels of drained marsh situate in the township of Tinicum in the county of Chester the whole of which several parcels is con-

tained within the bounds following to wit, beginning at the fast land of Christopher Elliott to the southward of said Elliott's house and adjoining to a piece of marsh which he has embanked at his own expense, thence by Darby creek to Green creek, thence by said Green creek and Plumb creek to the river Delaware thence up the same to Bow creek and up Bow creek to Boone's creek and thence up the said Boone's creek to the fast land near the house of the widow Cocks, thence by the fast land to the dam now in use over Kingsessing creek to Boone's, Knowles's Blankeney's and the State Islands, thence crossing by the said dam to the fast land on the north side of the said creek, thence by the several courses of the said fast land to the place of beginning, which said tract or parcel of marsh and meadow land hath been and now is embanked but inasmuch as the banks, dams, sluices and flood-gates made for the stopping out the tide waters from the same and for preventing the overflowings thereof cannot be equitably and sufficiently maintained without a law.

[Section I.] (Section II. P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That the said tracts and parcels of meadow lands are hereby divided into the two certain divisions following, that is to say, from a certain creek called Bow creek including the eastern dam and sluice over said Bow creek and thence to the fast land on Carcus-hook and Boone's island shall be henceforth called and named the Northern division and from the said Bow creek including the western dam and sluice over the said Bow creek and thence to Plumb creek shall be henceforth called and named the southern division and that the said owners occupiers and possessors of meadow land in the northern division shall be called and named the Tincum company and the owners, occupiers and possessors meadow land in the southern division shall be called and named named the Kingsessing company.

[Section II.] (Section III, P. L.) And be it enacted by the authority aforesaid, That it shall and may be lawful for the said companies respectively or as many of them as shall think

fit to meet together on the third Monday in March yearly and every year at the town of Darby or such other convenient place as shall hereafter be appointed by the managers of each respective division or any two of them to be chosen by virtue of this act of which place and time of meeting the treasurer of each division respectively shall notify the owners and occupiers thereof by three advertisements at least in each township or division ten days before the day appointed for such meeting and then and there by a majority of those met shall choose by ticket in writing three fit persons owners or possessors of land in each respective division before described to be managers and one fit person to be treasurer of the said divisions respectively for the year then next ensuing.

[Section III.] (Section IV, P. L.) And be it enacted by the authority aforesaid, That if any of the owners or possessors elected managers as aforesaid on due notice given in writing of his 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 by this act, he or they so refusing or neglecting his duty shall forfeit and pay to the treasurer for the time being of his or their division the sum of three pounds to be added to the common stock of the company of said division unless he or they shall have served two years successively in the said office next before his or their said appointment, which fine shall be recovered in the manner hereinafter directed for the recovery of other money payable to the treasurer of the said divisions respectively and the other managers or a majority of them shall proceed in the execution of their office without him or them or if they think fit may choose others of the said owners or possessors 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 IV.] (Section V, P. L.) And be it enacted by the authority aforesaid, That every treasurer hereafter to be chosen shall before he takes upon him the execution of his office enter into an obligation with at least one sufficient surety in double the value of the money that doth or may probably come into his hands during the continuance of his office as near as can be estimated by the managers, conditioned that he will once in every year or oftener if required, render his accounts to the said managers or a majority of them 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 belong to the owners of the land in the said divisions respectively, 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 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 owners respectively 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 accounts concerning the same and all other papers and writings in his keeping belonging to the owners of the said divisions respectively unto his successor in the said office.

[Section V.] (Section VI, P. L.) And be it enacted by the authority aforesaid, that the banks, dams, sluices and flood-gates which belong to the said districts respectively shall hereafter be maintained and supported by the managers respectively in common for which purpose it shall and may be lawful for the said managers of each respective division or any two of them as often as they shall see occasion to meet together and lay such assessments and taxes on every acre of land in their said respective districts as they shall judge to be necessary for the benefit and security of the same. Provided always, That previous to such reparation and maintenance in common, those banks which are now deficient shall be made and put in equal good order with the best at the expense and cost of the respec-

tive owners to which they now belong, by the managers of the respective districts, 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 at such times as the managers shall order and direct.

[Section VI.] (Section VII, P. L.) And be it enacted by the authority aforesaid, That the managers for the time being of each respective division or any two of them shall have the power of disposing of all moneys paid to the treasurer by virtue of this act and of hiring and appointing at the expense of the said divisions respectively any person or persons from time to time to inspect the condition of all the banks, dams, sluices and flood-gates belonging to the said divisions 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 divisions respectively.

[Section VII.] (Section VIII, P. L.) And be it enacted by the authority aforesaid, That the managers of the said districts or a majority of either of them respectively are hereby authorized, empowered and required to raise and repair a certain dam commonly called Boone's dam in such manner as shall to them appear most effectual and shall have full power and authority to assess and levy on all the lands in the said districts such sums of money as may be necessary for the said purpose and collect the same by the methods hereinafter directed.

[Section VIII.] (Section IX, P. L.) And be it enacted by the authority aforesaid, That the managers of the said districts or a majority of them may, if it shall appear to them necessary, make a dam and sufficient sluice therein across Bow creek near its junction with the Delaware in such place and manner as shall in their opinion be most suitable and raise money to defray the expense thereof by a tax on the said districts and when the said dam and sluice is fully perfected they shall be thereafter maintained and supported by the managers of the said northern division.

[Section IX.] (Section X, P. L.) And be it enacted by the authority aforesaid, That the major part of the managers for the time being of each district respectively shall at least three times in each year hereafter at such times as they think necessary by written or printed advertisements published in three or more places in each district at least ten days before the time therein to be appointed, require the owners or [occupiers] of all meadow lands in the said districts respectively to cut all ransted, 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 their 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 fines shall be applied to the benefit of the said districts respectively.

[Section X.] (Section XI, P. L.) And be it enacted by the authority aforesaid, That all creeks or ditches which now are or hereafter shall be made in the said districts of the width of nine feet and of the depth of three feet shall be deemed and considered in law as lawful fences and enclosures, and if any owner or occupier shall find on his or her land so enclosed as aforesaid any swine or hogs it shall and may be lawful for the said owner or occupier to seize and take off such swine or hogs whether yoked and ringed or not and being legally attested before the next justice that such swine or hogs were taken in his or her meadow lands so enclosed, the said justice shall forthwith order and direct the treasurer of the said district respectively to advertise the same and within five days sell at public auction all such swine and after deducting all reasonable cost divide the remainder equally between the managers for the use of the district wherein such swine were taken and the person so taking them up.

(Section XII, P. L.) And whereas the cutting or making drains or ditches in suitable places and securing those now made or which may hereafter be made will greatly conduce to the better improvement of the said meadows:

[Section XI.] Be it therefore enacted by the authority aforesaid, That the major part of the managers of the said districts respectively shall at such times and so often as they see occasion direct and order that new drains or ditches be made where necessary or those which are already made scoured and apportion the cost of making and scouring the same amongst those benefited thereby or order such compensation to those who may be injured as shall appear to them just and reasonable and compel payment in the manner hereinafter directed.

[Section XII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That if any owner or occupier shall think him her or themselves aggrieved by any act, order, account, proceeding or neglect of any of the said managers of either division, such owner or occupier shall if he or they think proper choose two fit and disinterested persons, and the said managers or any two of them shall choose two other fit and disinterested persons, who, if occasion be, son so chosen or any three of them shall finally settle the same and all matters and things in dispute that shall be referred to them by the parties.

[Section XIII.] (Section XIV, P. L.) And be it enacted by the authority aforesaid, That the orders of any two of the managers on the treasurer of the respective divisions 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 and that all bonds, mortgages, deeds, and conveyances in trust for the use of the said owners, shall be taken in the name of the treasurer of the Tinicum or Kingsessing companies respectively and be payable to him and his successors and shall be mentioned to be for the use of the owners thereof, and with or without assignment shall be good and available in law to his successor or successors in the said trust, for the use of the owners as aforesaid and shall be recoverable in any court of

record in this commonwealth where the same may be cognizable as fully and effectually to all intents and purposes as if the same were private property and duly assigned in all the forms of law and the receipts and discharges of such succeeding treasurer or treasurers for any such sum or sums of money paid to him or them shall be effectual in law.

[Section XIV.] (Section XV, P. L.) And be it enacted by the authority aforesaid, That if the banks, dams, sluices, floodgates and other conveniences made or to be made for the security and preservation of the said meadows shall be out of repair in either of the divisions aforesaid and the managers of such division wherein the said banks, dams, sluices, floodgates and other conveniences so out of repair as aforesaid may be shall neglect or refuse upon notice given thereof by the managers of the other division or any of them to make, amend and repair the same, that then and in every such case it shall and may be lawful for the managers of the division from whom such notice shall be given to enter into the said division so out of repair, and to make, amend and repair the same and to recover and levy the costs, charges and expenses thereof in the same manner as if they were the managers of and for the division so out of repair, any thing herein contained to the contrary thereof notwithstanding.

[Section XV.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall wickedly and maliciously cut through, break down or damage any of the banks, dams, sluices or floodgates to the aforesaid divisions or either of them belonging, or shall let in any creek or water to annoy, injure or overflow any of their neighbor's lands and shall thereof be convicted before the justices of the court of quarter sessions of either of the said counties of Philadelphia or Chester in which the same may happen, in all such cases the person or persons 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 courts respectively to value the same, one third part of which fine shall be paid to the persons injured and the remaining two thirds thereof shall be added to the common stock of the re-

spective division for the general use and benefit thereof.

[Section XVI.] (Section XVII, P. L.) And be it enacted by the authority aforesaid, That if any of the said owners, occupiers or possessors of meadow lands within the aforesaid districts, 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 either of the said divisions for paying and discharging their respective proportions for maintaining the banks, dams, and sluices to the said districts or either of them belonging, or for making or scouring drains or ditches when thereunto required as aforesaid, for the space of thirty days after demand made by the treasurer of the respective division, it shall and may be lawful to and for the said several treasurers, by the direction of the major part of the managers for the time being respectively, in his own name to sue for and recover the several sums of money so charged and assessed in the same manner as debts not exceeding ten pounds are by law recoverable, and give this act and the said assessment or the said account in evidence. Provided always, That such delinquent owner, occupier or possessor shall not be entitled to stay of execution for any longer time than ten days, or it shall and may be lawful to and for the several treasurers, by the directions of the managers as aforesaid in his own name to apply to some justice of the peace of the county for his warrant of distress for levying 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 is hereby empowered and directed to grant accordingly, to be by the said constable levied on the tract or piece of marsh meadow belonging as aforesaid to such owner or owners so neglecting and deliver the same over unto the managers respectively for the time being, who, or a 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, charged or imposed, together with all costs and reasonable expenses 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 managers do publicly notify the leasing thereof and let the same to the highest bidder at public sale.

[Section XVII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said managers respectively 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 respectively are hereby empowered, authorized and required to enter upon and inspect, at least four times in each year the condition of all the said banks, dams, sluices, flood-gates and other conveniences necessary for stopping out the tides and draining the water from the said meadows, and it shall and may be lawful to and for the said managers respectively or any 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 of the said divisions where a breach or defect now is or shall hereafter happen to be and then and there to dig and carry earth or purchase suitable materials to make, amend and repair the said banks, dams, sluices and floodgates 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 respectively shall think fit and reasonable, any law, usage, or custom of this commonwealth to the contrary in anywise notwithstanding.

[Section XVIII.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That the managers of the said districts respectively shall each of them have and receive ten shillings per day for each day that they shall be employed in the several duties required of them and the treasurers shall have such compensation for their services as a major part of the managers of each respective division shall think adequate.

[Section XIX.] (Section XX, P. L.) And be it enacted by the authority aforesaid, That should the managers of a certain district of meadows called Long-Hook company neglect to keep and maintain the banks, dams, sluices and floodgates to the said company belonging in good order and repair and the owners or occupiers of meadow lands in the aforesaid southern division be injured thereby, or should the managers of the said southern division neglect to do their duty according to the true intent and meaning of this act, in either case it shall and may be lawful for the managers of the said company and division or a majority of either of them to enter into the company or division so neglecting in the same manner and with the same powers and authorities as is given to the managers of the aforesaid divisions in the fifteenth section of this act.

(Section XXI, P. L.) And whereas a dam hath been made across Mingo or Kingsessing creek, nearer the mouth of the said creek than the aforesaid dam called Boone's dam, with a sluice or sluices therein, and should the managers thereof neglect to keep the said sluice or sluices in good order and repair and properly laid to discharge the waters of the said creek, the meadow lands in the aforesaid northern division may be greatly damaged to the injury of the owners and occupiers of land in the said division:

For remedy whereof:

[Section XX.] Be it enacted by the authority aforesaid, That should those who may have the care and management of the said lower dam and sluice or sluices refuse or neglect to keep the same in good order and repair and properly laid in order sufficiently to discharge the waters from the said creek, that then and in such case if the managers of the said northern division and those who may have the care and management of the said dam and sluice or sluices disagree respecting the order and repair of the same they may refer all matters in dispute to three or more indifferent persons whose judgment shall be conclusive, but should those who may have the care and management of the said dam neglect or refuse to refer the matters in difference as aforesaid, the managers of the said northern division or a majority of them may apply to some

justice of the peace of the county in which the said lands are, who is hereby authorized and required to appoint three or more indifferent persons to settle all such matters in dispute, whose orders and directions respecting the same shall be binding on all parties, but should those who may have the care and management of the said dam in either case neglect to perform their duty when determined as aforesaid it shall and may be lawful for a major part of the managers of the said northern division to alter, amend and repair the same agreeable to the decision of the said referees or of those appointed by the said justice and recover the moneys so expended and cost to be taxed by the said justice in the same manner as is directed in the seventeenth section of this act.

[Section XXI.] (Section XXII, P. L.) And be it enacted by the authority aforesaid, that an act of assembly of the province of Pennsylvania entitled, "An act to enable the owners and possessors of a certain tract of marsh and meadow land therein described situate in the counties of Philadelphia and Chester to keep the banks, dams, sluices and floodgates in repair and to raise a fund to defray the expense thereof,"¹ and another act of assembly of the said province entitled "A supplement to an act entitled ²An act to enable the owners and possessors of a certain tract of marsh and meadow land therein described situate in the counties of Philadelphia and Chester to keep the banks, dams, sluices and floodgates in repair and to raise a fund to defray the expense thereof" and another act of Assembly of the said province entitled "An act for the new regulation of the allotments of banks, dams, sluices and floodgates belonging to the Tincum company owners and possessors of drained meadow land in the township of Ridley in the county of Chester,"³ and also another act of assembly of the said province entitled "An act for amending each and every of the acts of assembly of this province heretofore made

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¹Passed February 17, 1762, Chapter 474.

²Passed March 4, 1763, Chapter 491.

³Passed February 73, 1769, Chapter 591.

⁴Passed February 15, 1765, Chapter 523.

for embanking and draining several parcels of marsh land situate in the counties of Philadelphia and Chester and for repairing and maintaining the banks, dams, and sluices thereunto belonging,"¹ so far as they relate to the aforesaid districts or divisions shall be and are hereby repealed and made null and void.

CHAPTER MCCCXXXVIII.

AN ACT TO INCORPORATE AND ENDOW AN ACADEMY OR PUBLIC SCHOOL IN THE BOROUGH OF READING IN THE COUNTY OF BERKS.

(Section 1, P. L.) Whereas the education of youth has ever been found to be of the most essential consequences as well to the good government of states and the peace and welfare of society, as to the profit and ornament of individuals, insomuch that from the experience of all ages it appears that seminaries of learning when properly conducted have been public blessings to mankind so that much of the happiness and prosperity of every community depends on the proper instruction of youth who must succeed the aged in the important business of life, and as an academy or public school in the borough of Reading and county of Berks for the education of youth is likely to contribute to the welfare of the community and this house cheerfully concurring in so laudable a work:

Therefore:

[Section 1.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That there shall be and hereby is erected and established in the borough of Reading in the county of Berks an academy or public school for the education of youth in useful arts, sciences and literature by the name, style and title of "Reading Academy."

¹Passed February 15, 1765, Chapter 523.