

But whereas, no provision was made to dispense with the improvement heretofore required by law, to be erected in case of making such change of lots, or complying with the said terms of pre-emption, and it appears expedient that the said improvements should be dispensed with, and further time allowed for securing the said pre-emption. 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 so much of any law as imposes upon any person or persons who have purchased, or shall hereafter purchase, any lot or lots in the town of Erie, Franklin, Warren and Waterford, the condition of improving the same, and prohibits the issuing of any patent or patents, unless proof of such improvement be first made, shall be, and the same is hereby, repealed.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That any person or persons who have paid any money for, or improved any forfeited lot or lots, in the said towns of Erie, Franklin, Warren or Waterford, shall have a pre-emption to said lot or lots, at the prices they sold for at former sales, provided he, she or they apply within twelve months after the passing of this act, and pay for the same.

Passed February 19, 1800. Recorded L. B. No. 7, p. 97.

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### CHAPTER MMCVIII.

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AN ACT TO ENABLE THE OWNERS AND POSSESSORS OF A CERTAIN TRACT OF MARSH MEADOW, SITUATE ON THE WEST SIDE OF DARBY CREEK, AND ADJOINING TO THE RIVER DELAWARE, IN THE TOWNSHIP OF RIDLEY, IN THE COUNTY OF DELAWARE, 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 Ridley, in the county of Delaware, commonly known by the name of the District of

Ridley Meadows, bounded by the river Delaware, Darby creek, Stone creek, the fast land and Crum creek, 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 in the opinion of the owners thereof, be so equitably and sufficiently maintained under the existing law, as by enacting another, with such improvements and regulations, as are by experience found to be necessary. 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 owners and occupiers of the said tract of meadow, shall be henceforth called and named the Ridley Meadow Company, and that they, or as many of them as as shall think fit, shall and may meet together, on the last Monday in March, yearly and every year hereafter, at the house now occupied by Thomas West, or at such other convenient 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 shall notify the owners and occupiers, by three advertisements at least, in the said township, ten days before the day appointed for such meeting, and then and there, by a majority of those met, choose, by ticket in writing, three fit persons, owners or possessors of land in the said district, to be managers, and one fit person to be a treasurer, for the year next ensuing. Provided always, That no tenant shall have a right to elect or be elected, unless he rents four or more acres.

[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 duty required of him or them, by this act, he or they so refusing or neglecting his or their duty, shall forfeit and pay to the use of the

company eight dollars, which fine shall be recovered by the treasurer, in like manner as other moneys are by this act recoverable, unless he or they hath served four years successively in the said office next before his or their said appointment; and the other managers shall proceed in the execution of their office, or if they think fit, may choose another of the said owners or possessors as aforesaid to be manager in the place of him so refusing or neglecting to serve; and if the person so elected treasurer shall refuse or neglect to take upon him the duties, or to give the surities required by this act, he shall pay a fine of eight dollars, to the use of the company, which fine shall be recovered at the suit of the managers of the said company, or either of them, in manner aforesaid; and if the treasurer chosen as aforesaid shall, by death or otherwise, be rendered incapable to execute the said office, the managers, for the time being, shall choose another fit person to be the 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 or appointed as aforesaid 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 may probably come into his hands during his continuance in 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 monyes that are or shall come to his hands by virtue of this act, or that belongs to the owners of the land in the said district, 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 time in 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 said company, unto his successor 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 flood gates which belong to the said company, shall hereafter be maintained and supported in the following manner, viz: Beginning at the fast land near the house late of Swan Culin, deceased, thence along the said bank twenty-eight perches, including one dam and sluice bank containing two perches each, to a post, shall belong to Caleb Davis, Esquire; thence on the said bank thirteen perches, to a stake at the beginning of a dam, shall belong to William Paul; thence seven perches and four feet public work to a stake, thence on the said bank fifteen perches to a stake, shall belong to William Paul; thence on the said bank twenty-seven perches to a white oak, shall belong to the estate late of William Hoskin, deceased, which shall be deemed and taken in full of said estate's allotment of bank, belonging to the said company; thence on said bank fourteen perches, including one sluice bank of two perches, to a stake at a dam, shall belong to Jacob Painter, and heirs of Thomas Smith, deceased; thence on said bank one and a half perches public work to a stake, thence on said bank nine perches to a stake, shall belong to Caleb Davis, Esquire; thence on the said bank nine perches to a stake, shall belong to William Paul, which shall be deemed and taken in full of his allotment of bank, belonging to the said company; thence on said bank twenty-four perches, to a stake, shall belong to Jacob Painter, and the heirs of Thomas Smith, deceased, which shall be deemed and taken in full of their allotments of bank, belonging to the said company; thence on said bank eight perches public work to a stake, thence on said bank twenty-six perches to a stake, shall belong to Caleb Davis, Esquire, thence five perches to a stake public work, thence on said bank twenty-two perches and twelve feet, to a stake, shall belong to John Crozer, which shall be deemed and taken in full of his allotment of bank, belonging to said company; thence on the said bank twenty-two perches and twelve feet, to a stake, shall belong

to Aaron Morton; thence on the said bank twenty-six perches, to a stake, shall belong to Peter Hill; thence on the said bank six perches public work, to a stake, thence on the said bank eleven perches to a stake, shall belong to Peter Hill; thence on the said bank sixty-four perches, to a stake, shall belong to Caleb Davis, Esquire; thence on the said bank twelve perches, to a stake, shall belong to Peter Hill; thence on the said bank four perches, to a stake public work; thence on the said bank fourteen perches, including one sluice bank of two perches, to a stake, shall belong to Aaron Morton, which shall be deemed and taken in full of his allotments of bank, belonging to the said company; thence on the said bank sixteen perches, to a stake, shall belong to Peter Hill, which shall be deemed and taken in full of his allotments of bank, belonging to the said company; thence on the said bank forty-five perches, including four perches of sluice bank, to the fast land near the house late of Isaac Hendrickson, shall belong to Caleb Davis, Esquire, which shall be deemed and taken in full of his allotments of bank, belonging to the said company. Provided nevertheless, That all dams, sluices, sluice banks and flood gates, whether included in the different allotments aforesaid or otherwise, shall always be maintained and supported by the managers, at the expense of the said Ridley Meadow Company.

[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 district, or any two of them, shall have the power of disposing of all moneys paid to the treasurer by virtue of this act, and shall cause the banks belonging to the said district to be sown with grass seed when necessary, and mowed in the months of May, July and September, every year, and kept clean, and shall have the power of hiring and appointing, at the expense of the said 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 district, and to offer and pay such rewards as they may think proper, 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 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 time being, of the said district, shall, at least twice in each year hereafter, at such times as they may 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 lands in the said district to cut all ransed, 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, by a suit to be brought in the name of the treasurer, or either of the managers of the said district, in like manner as debts of equal amount are by law recoverable; which fines shall be applied to the benefit of the said company.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That all ditches or drains which now are, or hereafter shall be made in the said district, of the width of nine feet, and of the depth of four 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, within the said district, any swine, hog or hogs, it shall and may be lawful for the said owner or occupier to seize and take all such swine, hog 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 land, within the said district, 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 cost, pay one moiety of the remainder to the person so taking them up and apply the other to the use of the company.

[Section VIII.] (Section VIII, 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 tides, and draining 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 any of the lands in the said district, 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 banks, dams, sluices and flood gates, and all other conveniences necessary for stopping out the tide, or for draining the waters of the meadows, in such manner and by such ways and means 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 any wise notwithstanding.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the two drains leading from Stone creek to Crum creek, across said meadows, and all line drains, and the drain inside of and next to the bank, shall be nine feet wide and four feet deep, and shall be made, scoured and kept clean at all times by the owners or possessors of the said meadows; and if any of the said owners, occupiers or possessors shall neglect or refuse, on notice given them, or any of them, by the aforesaid managers, for the time being, to make, amend, scour or repair their, or any of their parts respectively, it shall and may be lawful for the said managers, or a majority of them, and they are hereby forthwith required and enjoined to order any workmen to open, scour or amend the said drain or drains, and they shall adjust and settle the price thereof, and charge the

owner, owners or possessors, so refusing or neglecting, with their respective parts of the same, and compel payment in the manner hereinafter directed.

[Section X.] (Section X, 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, she or they think proper, choose one fit person disinterested, and the said managers, or any two of them, shall choose one other fit and distinterested person, who, if occasion be, shall choose a third person alike disinterested, and the persons so chosen, or any two of them, shall finally settle the same, and all matters and things in dispute, that shall be referred to them by the parties, and the party entitled to the balance or damages so found, may recover the same in the manner hereinbefore mentioned.

[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 said company, for the time being, shall be complied with or paid 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.

[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 flood gates, to the said district belonging, or shall let in any creek or water, to annoy, injure or overflow the meadows therein, and shall thereof be convicted before the judges of the courts of quarter session in the county of Delaware, 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 court to value the same; one-third part of which fine shall be paid to the person or persons injured, and the remaining two-thirds thereof shall be paid to the treasurer, for the use and benefit of the said company.



[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 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 company, it shall and may be lawful 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 same manner as debts of equal amount 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.

.[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the managers of the said district shall each of them have and receive one dollar per day, for each day they shall be employed in the several duties required of them by this act; and the treasurer of the said company shall have such compensation for his services, as a major part of the managers of the said district shall think adequate.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the act of assembly of the late province of Pennsylvania, entitled, "An act to enable the owners and possessors of the meadow at the west side of the mouth of Darby creek, by the river Delaware, in the township of Ridley, in Chester county, to keep the banks, dams, sluices and flood gates in repair forever, and to raise a fund to defray the expense thereof,"<sup>1</sup> and another act of assembly of the province entitled, "An act for amending each and every of the acts of assembly of this province heretofore made, for embanking and draining

<sup>1</sup>Passed March 14, 1761, Chapter 462.

several parcels of marshy lands, situate in the counties of Philadelphia and Chester, and for repairing and maintaing the banks, dams and sluices thereunto belonging,"<sup>2</sup> so far as they relate to the aforesaid district, shall be, and are hereby repealed and made null.

Passed February 26, 1800. Recorded L. B. No. 7, p. 99, etc.

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CHAPTER MMCIX.

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AN ACT TO AUTHORIZE JOHN B. PALMER AND FREDERICK HEISZ TO SELL AND DISPOSE OF, IN FEE SIMPLE, THE REAL ESTATE OF JACOB PALMER, A LUNATIC.

Whereas by certain proceedings had in the supreme court, under the authority of the sixth section of the fifth article of the constitution of this commonwealth, John B. Palmer and Frederick Heisz were duly appointed a committee, to take care of the person and estate of Jacob Palmer, a lunatic, and it further appears by the said proceedings that the said Jacob Palmer hath not any personal estate. 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 it shall and may be lawful to and for John B. Palmer and Frederick Heisz to sell and convey, in fee simple to any person or persons whomsoever, willing to purchase the same, either by public or private sale, all the real estate of Jacob Palmer, a lunatic, at such time or times, and in such proportions, as to them may appear proper and necessary, for the use of, and to enable them to provide for the necessary subsistence and clothing of the said Jacob Palmer, Provided, That the said John B. Palmer and Frederick Heisz shall, before they proceed to sell and convey any part or parts of the estate of the said Jacob Palmer, enter into recognizance, with sufficient

<sup>2</sup>Passed February 15, 1765, Chapter 523.