

sioners shall receive for their services at the rate of twenty-five shillings per day each, including the expenses of chain-carriers and markers and no more, to be paid half by the county of Chester and half by the county of Delaware by draughts from the commissioners of the respective counties on the treasurers of the same, which the said commissioners are hereby authorized and directed to grant.

Passed September 26, 1789. Recorded L. B. No. 3, p. 551.

CHAPTER MCDXLIV.

AN ACT TO ENABLE THE OWNERS AND POSSESSORS OF A CERTAIN TRACT OF MEADOW LAND SITUATED IN THE PRECINCT OF RICHMOND IN THE TOWNSHIP OF THE NORTHERN LIBERTIES TO KEEP THE BANK, DAMS, SLUICES AND FLOOD-GATES IN REPAIR.

(Section I, P. L.) Whereas great damages and controversies frequently arise by the neglect of owners of marsh meadows keeping their banks, dams, sluices and flood-gates in repair and the labor and expenses of the generality of a neighborhood may be rendered ineffectual by the default of an individual:

And whereas there is a certain contiguous tract of banked and improved meadow lying on the river Delaware in the precinct of Richmond in the township of the Northern Liberties, Philadelphia county, contained within the bounds following, to wit, Beginning at the fast land of Frederick Pigou (late Abel James) thence southeastward along and including a bank lately made (at the joint expense of the owners of the said tract of meadow) on the south-west side of the said Pigou's meadow, to his front bank on Delaware, thence up the said river the several courses thereof to the north-east end of Thomas Lloyd Moore's (late William Moore, Esquire's) meadow adjoining to his fast land and thence along the said fast land belonging to several owners of said meadow the several courses thereof to the place of beginning. But inasmuch as the banks, dams, sluices and flood-gates, and the side bank made cannot

be equitably and sufficiently maintained for stopping the tides and overflowing of the waters without an act incorporating the owners thereof:

[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 present and all future owners of the said tract of banked and improved meadow within the limits aforesaid shall be called the "Richmond 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 company or as many of them as shall think fit by themselves or their attorneys or agents duly constituted and appointed to meet together within fifteen days after the publication of this act at the court-house in Philadelphia, of which place and time of meeting notice shall be given to the owners or possessors of the said meadow by advertisements in two or more of the newspapers published in the city of Philadelphia for at least ten days before the day appointed for such meeting and then and there by a majority of those met shall choose by ballot in writing three fit persons owners, possessors or the attorneys in fact of owners of the said meadows to be managers and one fit person to be treasurer until the first Monday in March next. At which time, ten days' previous notice having been given as aforesaid, by the treasurer and so yearly and every year, an election shall be held on the first Monday in March at the courthouse of such other convenient place as the managers may hereafter appoint, for the choice of three managers and a treasurer as aforesaid.

[Section III.] (Section IV, P. L.) And be it enacted by the authority aforesaid, That if any of the owners, occupiers, possessors or attorneys in fact 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 of him or them required by this act, he or they so refusing or neglecting his duty shall forfeit and pay to the treasurer for the time being the sum

of three pounds, to be added to the common stock of the company, unless he or they shall have served two years successively in the said office next before his or their appointment, which fine shall be recovered in the manner hereinafter directed for the recovery of other moneys payable to the treasurer and the other managers shall proceed in the execution of their office without him or if they think fit may choose other managers out of the said owners, possessors, occupiers or attorneys in fact to be a manager in the place of him so refusing, and if the person so elected treasurer shall refuse or neglect to take upon him the duties or 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 the treasurer hereafter to be chosen, shall, before he takes upon him the execution of his office, enter into an obligation to the said company and their successors with one sufficient security in double the value of the money that doth or may probably come into his hands during the continuance in his office as near as can be estimated by the managers, conditioned that he will once in six months, 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 into his hands by virtue of this act, or belonging to the said Richmond Company, and pay the balance, that shall appear on such settlement to be in his hands, to such person 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 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 Richmond Company 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 floodgates which belong to the said Richmond Company shall hereafter be maintained and supported at the expense of the owners in common, for which purpose it shall and may be lawful for the said managers 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 within the limits of the said meadow as they shall judge to be necessary for the benefit and security of the same and for the defraying the expenses thereof. Provided always, That previous to such reparation and maintenance in common those banks, dams, sluices and floodgates which are now deficient shall be put into equal good order with the best, by and at the expense and cost of the respective owners to which they belong and that within fifty days from the publication hereof.

[Section VI.] (Section VII, P. L.) And be it enacted by the authority aforesaid, That if any of the owners or possessors within the limits aforesaid shall neglect or refuse to put his or their banks, dams, sluices and floodgates in good state and condition and within the time mentioned in the foregoing proviso, being warned by the said managers at least fifteen days so to do, which good state and condition shall be viewed and adjudged of by five men indifferently chosen by the said managers, the judgment of any three of which persons so chosen shall be conclusive on the owners or possessors respectively, each and every of such delinquent owner or possessor shall forfeit and pay to the treasurer for the time being the sum of ten pounds for the use and benefit of the said company to be recovered as other moneys by this act are directed to be recovered and paid. And moreover, that it shall and may be lawful for the said managers or any two of them for the time being to proceed and lay a tax on the meadow of the said delinquent owner or owners, possessor or possessors and to recover the same in the manner hereinafter directed, sufficient to defray the expense of putting his or their respective banks, dams, sluices and flood-

gates in the good order and condition herein first before described and to apply it for that purpose.

[Section VII.] (Section VIII, P. L.) And be it enacted by the authority aforesaid, That the managers for the time being 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 company any person or persons from time to time to inspect the condition of all banks, dams, sluices and floodgates belonging to the same and to offer and pay such rewards as they shall 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 banks, dams, sluices and floodgates.

[Section VIII.] (Section IX, P. L.) And be it enacted by the authority aforesaid, That the major part of the managers for the time being shall at least three times in each year hereafter by advertisements published in two or more newspapers in the said city at least ten days before the time therein to be appointed, require the owners or occupiers of all banks belonging to the company to cut all ranstead, elders, poke, thistles, burdock and other weeds which may be injurious to the said banks and should the owners or occupiers of the said banks or any of them neglect to cut or mow the same at such times as shall be 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 and mow the same and fine the owner or occupier for their neglect in any sum not exceeding the cost of said cutting or mowing, and recover the money so expended and the fines so imposed in like manner as other sums of money are by this act directed to be recovered, which fine shall be applied to the benefit of said company.

And whereas the cutting or making drains or ditches in suitable places near the front bank and scouring those that are now in order or may be made will greatly conduce to the better improvement of said banks:

[Section IX.] (Section X, P. L.) Be it therefore enacted by

the authority aforesaid, That the major part of the managers shall at such times and as often as they see occasion, direct and order that new drains near the front banks shall be made when necessary, or those which are already made, scoured, and apportion the cost of making and scouring the same among those in whose land they are respectively made or to be made or order such compensation to those who may be injured as shall appear just and reasonable and compel payment in the manner hereinafter directed.

[Section X.] (Section XI, 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 managers, such owner or occupier shall if he or they think proper, choose one fit and disinterested person and the said managers in such cases are hereby enjoined to choose one other fit and disinterested person, which two persons so chosen, if there be occasion, shall choose a third person like disinterested and the persons thus chosen or any two of them shall finally settle the same and all matters referred to them.

[Section XI.] (Section XII, P. L.) And be it enacted by the authority aforesaid, That the orders of any two of the managers on the treasurer for the time being shall be complied with by the treasurer and shall be good vouchers to indemnify him for the payment and delivery of the money committed to his care by virtue of this act.

[Section XII.] (Section XIII, P. L.) And be it enacted by the authority aforesaid, That if any of the said owners, occupiers or possessors of meadow land within the limits aforesaid shall neglect or refuse to pay the several sums of money that shall from time [to time] be rated, assessed and imposed by the major part of the managers for paying and discharging their respective proportions, for maintaining the front banks, dams, sluices and floodgates and for the money expended in making the said side bank and also for maintaining the same, in common required as aforesaid, for the space of thirty days after demand made by the treasurer, it shall and may be lawful to and for the said treasurer by

the direction of the major part of the managers for the time being in his own name to sue for and recover the several sums of money so charged and assessed in the manner debts not exceeding ten pounds are by law recoverable and give this act and the 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 said treasurer by the directions of the managers as aforesaid in his own name to apply to some justice of the peace of the said 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, which said warrant the said justice is hereby empowered and directed to grant accordingly, to be by the said constable levied on the tract belonging to or possessed by the person or persons so neglecting and deliver the same over to the managers for the time being, who or a majority of them are hereby empowered and authorized to let the same on rent or any part thereof that may be sufficient from time to time and for so long a time as the rent or rents arising therefrom shall as nearly as may be computed pay all 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 for at least ten days previous thereto and let the same to the highest bidder.

[Section XIII.] (Section XIV.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said managers 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 are hereby empowered and authorized to enter upon and inspect at least four times in each year the condition of all the said front banks and side banks, dams, sluices and floodgates and other conveniences necessary for stopping out the tides and drain-

ing the water from the meadows and shall and may be lawful to and for the said managers 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 lands where the breach or defect now is or shall hereafter happen to be and then and there dig [and] carry earth or purchase suitable materials to make and repair the said front banks and side banks, dams, sluices and floodgates and all other conveniences necessary for stopping out the tide or draining the waters off the meadows, in such manner and by such ways as they the said managers or a majority of them shall think fit and reasonable, any law, usage or custom of this commonwealth to the contrary in anywise notwithstanding. Provided always nevertheless, That if any damage shall hereafter be sustained by any new ditches or holes to be made or any other injury or injuries whatsoever to be done to any meadow or [sic] meadows for the purpose of making or repairing of the said side bank, the managers for the time being shall order such compensation to be made as they or indifferent men to be chosen as aforesaid to judge thereof shall conclude to be just and reasonable.

[Section XIV.] (Section XV, P. L.) And be it enacted by the authority aforesaid, That the managers shall each of them have and receive ten shillings per day for each day they shall be employed in the several duties required of them and the treasurer shall have such compensation for his services as a major part of the managers shall think adequate.

[Section XV.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully or maliciously cut through, break down or injure any part of the front bank, stone walls thereof or the side bank, dams, sluices or floodgates or cut down or destroy any willow or other trees which now or may be hereafter planted for the security or protection of the said banks and shall be convicted before the justices of the court of quarter sessions of the said county of Philadelphia, in all such cases the person or persons so offending shall forfeit to the said company treble value of the damages, which shall be assessed by the jury which

shall convict him or them thereof, to be added to the common stock for the general use and benefit thereof.

[Section XVI.] (Section XVII, P. L.) And be it further 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 the meadows at Point No Point in the precinct of Richmond in the county of Philadelphia and to keep the banks, sluices and floodgates in repair and to raise a fund to defray the expenses thereof"¹ so far as relates to the meadow land or any part thereof contained within the limits herein described shall be and is hereby repealed and made null and void.

Passed September 24, 1789. Recorded L. B. No. 3, p. 546.

See the Act of Assembly passed March 16, 1791, Chapter 1534.

CHAPTER MCDXLV.

A SUPPLEMENT TO THE SEVERAL LAWS OF THIS COMMONWEALTH RESPECTING ATTACHMENTS.

(Section I, P. L.) Whereas the laws of this commonwealth respecting attachments have been found defective, inasmuch as no adequate provision is therein made for obtaining and compelling a disclosure of the goods, chattels, moneys, effects and credits of the defendant and defendants in the custody, possession and charge or due and owing from any garnishee or garnishees, upon whom such writs of attachment are respectively served, so that many honest creditors have been unable to recover their just debts, and the wholesome regulations of the said laws have often been defeated:

For remedy thereof:

[Section I.] (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 it shall and may be law-

¹Passed April 12, 1760, Chapter 454.