

sylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled "An act for instituting a board of property, and for other purposes therein mentioned," shall be extended to the first day of November, one thousand seven hundred and ninety-three, and from thence until the end of the next session of the general assembly, and no longer.

Passed March 28, 1792. Recorded L. B. No. 4, p. 295.

CHAPTER MDCXII.

AN ACT TO ENABLE THE OWNERS, OCCUPIERS AND POSSESSORS OF A CERTAIN TRACT OF MARSH AND MEADOW LAND, THEREIN DESCRIBED, SITUATE IN THE TOWNSHIP OF TINICUM, AND COUNTY OF DELAWARE, TO KEEP THE BANKS, DAMS, SLUICES AND FLOOD-GATES IN REPAIR, AND TO RAISE A FUND TO DEFRAY THE EXPENSE THEREOF.

Whereas there is a certain piece or parcel of marsh and meadow land, situate in the township of Tinicum, in the said county of Delaware, beginning at the fast land on the east side of Freeman's creek, thence extending by the ditch bank, along the Delaware river up to Plumb creek, thence crossing over the dam, thence along the east side of Plumb creek to Grun creek, thence along the said Grun creek to Darby creek, thence along the said Darby creek to Longhook creek, thence over the dam on Longhook creek to a small crossway, thence along the said crossway to the fast land near the late mansion house of Joseph Taylor, deceased, and from thence along the fast land to the place of beginning, including all the marsh and meadow land within the said bounds, which said tract, or parcel of marsh or meadow lands 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 overflowing thereof, cannot be equitably and sufficiently maintained by the present existing law.

[Section I.] (Section I P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the owners, occupiers or possessors of the above described piece or parcel of meadow lands, shall be called and known by the name of The Longhook Meadow Company; and it shall and may be lawful for the said company, or as many of them as shall think fit, to meet together on the fourth Monday in March instant, and on the first Monday in March, yearly, and every year hereafter, at the school-house in the township of Tincum, or such other place in the said township as shall hereafter be appointed by the managers of the said company, or any two of them, to be chosen by virtue of this act, of which place and time of meeting the treasurer of the said company, to be also chosen by virtue of this act, shall notify the owners and possessors thereof, after the next election by three or more advertisements, placed up in the said township, 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 the said company, to be managers, and one fit person to be treasurer, for the said company, for the year thence ensuing.

[Section II.] (Section II, P. L.) And be it further 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 duties 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 the sum of five pounds, to be added to the common stock of the said company, 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 moneys payable to the treasurer of the said company; and the other manager or managers shall proceed in the execution of their office without him or them, or if they think fit, may choose

others of the said owners, occupiers 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 office in any of these cases, the managers for the time being, shall choose another fit person to be treasurer for that year.

[Section III.] (Section III, P. L.) And be it further 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 into his hands by virtue of this act, or that belong to the owners of the land in the said company, and shall well and truly pay the balance that shall appear, on such settlement, to be in his hands, to such person 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 such other matters and things, as treasurer of the said company, 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 the other papers and writings in his keeping, belonging to the owners of the said company, unto his successors in the said office.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the banks, dams, sluices and floodgates, which belong to the said company, shall hereafter be maintained and supported by the managers in common; for

which purpose it shall and may be lawful for the said managers of the said company, 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 the said company, 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 respective owners to which they now belong, by the managers of the said company, by forming and repairing the same with such materials, and in such manner and form, as the situation and exposure of such deficient banks shall require, to be adjudged and determined by William Jones, Philip Price and Peter DeHaven, or any two of them; and in case of death or refusal of either of them to undertake it, the vacancy or vacancies shall be supplied by the mutual choice of the owners of the deficient and sufficient banks, or such of them as will join in the choice, upon due notice; 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 mow and keep them clean, at such times as the managers shall order and direct.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the managers for the time being of the said company, 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 the banks, dams, sluices and flood-gates, belonging to the said company, 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 other general services of the said company.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the major part of the managers for the said company, for the time being, 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 the said township, at least ten days before the time therein to be appointed, require the owners or occupiers of all meadow land belonging to the said company, to cut all ranstead, elder, 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 and mow the same, at the proper cost and charge of such owners or occupiers, so neglecting to mow and cut the same, and to fine the said owners or occupiers for their neglect, in any sum not exceeding the cost of such mowing or cutting, and to 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 put into the common stock, and applied to the use of the said company.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That all creeks or ditches which now are, or hereafter shall be, made in the aforesaid tract of meadows of the width of nine feet and 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 all such swine or hogs, whether ringed and yoked, or not, and being legally attested before the next justice that such swine or hogs were taken in his or her meadow land, so enclosed, the said justice shall forthwith order and direct the treasurer of the said company to advertise the same, and within five days sell at public auction all such swine, and after deducting all reasonable costs, divide the remainder equally between the overseers of the poor of the said township, for the use of the poor thereof, and the person so taking them up.

(Section VIII.) And whereas the cutting and making drains or ditches in suitable places, and scouring those now made, or

which may hereafter be made, will greatly conduce to the better improvement of the said meadows:

[Section VIII.] Be it therefore enacted and it is hereby enacted by the authority aforesaid, That the major part of the managers of the said company shall, at such times and so often as they see occasion, direct and order that new ditches and drains 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 just and reasonable and compel payment in manner hereinafter directed.

[Section IX.] (Section IX, 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, 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, shall choose a fifth person, alike disinterested, and the persons 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 X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the orders of any two of the managers on the treasurer of the said company 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 and mortgages, deeds and conveyances in trust for the use of the said owners shall be taken in the name of the treasurer of the Longhook Company, and to 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 XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully and maliciously cut through, break down, or damage any of the banks, dams, sluices or floodgates, belonging to the aforesaid company, 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 judges of the court of quarter sessions for the county of Delaware, in all such cases the person or persons so offending shall be fined treble the value of the damage to be assessed by two or more indifferent persons, to be appointed by the said court 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 said Longhook company, for the general use and benefit thereof.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if any of the said owners, occupiers or possessors of meadow lands, within or belonging to the aforesaid meadow company, 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 the said meadow company, for paying and discharging their respective proportions for maintaining the banks, dams, sluices and floodgates, belonging to the said meadow company, or for making or scouring drains or ditches, when thereto required as aforesaid, for the space of thirty days after demand made by the treasurer of the aforesaid meadow company, it shall and may be lawful for the said treasurer, by 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 same manner as debts not exceeding ten pounds (although the said sum shall exceed ten pounds) are by law recoverable, and give this act, or 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 said treasurer, by the direction 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 sum 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 occupier or possessor, so neglecting or refusing, and deliver the same over to the managers 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, occupier or possessor, so neglecting as aforesaid, from time to time, for so long time as until the 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 (and reasonable allowance to the said treasurer for his extraordinary trouble and expenses, to be adjudged by the said justice of the peace) 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 lands the said managers do publicly notify the leasing thereof, and let the same to the highest bidder at public sale.

[Section XIII.] (Section XIII, P. L.) 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, authorized and required, to enter upon and inspect, at least four times in each year, the condition of the said banks, dams, sluices and floodgates, and other conveniences necessary for stopping out the tide, and drain-

ing the waters from the said meadows; and it 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 the lands in or belonging to the said company, 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 of the meadows, in such manner and by such means, as 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.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the managers of the company shall each of them have and receive seven shillings and sixpence, for each day that they shall be employed in the several duties required of them; and the treasurer shall have such compensation for his services, as a majority of the said managers shall think adequate.

[Section XV.] (Section XV.) And be it further enacted by the authority aforesaid, That the meadow company, known by the name of the Tincum company, shall support, maintain and repair a certain dam, made over Plumb creek, near its junction with the river Delaware, and if the managers of the said Tincum company neglect or refuse to amend or repair the said dam, upon due notice given them by the managers of the Longhook company, it shall and may be lawful for the said managers of the Longhook company to enter upon the said dam, and repair and amend the same, and recover and levy the cost, charge and expense thereof, in the same manner as if they were the managers of the said Tincum company, anything herein contained to the contrary in anywise notwithstanding.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That an act of the assembly of the province of Pennsylvania, entitled "An act to enable the owners and possessors of a certain tract of marsh and meadow

land, called the Longhook company, to keep the banks, dams, sluices and other conveniences for keeping out the tide-water, and draining the same in repair," and also an 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, for embanking and draining several parcels of marsh lands, situate in the counties of Philadelphia and Chester, and for repairing and maintaining the banks, dams, sluices and floodgates, thereunto belonging,"¹ so far as they relate to the aforesaid Longhook meadow company, shall be, and are hereby repealed, and made null and void. Provided, That nothing herein contained shall prevent the collection of any fines, taxes or moneys which have been received by virtue of the said acts, or either of them.

Passed March 28, 1792. Recorded L. B. No. 4, p. 295.

CHAPTER MDCXIII.

AN ACT TO AUTHORIZE THE RECEIVER GENERAL OF THE LAND OFFICE TO CARRY MONEYS RECEIVED INTO THAT OFFICE SINCE A GIVEN PERIOD, FOR LANDS SOLD, AND WHICH HAVE NOT BEEN NOR SHALL BE SECURED TO THE PURCHASERS, TO THE CREDIT OF SUCH PURCHASERS OR THEIR ASSIGNS, IN PAYMENTS ALREADY DUE AND HEREAFTER TO BECOME DUE TO THE COMMONWEALTH, FOR THE PURCHASE OF ANY LANDS WITHIN THE SAME.

Whereas divers persons who have heretofore purchased lands within this state, and procured warrants for the same, have not been able to find vacant lands within the descriptions contained in such warrants, and no provision is made to allow the moneys paid on such warrants to go in payment, or part payment, for other lands, or to afford to such purchasers any other relief.

[Section I,] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted

¹ Passed February 15, 1765, Chapter 523.