

said to private individuals. Provided, however, That the said trustees shall be accountable for the moneys arising from the sale of the said lots to the commissioners of the county of Westmoreland.

Passed March 31, 1795. Recorded L. B. No. 5, p. 418, etc.
 Chapter 1176.

CHAPTER MDCCCXX.

AN ACT TO ENABLE THE OWNERS AND POSSESSORS OF A CERTAIN TRACT OF MARSH AND MEADOW LAND, THEREIN DESCRIBED, SITUATE IN THE TOWNSHIP OF KINGSESSING, IN THE COUNTY OF PHILADELPHIA, TO KEEP THE BANKS, DAMS, SLUICES AND FLOODGATES IN REPAIR, AND TO RAISE A FUND TO DEFRAY THE EXPENSES THEREOF.

Whereas there is a certain tract or parcel of marsh and meadow land, situate in the township of Kingsessing, in the county of Philadelphia, the whole of which is comprehended within the bounds following, to wit, beginning at the fast land at the west end of a certain bank which separates the said tract from the northern district of Kingsessing meadows; thence along the said bank (including the same) the several courses thereof, to the river Schuylkill; thence down the said river to Mingoe's creek; thence up the said creek to the dam; thence along the said creek and the old bank to the fast land of John Hunt, near his barn; thence by the said Hunt's lands, and lands of Matthew Jones, Samuel Bunting, Benjamin Say and James B. Bonsall, to the place of beginning, which said tract or parcel of marsh and meadow land hath been and now is embanked, but the regulations heretofore made for preventing the tide-waters from overflowing the same being found by experience to be inadequate and unequitable: Therefore:

[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 by the authority of the same, That the said tract or parcel of marsh

and meadow land shall henceforth be called and named the Southern District of Kingsessing Meadows, and that the owners, occupiers and possessors of meadow land in the said district shall be named "The Company of the Southern District of Kingsessing Meadows."

[Section II.] (Section II, P. L.) And be it further 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, to meet together, on the first Tuesday in May next, and on the first Tuesday in March yearly, and every year thereafter, at the Bell Inn, in the said township, or such other convenient place as shall hereafter be appointed by the managers of the said district, 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 district shall notify the owners and occupiers, by three advertisements at least, posted up at the most public places in the said township ten days before the day appointed for such meetings, and then and there, by a majority of those met, shall choose, by ballot, three fit persons, owners or occupiers of land in the said district, to be managers, and one fit person to be treasurer, for the year next ensuing.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any of the owners or occupiers 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, the sum of three pounds, to be added to the common stock of the said company, unless he or they hath or 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 due to the company; and the other managers, or a majority of them, may choose others of the said owners or occupiers 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 IV, 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 which 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 and shall come to his hands, by virtue of this act, 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 other matters and things as treasurer to 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 or 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 company, unto his successor in the said office.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the banks, dams, sluices and floodgates, which belong to the said district, shall hereafter be maintained and supported in common by the managers, 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 in the said district, as they shall judge to be necessary for the benefit and security of the same, 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. Provided always, That, previous to such reparation and maintenance in common, those banks or allotments which are now deficient, shall be made up and put in equal good order with the best in the district, by the managers, at the expense and cost of the respective owners.

[Section VI.] (Section VI, P. L.) And be it further 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 said district, any person or persons, from time to time, to inspect the condition of the said banks, dams, sluices and floodgates, belonging to the said district, 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 district.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the managers of the said district, or a majority of them, may, if it shall appear to them necessary, join with the owner or owners of lands on the opposite side of Mongoe's creek, and make a dam across the same, near its junction with the Schuylkill, with a sufficient sluice or sluices therein, or near thereto, as to them may appear most suitable, and raise money to defray one moiety of the expense of erecting and maintaining the same, in the manner herein directed.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the major part of the managers, for the time being, of the said district, shall, at least three times in each year hereafter, at such times as they shall 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 marsh meadow lands in the said district, 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 and mow the same, and fine the said owner or occupier for his or her 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 fine shall be applied to the benefit of the district.

[Section IX.] (Section IX, 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 said district, 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 all such swine or hogs, whether yoked and ringed or otherwise, and being legally attested before the next justice of the peace 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 district 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 overseers of the poor of the said township, for the use of the poor thereof, and the former owner.

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

[Section X.] Be it therefore enacted by the authority aforesaid, That the major part of the managers of the said district shall and may, at such times and so often as they see occasion, direct and order that new drains and 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 described. *Provided*

always, That if any owner or occupier 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, she 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 XI.] (Section XI, 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 district, 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, 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 XII.] (Section XII, 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 said district belonging, or shall let in any water to annoy, injure, or overflow any of the lands in the said district, and shall thereof be convicted before the judges of the court of quarter sessions of the county of Philadelphia, in all such cases, the person or persons so offending, shall be fined treble the value of the dam-

ages, one third part of which fine shall be paid to the person or persons injured, and the remaining two thirds thereof shall be added to the common stock of the district, for the general use and benefit thereof.

[Section XIII.] (Section XIII, 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 the said district, 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 district, for paying and discharging their respective proportions for maintaining the banks, dams and sluices, to the said district 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 said district, 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, as assessed or imposed, in the same manner as county rates and levies are or may be by law recoverable.

[Section XIV.] (Section XIV, 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, floodgates and other conveniences necessary for stopping out the tides, and draining the waters from the said meadows, and it shall and may be lawful to and for the said managers, or either 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 in the said district, where a breach or defect now is or hereafter shall happen to be, and 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 maagers, or a majority of them, shall think fit and reasonable, any law, usage or custom of this commonwealth to the contrary in any wise notwithstanding.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the managers of the said district, respectively, shall have and receive one dollar and thirty-three cents 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 of the said district shall think adequate.

[Section XVI.] (Section XVI, 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 a certain tract of marsh and meadow land therein described, situate in the township of Kingsessing, in the county of Philadelphia, to keep the banks, dams, sluices and floodgates in repair, and raise a fund to defray the expenses thereof,"¹ so far as it relates to the aforesaid district, shall be, and is hereby repealed and made null and void.

Passed March 31, 1795. Recorded L. B. No. 5, p. 410.

¹Passed February 18, 1769, Chapter 585.

CHAPTER MDCCCXXI.

AN ACT TO SUPPLY THE DEFICIENCIES IN FORMER APPROPRIATIONS, AND FOR OTHER PURPOSES THEREIN MENTIONED.

[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 by the authority of the same, That a sum not exceeding two thousand dollars, to be paid out of the aggregate fund created by an act entitled, "An act to provide for paying and redeeming certain public debts, and for defraying the expenses of government"¹