

administrators (other than the person and persons claiming as aforesaid under the said Philip Dubois, Daniel Dubois and Abraham Dubois under the said defaced deeds) all such estates, rights, titles, interests, claims and demands of, in to or out of the above mentioned premises by this act vested in the heirs, devisees or assigns of the said John Pawling and Isaac Dubois forever as aforesaid as they or any of them had before the passing of this act or could or might have had or enjoyed in case this act had never been made.

[Section II.] And be it further enacted by the authority aforesaid, That the recorder of deeds of and for the county of Philadelphia shall when thereto required enter on record so much of the said defaced and torn deeds as remains legible for the benefit of all persons claiming or to claim under them or either of them.

Passed March 21, 1772. Referred for consideration by the King in Council, January 15, 1773, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXX.

CHAPTER DCLXV.

AN ACT TO ENABLE THE OWNERS OF THE LANDS CALLED THE PIGEON SWAMP IN THE TOWNSHIP OF BRISTOL IN THE COUNTY OF BUCKS, TO DIG, MAINTAIN AND KEEP OPEN A DITCH THROUGH THE SAID SWAMP AND TO RAISE MONEY TO DEFRAY THE EXPENSE THEREOF.

Whereas it hath been represented to the assembly of this province by the petition of sundry owners of lands on both sides of the swamp commonly called "The Pigeon Swamp" in the township of Bristol in the county of Bucks that a valuable piece of meadow ground remains useless both to the owners of the said ground and to the public for want of proper persons being legally empowered to dig or make such a ditch or drain as is necessary for draining the said swamp and to repair and clear such a ditch or drain when it may afterwards be necessary and

to oblige the owners of the said meadow ground in just and equal proportions to pay the expense thereof:

[Section I.] Be it enacted by the Honorable Richard Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and John Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania, 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 Hugh Hartshorne and Joseph Hall, of the borough of Bristol, gentlemen, are hereby appointed, authorized and empowered as soon as conveniently may be after the passing of this act to view the premises and to ascertain the outlines of all the meadows which are or may be made by draining the said swamp, and to survey and make a plat or map of the several quantities of such meadow ground belonging to each owner, and such plat or map signed by them to get recorded in the public records of the said county of Bucks and afterwards to deliver the same to Christian Minnick, Aaron Wright and William Bidgood, Junior, who are hereby appointed managers for and on behalf of the said owners of the said swamp, who are hereafter to be called "the Pigeon Swamp Company," and the [said] managers or any two of them shall appoint a treasurer, which managers and treasurer shall be and continue to act on behalf of the said company until the election of others in the manner hereafter mentioned.

[Section II.] And be it enacted by the authority aforesaid, That the said managers, or any two of them, shall within nine months after passing this act dig and make or cause to be dug and made a ditch from the mill-creek through the middle of the said swamp or in such place or places as shall be most proper for draining the same, of such breadth and depth as the said Hugh Hartshorne and Joseph Hall and the said managers, or the majority of them, shall adjudge and direct to be necessary for the draining and clearing the said swamp and converting the same into meadow ground, the cost and expense of making which ditch shall be paid by the respective owners of the ground in proportion to the quantity of land drained by the said ditch belonging to them and included in the said survey. And the

said managers shall draw orders on the treasurer for payment of the costs and expense thereof, and the said treasurer is hereby authorized to levy and recover the same of and from the said owners, respectively, in the proportions aforesaid.

[Section III.] And be it enacted by the authority aforesaid, That after the said ditch is made the said managers and all future managers shall at least once in three months view the same, and if they find any repairs to be necessary or that the said ditch wants to be scoured or cleansed from mud or any other obstruction therein, they shall direct and cause the same to be immediately scoured or cleansed and shall lay and assess on the owners of the said meadows such sum or sums of money as may be necessary for that purpose and issue their orders on the treasurer for payment thereof.

And whereas the present owners are but eight in number, and the said meadow lands may hereafter fall into the hands of single women or minors who can neither elect nor be elected:

[Section IV.] Therefore be it further enacted by the authority aforesaid, That all and every the present and future owners of the said swamp or meadow land, their or either of their attorneys in fact, trustees or guardians of minor owners, unless any of them shall be females, or so many of the men as shall think fit, may meet and assemble yearly and every year on the second Monday in the month of September at such convenient place in the said township as shall hereafter be appointed by the managers for the time being, who shall by advertisements published at least eight days before in three or more of the most public places in the said borough and township of Bristol, give notice of the time and place of election, and then and there by a majority of those met shall choose by ballot three fit persons, owners of the said swamp or meadow, or attorneys, trustees or guardians of such owners, to be managers and one fit person to be treasurer for the year ensuing, each and every of whom shall be inhabitants of the said township, and the managers and treasurer so chosen as aforesaid shall from time to time have the same powers to assess and collect the moneys that shall be necessary for clearing out and keeping the said drain or ditch in order as hereinbefore are given to

the said Christian Minnick, Aaron Wright and William Bidgood, and to the treasurer to be chosen by them as aforesaid.

Provided always, That the said attorneys, trustees or guardians shall have but one vote at the said election for the shares or estates they respectively have under their care.

[Section V.] And be it further enacted by the authority aforesaid, That if any of the said owners, attorneys in fact, trustees or guardians so elected managers or treasurer aforesaid shall on notice in writing given him or them or left at their respective dwelling houses of such their election refuse, or shall afterwards neglect to do the duty required of him or them by this act, he or they so refusing or neglecting shall forfeit and pay to the treasurer for the time being the sum of three pounds each, to be added to the common stock of the said company, unless he or they shall have served four years successively in the said office, which fine shall be recovered in manner hereinafter directed for the recovery of other moneys payable to the treasurer of said company, and the other managers or manager shall proceed in their duty without him or them so refusing or neglecting, or if they think fit may choose other owners, attorneys in fact, trustees or guardians aforesaid to supply the place of such manager or treasurer so refusing or neglecting as aforesaid.

[Section VI.] And be it further enacted by the authority aforesaid, That if any of the said owners, attorneys in fact, trustees or guardians shall refuse or neglect to pay the several sums of money so to be assessed upon them as aforesaid after any of the days or times on which they respectively ought to pay the same according to the true intent and meaning of this act, they and each of them so refusing or neglecting shall for every three months forfeit and pay to the treasurer for the time being the additional sum of two pence for every shilling unpaid which they respectively ought to have paid by the direction of this act.

[Section VII.] And be it further enacted by the authority aforesaid, That if any of the said owners, attorneys in fact, trustees or guardians shall neglect or refuse 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 of the days or times in which it ought to have been paid, agreeable to the direction and true intent and meaning of this act, that then and thereafter it shall and may be lawful to and for the said treasurer 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 which he, she or they ought to have paid, with the forfeitures aforesaid, by virtue hereof, by action of debt of five pounds or under before any one justice of the peace for the county aforesaid, and if above five pounds, in any of His Majesty's courts of common pleas within this province, and give this act and the said assessment or the said account, as the case may require, in evidence, and the said court or justice of the peace is hereby empowered and directed to give judgment and issue execution for the same with costs of suit accordingly, to be levied on the tract or piece of meadow land or swamp belonging to such delinquent owners, and the officer to whom such execution is directed shall deliver the premises unto the managers for the time being, who are hereby authorized and empowered to let out on rent all or any part of the said meadow or swamp belonging as aforesaid to any of the said delinquent owners for such time as the rent or rents arising therefrom shall pay all such sum or sums of money so assessed or charged, together with all the forfeitures arising thereon for neglect or refusal to pay the same as aforesaid with all costs of suit and no longer.

Provided always, That no letting out the said meadow land the said managers do publicly notify the leasing thereof and let the same to the highest bidder.

[Section VIII.] And be it further enacted by the authority aforesaid, That the said managers, or any two of them, are hereby empowered and authorized to settle accounts with the treasurer from time to time and to do and execute all other matters and things pertaining to the general good and benefit of the said owners in and about the premises, and also that the said treasurer and every future treasurer to be chosen shall before he take upon him the execution of the said trust become bound to

the said managers in double the sum of money that probably may come into his hands during the continuance of his trust, with condition that he will as often as required render his accounts to the said managers and well and truly account and settle with them for all moneys that shall come into his hands belonging to the owners of said meadow or swamp and pay the balance unto such person or persons for such services as any two of the managers for the time being shall order and appoint and not otherwise, and that he will at the expiration of his office deliver up and pay the balance of the moneys 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 owners unto his successor in the said trust, and that he will do and execute all other things as treasurer to the said owners according to the true intent and meaning of this act.

Provided nevertheless, That if any owner or owners, attorneys in fact, trustees or guardians shall think him, her or themselves aggrieved by any order or proceeding of the said managers, such owners, attorneys in fact, trustees or guardians shall choose two fit and disinterested persons, and the managers shall choose two other fit and disinterested persons, who, or any three of them, shall finally settle the same and all other matters in dispute between them.

[Section IX.] And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully injure the said drain or ditch or in any manner stop or obstruct the free course of the water along the said mill creek anywhere between the said ditch and Bristol Mill dam so as to annoy, injure or overflow any part of the said swamp or meadow and shall be convicted thereof before the justices of the county court of quarter sessions of the said county of Bucks, every such offender 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 for the general use and benefit of the owners of the said swamp or meadow.

Passed March 21, 1772. Referred for consideration by the King in Council, January 15, 1773, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXX, and the Acts of Assembly passed March 30, 1811, P. L. 188; April 13, 1838, P. L. 363; April 14, 1858, P. L. 504.

CHAPTER DCLXVI.

AN ACT FOR THE CONFIRMING THE ESTATE OF SAMUEL PHIPPS IN AND TO CERTAIN LANDS IN THE TOWNSHIP OF GOSHEN, IN THE COUNTY OF CHESTER.

Whereas it appears that a certain Cadwalader Ellis about fifty-seven years ago was possessed of a tract of land situate in the township of Goshen in the county of Chester, containing two hundred and ninety-five acres; that the said Cadwalader Ellis by his deed poll, date the thirteenth day of May, one thousand seven hundred and nineteen, granted and conveyed the same tract of land unto a certain Joseph Phipps in fee, with a covenant therein contained for further assurance, who also by deed granted and conveyed the same to his son Samuel Phipps in fee:

And whereas a certain Stephen Beaks granted and conveyed by deed a certain tract of land, adjoining the tract of land aforesaid, containing eighty-two acres, to the said Samuel Phipps in fees, both which the said tracts of land are included within the bounds following, viz.: bounded on the north by land of James Galbraith and the said Samuel Phipps, on the west by lands of Rudolph Haines, Edward Hicks and Thomas Goodwin, on the south by land of William Jones, and on the east by lands of George Hoops and Jonathan Garret, that by the conveyances aforesaid the premises became vested and now are in the possession of the said Samuel Phipps:

And whereas the said deeds from the said Joseph Phipps to his said son Samuel and from the said Stephen Beakes to the said Samuel Phipps are by some accident lost and cannot be found: Therefore the said Samuel Phipps, in order to prevent