

victed before the justices of the court of quarter sessions of the said county of Philadelphia, in all such cases the persons so offending shall be fined treble the value of all the damages, to be assessed by two or more indifferent persons to be appointed by the said court to value the same, which fine shall be added to the common stock for the general use and benefit of the said company.

Passed February 17, 1762. Referred for consideration by the King in Council, February 14, 1763, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section II, and the Acts of Assembly passed February 15, 1765, Chapter 523; February 18, 1769, Chapter 584; March 22, 1784, Chapter 1085; March 29, 1824, P. L. 191; April 12, 1828, P. L. 351; February 6, 1830, P. L. 42; April 13, 1859, P. L. 621.

CHAPTER CCCCLXXIV.

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.

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 Boon's Island and Carcus Hook Marsh and also other parcels of drained marsh situate in the township of Ridley, in the county of Chester, the whole of which several parcels is contained within the bounds following, to wit: Beginning at the fast land of Peter Elliot to the southward of said Elliot's house, thence down Darby Creek to a new bank lately made by said Elliot, thence by Darby Creek to Grun Creek, thence by the said Grun Creek and Plumb Creek to the river Delaware, thence up the same to Bow Creek and up Bow Creek to Boon's Creek and thence up the said Boon's Creek to the fast land near the houses of John Justice and Andrew Cocks, thence by the fast land to the dam now in use over Kingsessing Creek to Boon's, Knowles', Blakely's and the Province Islands thence crossing by the said dam to the fast land on

the north side of the said creek, thence by the several corners 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 water from the same and for preventing the overflowings thereof cannot be equitably and sufficiently maintained without a law for regulating the conduct of the owners in mending, repairing, supporting and maintaining the said banks, dams, sluices and flood-gates which surround the same:

[Section I.] Be it therefore enacted by the Honorable James Hamilton, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That the said tracts and parcels of meadow lands are hereby divided into two certain divisions following: That is to say, from a certain creek called Bow Creek, including the eastern dam and sluice over Bow Creek and thence to the fast land on Carcus Hook and Boon'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 Southern Division shall be called and named The Tinicum Company and the owners, occupiers and possessors of the meadow land in the Northern Division shall be called and named The Kingsessing Company; and that Isaac Pearson, John Palschal and John Smith, gentlemen, or any two of them are hereby nominated, authorized and appointed within three months after the publication of this act to divide the dams, sluices, flood-gates and banks which surround and include all the said tract or piece of marsh and meadow land, into districts, and allot and appoint how many perches of the said banks each owner or possessor of the said tract in their respective districts shall make, repair,

maintain and support in proportion to the number of acres of meadow he holds therein, having an equitable regard to the quality, situation and circumstances of the ground to each owner belonging and banks so to be allotted, all which said allotments and divisions so made and signified by an instrument in writing, under the hands and seals of any two of them and recorded in the office for recording deeds for the county of Philadelphia, shall be the proper shares, parts, proportions and quantities of bank for the several owners or possessors of the said meadows to make, repair and support, at their own proper expense and charge in their respective divisions.

[Section II.] And be it further enacted by the authority aforesaid, That the owners, occupiers and possessors of the said tract of meadow land respectively whose allotments, shares or parts of the bank are in any wise defective shall, within three months from the publication hereof, cause them to be put in good and substantial repair, and make up or cause their respective parts of the banks so as aforesaid allotted to be made up level on the top and sufficiently strong and secure to defend the said meadows from all inundations, for which end the said banks shall always be kept at least nine inches above all tides by each and all of the said owners, possessors or occupiers on their and each of their parts so as aforesaid to them respectively allotted, under the penalty of ten shillings for every perch of bank not made or repaired as aforesaid, to be paid to the said company's treasurers respectively by the persons so neglecting or refusing, to be levied by the managers for the said divisions respectively hereafter to be chosen, if they see cause, and added to the common stock of the respective division.

[Section III.] And be it further enacted by the authority aforesaid, That the costs and charges of making, maintaining and amending the dams, sluices or flood-gates made or hereafter to be made in each district shall be paid by all the owners, occupiers or possessors of the land in the district where the same shall be so made, maintained or repaired according to the number of acres that they and each of them shall hold, possess and occupy, the same to be made, supported and amended in such manner as the managers for the said divisions respectively, or a majority of them, hereafter to be chosen shall direct.

[Section IV.] 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 second Monday in May 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, 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 for the said divisions respectively for the year then next ensuing.

[Section V.] 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 treasurers for the time being of his or their division the sum of forty shillings, 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 VI.] 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 obliga-

tion with at least one sufficient security 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 three 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 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 VII.] And be it further enacted by the authority aforesaid, That 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 the said respective districts as they shall judge to be necessary for the benefit and security of the same.

And the said managers, or any two of them, for the time being in every year 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 for stopping out the tide or draining the water from the said meadows in their respective divisions, and if any part shall appear unfinished, damaged, decayed or destroyed, or more liable by its situation, nature of the soil or other circumstance to be washed away or destroyed than other parts, or shall be in any manner insufficient for the purposes

aforesaid, they, the said managers, or a majority of them, shall consider and determine by what methods such part or parts may be made good and secure by stone or other firm and durable materials, and on such inspection and determination the said managers shall give notice to and require the said owners or possessors, or their guardians (if minors) and within the counties of Philadelphia or Chester, forthwith to amend their and each of their parts or allotments in such manner as they shall direct, all of which banks shall be of sufficient breadth and at least nine inches above any tide that hath been known.

[Section VIII.] And be it enacted by the authority aforesaid, That if by any general overflowing of the water hereafter the banks, dams or sluices belonging to owners of any one allotment shall be damaged or destroyed by the force of the water from within which had been admitted by defects in the banks or dams belonging to the owners of other allotments in either of the divisions aforesaid, in all such cases the delinquent owners shall pay all the costs of repairs unless the managers for the time being shall, from any circumstances, consider it as an act of Providence, in which case they may repair it at the general expense of all the owners of the district in which the said damage shall happen and order the treasurer of the respective division to pay the charge thereof.

[Section IX.] And be it enacted by the authority aforesaid, That if any of the said owners or occupiers of the land in the said tract of meadows or any guardian of a minor owner thereof so warned by the said managers, or a majority of them, shall refuse or neglect after such warning to amend and repair their respective parts agreeable to the direction of the said managers, or if any of the said owners or guardians are not known or readily to be found within the said counties at the time aforesaid, that then and as often as it shall so happen it shall and may be lawful to and for the said managers in the respective divisions, or any of them, together with such workmen, horses, carts, barrows and tools as they shall think necessary, to enter into and upon the lands of him, her or them where such breach or defect shall happen to be and then and there to dig, with the least damage to the owner thereof, and carry earth or purchase

suitable materials to make, amend and repair the said banks, dams, sluices, flood-gates 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 shall think fit and reasonable, any law of this province, usage or custom to the contrary in any wise notwithstanding; and they, the said managers, or any two of them, shall adjust and settle the expense thereof with those to whom such parts or shares of the banks so amended and repaired were before allotted as they shall think just and reasonable, and shall also deliver to the said owners, guardians or possessors of the said meadow land on whose allotments such repairs shall be made or to as many of them as shall be found, their respective bills of the charge of repairing the said part of the bank to them before allotted, and shall order payment accordingly; and in case of their or any of their refusal or delay of payment they shall order the treasurer for the division respectively for the time being to advance and pay so much out of the common stock of the said respective division as shall be sufficient to satisfy the said charge until it can be obtained of those who ought to pay the same.

And in order to establish a fund to defray sundry contingent and yearly expenses and to prevent any delay hereafter for want of money in case of inundations or extraordinary accidents:

[Section X.] Be it enacted by the authority aforesaid, That every owner or possessor of land in the aforesaid meadow tract shall, on or before the second Monday in June next after publication hereof, pay or cause to be paid or deposited in the hands of the treasurer of the divisions aforesaid respectively the sum of one shilling current money of Pennsylvania for each and every acre of drained meadow they respectively have, hold, occupy or possess in the said divisions respectively, exclusive of flats, creeks or waste lands; and all and every person or persons, whether owners or renters, who shall, on the second Monday in June in every year hereafter, be owner, occupier or possessor of meadow land in the said respective divisions shall in like manner pay or deposit, or cause to be paid or deposited into the

hands of the treasurer for the time being such sum or sums of money as the managers for the time being shall find necessary to assess and order, which sum, if paid by the aforesaid renter, he, the said renter, shall and is hereby empowered to deduct out of his rent unless he shall be under a contract to the contrary with the owner.

So always and provided, That the sum of thirty pounds shall, in the beginning of every year, be in each of the said treasurer's hands ready to be applied in the premises as occasion may require, of all which sums of money and all other money coming to his hands by virtue of this act and of all disbursements and payments thereof from time to time made, the said treasurer shall, in books to be provided for that purpose, keep a just and true account, and shall pay and deliver the same according to the directions and orders of the managers for each respective division for the time being, or any two of them, and not otherwise.

[Section XI.] And be it further enacted by the authority aforesaid, That the managers for the time being for their respective divisions, or any two of them, shall before the day hereinafter appointed for the payment of the yearly quotas, deposit money or assessment cause a true list of the names of all and every of the said owners and possessors in their division, with a true account of all and every acre of meadow in the aforesaid division which they respectively have, hold, occupy and possess, exclusive of flats and creeks, according to the best information they can obtain, noting from time to time the several changes, alterations, transfers and alienations of right in the several parts and parcels thereof as they shall come to their knowledge, and shall furnish the treasurer with a true copy thereof, together with the sum per acre of the general assessment for the current year, when any alteration shall be of the aforesaid deposit of one shilling, according to which list or account the treasurer for the time being shall receive and take the several sums of their and each of their deposit money and assessments respectively in every year raised or assessed by this act, and shall cause public notice of the said rate or assessment per acre to be given at least ten days before the day of payment in every

year hereafter, and in case any of the said owners, occupiers or possessors aforesaid shall refuse or neglect to pay or cause to be paid to the treasurer aforesaid on the days and times aforesaid the several sums of money which they respectively ought to pay or deposit according to the true intent and meaning of this act, they and each of them so neglecting and refusing shall forfeit and pay to the said treasurer for every three months' neglect or refusal two pence for every shilling which he, she or they failed of paying on the day or time appointed when they respectively ought to have paid the same by the direction of this act.

[Section XII.] And be it further enacted by the authority aforesaid, That if any of the said owners, possessors or occupiers shall neglect or refuse as aforesaid to pay the several sums of money, together with the forfeitures arising thereon which they respectively ought to pay at any time or times hereafter for the space of three months after any days or times in which it ought to be paid, or shall have neglected or refused to make, amend or repair his or their part or share of the bank so as aforesaid to them allotted, or shall have neglected or refused to reimburse the treasurer for the time being the necessary-expense thereof agreeable to the direction of this act, that then and so often it shall and may be lawful to and for the said treasurer, by direction of the managers of the said respective divisions, or any two of them, in his own name to sue all and every such person or persons so refusing or neglecting for the respective sum or sums of money which he, she or they ought to have paid by virtue hereof by action of debt, if five pounds or under, before any justice of the peace of the county, or if above five pounds in any court of record where the same may be cognizable, and give this act and the said assessment or the said account, as the case may require, in evidence, and the said justice of the peace and the said court are hereby empowered and directed to give judgment and to grant execution [for the same, with costs of suit,] accordingly, to be levied on the tract or piece of marsh, meadow or cripple belonging as aforesaid to such owner or owners so neglecting or refusing and delivered unto the managers of the division respectively for the time being, who, or any

two of them, are hereby empowered and authorized to let out on rent any part of the said meadow belonging to any of the said owners who shall so neglect or refuse or who shall not be found in the county as aforesaid from year to year 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 or so charged, together with all costs and forfeitures arising thereon for his or their neglect or refusal to pay the same as aforesaid, and no longer.

Provided always, That in letting out the said meadow the said managers do publicly notify the leasing thereof and let the same to the highest bidder.

[Section XIII.] And be it enacted by the authority aforesaid, That no process, suit or proceedings whatsoever which at any time hereafter shall be commenced, sued or brought before any of the justices of the peace or judges or justices of the common pleas or Supreme Court or before any magistrate of this province in the name of any treasurer, either of the said company of the Tinnicum or Kingessing meadows respectively, by direction of the said managers, or any two of them, shall be discontinued or put without day by reason of the death, disability or removal of such treasurer, but shall stand good and effectual in law to all intents and purposes notwithstanding such death, disability or removal.

[Section XIV.] And it is hereby 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 owners of the said meadow land in both of the divisions aforesaid, and to inform the respective owners or the said managers when any repairs are wanting, and may displace such person or persons and appoint others as often as they shall think fit; and the said managers shall have power 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 divisions respectively.

[Section XV.] And be it further enacted by the authority aforesaid, That the said managers for the time being in each division aforesaid, or any two of them, are hereby authorized and empowered in behalf of the said owners to settle accounts with the treasurer for each division respectively from time to time, and shall do and execute all other matters and things pertaining to the general good and benefit of the said owners.

Provided, nevertheless, That if any owner shall think him, her or themselves aggrieved by any order, account or proceeding of any of the said managers of either division such owner or owners 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 other matters and things [in dispute that shall be] referred to them by the parties.

[Section XVI.] And be it further 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 Tinnicum or Kingsessing Company 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 province 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.

And whereas the well draining, preserving and keeping open the drains of the said meadow land is of great importance to the said owners:

[Section XVII.] Be it enacted by the authority aforesaid, That all and every of the said owners shall be allowed, permitted and suffered to discharge all or any of the waters off their respective lands through their natural channels or by a direct course across the land of any other of the said owners as shall by the managers of each division respectively for the time being, or the major part of them, be judged convenient into the channel, creek or sluice best suiting to discharge the same into the main creek or river, and shall be allowed to open, scour and cleanse the same when and as often as they and the managers of their division, or any two of them, shall think convenient or necessary, any law, usage or custom to the contrary in any wise notwithstanding.

Provided always, That such owner so requiring a passage for water shall first pay all the damages sustained or that shall be sustained by such neighbor through whose land the water is to be discharged, and also all such damages as shall be done to the banks within his said neighbor's allotment, in such manner and proportion as shall be settled by a majority of said managers.

[Section XVIII.] 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 said banks, dams, sluices or flood-gates, either their own or others, or shall let in any creek or water to annoy, injure or overflow any of their neighbors' 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, which fine shall be added to the common stock of the respective division, for the general use and benefit of the owners of the district in which the same shall be found.

[Section XIX.] And be it further enacted and provided nevertheless, That the dam and bank over the creek called and known by the name of Kingsessing Creek shall be maintained, supported and repaired by the owners, occupiers and possessors of the meadow within the district in which the said dam shall be, and also by the owners, occupiers and possessors of the land known by the several names of The Province, Knowles', Blakeley's and Boon's Islands that shall use the same in an equitable and just proportion according to the use they shall respectively make of the said dam as a road for travelling and carriage to and from the said islands, which said proportion of charge and expense shall be made and allotted by the said commissioners hereinbefore appointed for dividing the said described tract of land into districts and by them signified in manner aforesaid; and that it shall and may be lawful to and for the said managers of the Northern Division, or any two of them, as often as the said road, dam or bank shall be out of repair to lay such assessments and taxes on the persons so using the said road according to their respective proportions so settled as aforesaid, and if any of the persons aforesaid hereby directed to contribute to the supporting, maintaining and repairing the said bank or road shall refuse or neglect to pay such assessment, the same being legally demanded of them by the treasurer aforesaid, it shall and may be lawful for the treasurer aforesaid, by the direction of the said managers, or any two of them, in his own name to sue all and every such person or persons so refusing or neglecting for the respective sum or sums of money which he or they ought to have paid by virtue hereof by action of debt, if five pounds or under, before any justice of the peace of the county, if above five pounds in any court of common pleas of the county, and give this act and the said assessment in evidence, and the said justice of the peace and court of common pleas are hereby authorized and empowered to give judgment and grant execution for the same, with costs of suit against the defendant's goods and chattels respectively.

Provided always, nevertheless, That in case any person or persons, owners or possessors of the said islands, shall at any time or times hereafter conceive themselves aggrieved by the allot-

ment of the said commissioners, that it shall and may be lawful to and for the managers of the Kingsessing Company aforesaid, and the said person or persons so aggrieved, to appoint two indifferent men each to settle the matter in dispute, who if they see occasion shall and may choose a fifth person alike indifferent, and that the persons so chosen, or any three of them, shall finally adjust and settle the [matters] and things referred to them by the said parties.

[Section XX.] And be it further provided and enacted by the authority aforesaid, That if a certain John Hunt and William Boon, two of the owners of part of the said meadow ground in the Northern Division, shall stop and dam across the said creek called Mingo or Kingsessing Creek nearer the mouth of the said creek than the dam aforesaid, and shall maintain, support and repair the same thereafter in like good order with other the dams hereby to be supported, that then the said John Hunt and William Boon, their heirs and assigns, shall be and are hereby declared to be freed, exempted and discharged from their respective proportions of charge and expense of the said dam unless they shall use the same as a road to and from their respective lands or habitations, anything herein contained to the contrary notwithstanding.

[Section XXI.] And be it enacted by the authority aforesaid, That if the banks, dams, sluices, flood-gates and other conveniences hereby directed to be made for the purposes aforesaid shall be out of repair in either of the divisions aforesaid, and the managers of such division wherein the said banks, dams, sluices, flood-gates 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 according to the directions of this act, 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,

anything herein contained to the contrary thereof notwithstanding.

Passed February 17, 1762. Referred for consideration by the King in Council, February 14, 1763, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section II, and the Acts of Assembly passed March 4, 1763, Chapter 491; (the two acts of) February 15, 1765, Chapters 523, 525; February 18, 1769, Chapter 591; December 15, 1784, Chapter 1120; March 10, 1788, Chapter 1337; March 31, 1795, Chapter 1820; April 15, 1834, P. L. 466; April 22, 1841, P. L. 269; March 31, 1843, P. L. 122; April 3, 1851, P. L. 338; March 17, 1862, P. L. 129.

CHAPTER CCCCLXXV.

AN ACT TO ENABLE THE OWNERS AND POSSESSORS OF THE SOUTHERN DISTRICT OF DARBY MARSH OR MEADOW GROUND, IN THE COUNTY OF CHESTER, TO EMBANK AND DRAIN THE SAME, TO MAKE AND KEEP THE OUTSIDE BANKS AND DAMS IN GOOD REPAIR FOREVER, AND TO RAISE A FUND TO DEFRAY THE YEARLY EXPENSES ACCRUING THEREON.

Whereas the improvement of meadow ground is not only useful to the owners and possessors thereof, but great advantage and benefit accrue thereby to the public. And whereas there are two certain islands of marsh and cripple land, one called Hay Island [and] the other known by the name of The Little Island, situate on the west side of Darby Creek, at Calcoon Hook, in the township of Darby, and county of Chester, and also one other piece of meadow ground for the most part drained, lying between Hay Island aforesaid and the shore or fast land, all which premises intended to be embanked and drained are comprehended within the bounds following: That is to say, beginning at the fast land belonging to the heirs of Andrew Boon, junior, deceased, on the west side of a certain run of water called Hem-Sprota; thence along the side thereof to the great thoroughfare dividing Hay Island from the last-mentioned piece of meadow ground then across the said thoroughfare to Hay Island aforesaid; thence up the said thoroughfare by the courses thereof to Darby Creek, thence down the said creek by the several courses thereof to the small thoroughfare dividing