

## CHAPTER DLXXXV.

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

Whereas there is a certain parcel of marsh and meadow land situate, lying and being on the southwest side of the river Schuylkill, in the township of Kingess, in the county of Philadelphia, comprehended within the bounds and limits following, to wit: Beginning at the fast land of David Gibson, by the side of the said river Schuylkill, thence extending down the same by the several courses thereof to Incorn's Kill, now called Charles Justice's creek, then crossing the said creek where a dam is intended to be made thereon, thence down the said river Schuylkill to a creek called and known by the name of Land's creek, near the mouth thereof, then crossing the said creek where a dam is intended hereafter to be made, thence down the said river Schuylkill to Kingess creek, commonly called Mingo creek, thence up the several courses of the said Mingo creek to a dam made thereon, from thence to a certain creek called Bum creek dividing the lands of John Hunt and William Jones, thence along the said Hunt's and Jones' line to the fast land, thence northeasterly by the side of the fast land to a road called the Hay road to a certain neck of fast land of William Wood's, thence along the several courses of the said neck of fast land to the place of beginning; which said tract or parcel of marsh or meadow land hath been and now is embanked except about forty acres lying on the south side of Land's creek by the said river Schuylkill intended to be included in this improvement, but inasmuch as the said Incorn's creek and Land's creek remain yet to be stopped at or near the mouths of the same, the charge whereof ought in justice to be paid at the general expense of the owners of the meadows within

the respective districts aforesaid and the banks, dams, sluices and floodgates [when] made for the stopping out the tide waters 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 floodgates which surround the same:

[Section I.] Be it therefore enacted by the Honorable John Penn, 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 tract and parcel of meadow land is hereby divided into the two certain districts or divisions following: That is to say, from near the mouth of Land's creek in the line dividing the lands of Benjamin Bonsall from the lands of Rebecca Justice, thence along the said Bonsall's line to the fast land, all the said meadow land lying on the north side of the said line shall be henceforth called and named The Northern District, and all the meadow land lying on the south side of the same line shall be henceforth called and named The Southern District, and that the said owners, occupiers and possessors of meadow land in the Southern District shall be called and named the Southern District Company and the owners, occupiers and possessors of meadow land in the Northern District shall be called and named The Northern District Company, and that Isaac Pearson, William Parker and Andrew Bankson, gentlemen, or any two of them, are hereby nominated, authorized and appointed within six months after the publication of this act to divide the dams, sluices, floodgates 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 bank each owner or possessor of the said tract in their respective districts shall make, repair, maintain and support, to ascertain and declare what sum or sums of money or proportion of the expense each owner or possessor

shall bear towards the stopping out the said two creeks and maintaining them after they shall be so stopped out, 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 districts, and that the allotments of banks, dams and sluices heretofore made in the said Northern District shall be of no force, validity or effect.

[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 after the allotments made in pursuance of this act, 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 six 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 and refusing, to be levied by the managers for the said districts respectively hereafter to be chosen, if they see cause, and added to the common stock of the respective districts.

[Section III.] Provided always and be it further enacted by the authority aforesaid, That all that piece or parcel of marsh or cripple land now lying without bank on the south side of Land's creek aforesaid, shall be taken in and embanked at the

proper costs and charges of the owners thereof within the term of four months after the publication hereof, but if the said owners shall refuse or neglect to make the said bank within the time limited for doing the same, then the said managers or any two of them shall cause the said piece of marsh to be embanked and pay for the doing thereof out of the common stock of the said company; and that the moneys so paid shall be repaid [and] reimbursed by leasing the said marsh ground in like manner as is hereinafter provided for neglect of payment in other cases, anything to the contrary thereof notwithstanding.

[Section IV.] And be it further enacted by the authority aforesaid, That the costs and charges of making, maintaining and amending the dams, sluices or floodgates 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 districts or divisions respectively, or a majority of them, hereafter to be chosen shall direct.

Provided always, That the first costs and charges of making the new dam at Land's creek and placing a sluice there shall be paid and discharged in [such] manner and proportions as the said commissioners hereinbefore named, or any two of them, shall direct and appoint, and also all such bank as on experience is found difficult to maintain, or as much thereof as shall be judged expedient by the said commissioners, shall be set off and supported out of the common stock of the said companies respectively.

[Section V.] And be it further 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 first Tuesday in March yearly and every year at The Bell Inn, near Cobb's Creek bridge, in the said township of Kingsess, or such other convenient place as shall hereafter be appointed by the managers of each respective district, 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 tickets in writing three fit persons, owners or possessors of land in each respective district before described, to be managers and one fit person to be treasurer for each of the said districts respectively for the year then next ensuing.

[Section VI.] 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 treasurer for the time being of his or their district the sum of forty shillings, to be added to the common stock of the company of said district, 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 districts 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 VII.] 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 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 districts 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 districts respectively, unto his successor in the said office.

[Section VIII.] And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said managers of each respective district, 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 their 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, floodgates and other conveniences for stopping out the tides or draining the waters from the said meadows in their respective districts, and if any part shall appear unfinished, damaged, decayed or destroyed, or more liable by its situation, nature of the soil or other circumstances 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 county of

Philadelphia 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 six inches above any tide that hath been known.

[Section IX.] 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 districts 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 district to pay the charge thereof.

[Section X.] 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 by 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 county 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 districts, 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 sand 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 shall [think] fit and reasonable, any law of this province, usage or custom to the contrary in any wise not-

withstanding. 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 district respectively for the time being to advance and pay so much out of the common stock of the said respective district 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 XI.] 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 caused to be paid or deposited in the hands of the treasurers of the districts 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 districts 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 districts shall in like manner pay or deposit, or cause to be paid or deposited into the hands of the respective treasurers 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 twenty 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 treasurers 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 district for the time being, or any two of them, and not otherwise.

[Section XII.] And be it further enacted by the authority aforesaid, That the managers for the time being for their respective districts, or any two of them, shall before the day hereinbefore 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 district with a true account of all and every acre of meadow in the aforesaid district, 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 and 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 or 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 XIII.] And be it further enacted by the authority aforesaid, That if any of the said owners, occupiers or possessors 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 thirty days after any of the days or times in which it ought to be paid, or shall have neglected or refused to make, amend or repair his, her 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, 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 districts, or any two of them, in his own name to apply to some justice of the peace of the county for his warrant of distress for levying the said sums of money so neglected or refused to be paid, directed to the constable of the township 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 or cripple belonging as aforesaid to such owner or owners so neglecting or refusing and delivered unto the managers of the district 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 XIV.] 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 Northern or Southern Districts of Kingsess 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 XV.] And it is hereby enacted by the authority aforesaid, That the managers for the time being of each respective 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 of hiring and appointing at the expense of the said districts respectively any person or persons from time to time to inspect the condition of all the banks, dams, sluices and floodgates belonging to the owners of the said meadow land in both of the districts 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 districts respectively.

[Section XVI.] And be it further enacted by the authority aforesaid, That the said managers for the time being in each district 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 district 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 district, 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 XVII.] And be it further enacted by the authority aforesaid, That the orders of any two of the managers on the treasurer of the respective districts 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 Northern District or Southern District Companies 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 XVIII.] 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 district 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 district, 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 the said managers.

[Section XIX.] 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 floodgates, 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 the said county of Philadelphia, 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, which fine shall be added to the common stock of the respective district for the general use and benefit of the owners of the district in which the same shall be found.

[Section XX.] And be it enacted by the authority aforesaid, That if the banks, dams, sluices, floodgates and other conveniences hereby directed to be made for the purposes aforesaid shall be out of repair in either of the districts aforesaid, and the managers of such district wherein the said banks, dams, sluices, floodgates 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 district, 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 district from whom such notice shall be given to enter into the said district 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 district so out of repair, anything herein contained to the contrary thereof notwithstanding.

And the better to procure a constant supply of fresh water in the said meadow grounds after the two new dams shall be made across Incorn creek and Land's creek aforesaid for the use of horses and cattle:

[Section XXI.] Be it enacted by the authority aforesaid, That at all times after the said two dams shall be made there shall be in the lid or door of each sluice respectively hereafter to be placed at or near the said two dams an hole or passage for the admission of water of such size and dimensions as on trial and experience shall be found necessary for the purpose aforesaid, or for any other useful and beneficial purpose, anything hereinbefore contained to the contrary thereof notwithstanding.

And whereas the frequent mowing and keeping clean the banks and dams that inclose each of the aforesaid meadows from weeds and rubbish and sowing them with English grass seed would manifestly tend to strengthen and render them more durable:

[Section XXII.] Be it therefore enacted by the authority aforesaid, That upon the neglect or refusal of any of the respective owners or possessors of any meadow lands in the Northern and Southern Districts aforesaid after notice being given him, her or them by the managers of the respective districts to mow, dress, keep clean or sow with English grass seed his, her or their banks and dams on his, her or their meadow ground respectively for the space of thirty days, it shall and may be lawful to and for the major part of the said managers respectively from time to time to employ a sufficient number of workmen to mow, dress, keep clean and sow with English grass seed the banks or dams so as aforesaid neglected and charge the owners, possessors or occupiers respectively with the whole cost arising therefrom, and upon their or any of their neglect or refusal to defray the same it shall and may be lawful for the treasurer of the said districts respectively by order of the major

part of the managers for each district to recover the money so expended in the manner hereinbefore directed with costs of suit accordingly, any law, custom or usage to the contrary notwithstanding.

And forasmuch as great part of the Northern District of meadow lands hereinbefore described and the banks and dams belonging to the same have been for several years past regulated by a law of this province, entitled "An act to enable the owners and possessors of the Northern District of Kingsess Meadow Land, in the county of Philadelphia, to keep the banks, dams, sluices and floodgates in repair and to raise a fund to defray the expense thereof,"<sup>1</sup> in pursuance of which said law the managers of the said district have laid several rates or assessments on the said meadow lands to defray the charges of making, repairing, maintaining and supporting the dams, sluices and floodgates belonging to the same:

And whereas some of the owners and possessors of the said meadow lands are in arrear and have neglected to pay their parts of the assessments so laid, and it being just and reasonable the same should be received for the general use and benefit of the said company:

[Section XXIII.] Be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the treasurer of the said district by order of the major part of the managers of the same district to demand and recover the assessments or sums of money so in arrear in like manner as the rates or assessments are directed to be recovered by this act with full costs of suit.

[Section XXIV.] And be it further enacted by the authority aforesaid, That the act of general assembly of this province, entitled "An act to enable the owners and possessors of the Northern District of Kingsess meadow land, in the county of Philadelphia, to keep the banks, dams, sluices and floodgates in repair to to raise a fund to defray the expense thereof,"<sup>1</sup> shall be and it is hereby repealed and made null and void.

Passed February 18, 1769. Referred for consideration by the King in Council, February 26, 1770, and allowed to become a law by lapse

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<sup>1</sup> Passed March 14, 1761, Chapter 458.

of time in accordance with the proprietary charter. See Appendix XXVII, Section I, and the Acts of Assembly passed December 15, 1734, Chapter 1120; March 10, 1738, 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.

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## CHAPTER DLXXXVI.

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AN ACT FOR ASCERTAINING THE SECURITIES TO BE GIVEN BY THE PROVINCIAL TREASURER FOR THE TIME BEING FOR THE FAITHFUL PERFORMANCE OF HIS TRUST.

Whereas it is rendered expedient for the public security, from the large sums of money which are by sundry laws directed to be paid into the hands of the provincial treasurer for the time being, that the said treasurer should give securities in higher penalties for the faithful discharge of his duty than have been heretofore accustomed or enjoined by law:

[Section I.] Be it therefore enacted by the Honorable John Penn, 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 provincial treasurer already appointed within one month after the publication of this act and every provincial treasurer hereafter to be appointed shall, before he shall enter upon the duties of his office, become bound in an obligation with two or more sufficient sureties to be approved of by the governor of this province for the time being in the sum of twenty thousand pounds lawful money of this province, conditioned for the true and faithful performance and execution of the duties and trust enjoined and required by law to be performed and executed by the provincial treasurer, and that the said obligations and every of them shall be taken in the King's name and entered upon record in the office for recording deeds in the county of Philadelphia.