

## CHAPTER CMXCI.

AN ACT TO ENABLE THE COMMISSIONERS THEREIN NAMED TO PURCHASE PUBLIC LANDINGS IN THE DISTRICT OF SOUTHWARK, IN THE COUNTY OF PHILADELPHIA, AND FOR RAISING A FUND TO PAY THE PURCHASE MONEY THEREOF.

(Section I, P. L.) Whereas, the rapid improvement of the water lots in the district of Southwark of late years hath rendered them of great value and unless timely care is taken to procure convenient places for public landings, for the unlading of hay, wood, boards, timber, sand and stone and other bulky and heavy articles brought into the same by water, for the use of the inhabitants, the public may in time be deprived of the benefit of access to the water for such purposes, to their great injury, by increasing their land carriage:

And whereas, the inhabitants of the said district, fearing those inconveniences, have, for several years past, been endeavoring to procure some proper and convenient lots for those purposes and have applied to the legislature to enable them to purchase and hold such lots and have, by Robert Knox, Joseph Blewer, Joseph Turner, John Brown, William Clifton and Isaac Penrose, a committee by them for that purpose appointed, agreed with Luke Morris and others for the purchase of one convenient place for that purpose, if they can be enabled to fulfil the contract on their part, and other places will, in time, be wanted for the like purposes:

(Section II, P. L.) Now, therefore, to enable the said committee to fulfil their said contract and to purchase such other lots as shall hereafter appear to be necessary for public landings in the said district, and which can be procured:

[Section I.] Be it enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said Robert Knox, Joseph Blewer, Joseph Turner, John Brown, William Clifton and Isaac Penrose, or their survivors, together

with the supervisors of the highways for the time being, elected by the inhabitants of the said district, in pursuance of the act of assembly in such case provided, be and they are hereby appointed commissioners and, by and with the approbation of three of the justices of the peace of and for the county of Philadelphia, they are hereby authorized and empowered, for and in behalf of the inhabitants of the said district, and for their use, to purchase, or to take on ground rent, such lot or lots on the river Delaware within the said district, as they, the said commissioners, or a majority of them, shall think will be necessary for accommodating the said inhabitants with public landing places for such bulky articles as are hereinbefore mentioned, and to take one or more conveyances to them for the same, in fee simple, and thereupon to sink and erect proper and convenient wharves and quays, for the purposes aforesaid, and to borrow on interest from time to time, as the purchase moneys and expenses of improving the same shall grow due, such sum or sums of money as shall be sufficient to discharge their contracts, and to grant, bargain, sell, convey and assure to the lenders, in mortgage, all such lot or lots of ground; which deeds of mortgage, executed by the said commissioners, or their survivors, or a majority of them, shall be as good and valid in law for securing the payment of the moneys so borrowed as any mortgage made by a private person of his own estate now is.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That whenever the said commissioners shall have purchased any lot or lots for the purposes aforesaid, they shall cause the same (or so much thereof as they shall think necessary) to be laid out for a landing or landings, and a street of sufficient breadth to give free access thereto, for public use; and if there shall be any overplus ground, then it shall and may be lawful for them, or a majority of them, or their survivors, to sell the said overplus ground by public or private sale, for the best prices that can be obtained, and make good and perfect titles for the same to the purchasers, in fee simple, and apply the moneys arising from such sales

towards the payment of the first purchase money or the moneys they may have borrowed as aforesaid.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners, or a majority of them, to demise, grant and to farm let to any person or persons whatsoever, for any term of years not exceeding seven at one time, all the public wharves, quays and landing places, reserving such rents and conditions and establishing such rates and prices for the toll or wharfage of all kinds of articles which are usually brought to such landings, as they shall judge reasonable, and restraining the tenant from taking higher rates and prices and binding him in sufficient penalties in all things to abide by such rates, orders and regulations as the tenants of the public landings in the city of Philadelphia are bound to observe; and to receive the rents, issues and profits thereof, and to apply the same towards the discharge of the encumbrances on the said lots, until the whole of the encumbrances aforesaid are fully paid and discharged.

(Section V, P. L.) And in order to enable the said commissioners more speedily to pay off and discharge the debts which shall accrue by the purchase and improvement, as well of the said landing place in part agreed for with the said Luke Morris and others, as of any other land places hereafter to be purchased.

[Section IV.] Be it enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners, or a majority of them or their survivors, together with the assessor and assistant freeholders of the said district, for the time being, to make or lay, yearly and every year, until the whole of the said debts and encumbrances shall be paid and discharged, one rate or assessment, not exceeding one shilling in the pound, of the clear yearly value of all the real and personal estates within the said district (over and above the rates and assessment which the said supervisors are directed to lay by the said act of assembly for the maintenance and repair of the streets and highways within the said district), and to appoint a collector for the same; which said assessment being fairly made,

according to the best of their skill and judgment, having due regard to every man's estate within the said district, and without fear, favor or affection of or to any person, shall be fairly transcribed in a book to be kept by the said assessor and commissioners, and being approved by three justices of the peace of and for the said county, a fair transcript or duplicate thereof shall be delivered to the collector, by them to be appointed from among the inhabitants of the said district, who is hereby authorized, enjoined and required to receive, collect, levy and recover the said rate and assessment, in the same manner and form and by the same legal remedies which are by law appointed for recovering and collecting the county taxes in the said district; and, having received or collected the same, or any part of them, shall, at the end of every month from the time of his appointment (or when thereto required) account with and pay to one of the commissioners to be by them, or a majority of them, chosen as their treasurer, all such sums of money, part of the said assessment, which he shall so have collected during the preceding month, deducting only thereout six pence in the pound for his time and trouble.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if any person by the said commissioners, or a majority of them, appointed to the office of collector aforesaid, shall refuse to take the same (not being disqualified nor entitled to an exemption therefrom, according to the customs in such cases used and approved) he shall forfeit and pay to the treasurer ten pounds, to be recovered by an action of debt, brought in the name of the treasurer for the time being, in any court of record within this commonwealth, wherein the plaintiff shall declare in general terms, that the defendant was duly appointed collector of the taxes imposed by the commissioners for the purchase of public landings for the district of Southwark, and that he refused to undertake the office, whereby action accrued, and the defendant shall plead the general issue, and shall be allowed to give this act and any special matter arising thereupon in evidence, but shall not be allowed wager of law, protection nor more than one imparlance, and if such person so appointed collector shall under-

take the office but shall neglect or refuse, at the end of every month (or when thereto required), to account with and pay to the treasurer for the time being all such moneys as he shall have from time to time collected of the said assessment in manner aforesaid, then, upon complaint made to two justices of the peace of and for the said county, it shall and may be lawful for the said justices, and they are hereby required to issue their precept, directed to the sheriff of the said county, commanding him to take and bring the body of the said collector before them, to answer such complaint and if, upon his appearance and due examination had into the said complaint, it shall appear to them that the said collector has refused to account with and pay the said moneys to the said treasurer and shall before them neglect or refuse immediately so to do, then and in such case the said justices are hereby required, by warrant under their hands and seals, forthwith him to commit to the common gaol of the said county, there to remain without bail or mainprise until he shall so account for and pay the said moneys to the said treasurer, and in such case, or in case the person appointed to be collector shall refuse to undertake the office, it shall and may be lawful for the said commissioners to appoint another, under the penalties aforesaid, and so as often as there shall be occasion.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the treasurer of the said commissioners, before he undertakes his office, shall give a bond with two sufficient sureties, to the other commissioners, in the penalty of one thousand pounds, conditioned that he will well and faithfully execute his office, keep regular accounts of his receipts and disbursements, pay all the orders drawn on him by the said commissioners, or a majority of them, or their survivors, as soon as sufficient moneys shall come to his hands from any of the funds belonging to the commissioners; that he will, at least once in every year, settle and adjust with the said commissioners a full and just account, supported by proper vouchers, of all his receipts and payments during the preceding year; and that upon his death, or the appointment of another treasurer in his room (which the said commissioners, or

a majority of them, or their survivors, are hereby authorized to do, whenever they see cause) he, his executors or administrators shall and will settle and adjust all his accounts with the said commissioners, and pay the remaining balance in his hands to his successor in office, charging no more than six pence in the pound on all the moneys by him received and paid.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall meet at some convenient place, by them to be fixed on, so often as the business under their care shall require, when two-thirds of their number being met shall constitute a board, a majority of whose voices shall be sufficient to determine any question that may arise or be made touching or concerning any of the matters or things hereby committed to their care.

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That all and singular the powers and authorities hereby given to the said commissioners and the estate and estates which they shall acquire in any lots of ground by virtue of and in pursuance of this act, shall continue and remain in the said Robert Knox, Joseph Blewer, Joseph Turner, John Brown, William Clifton and Isaac Penrose, and the survivors of them, and the supervisors of the highways for the time being, until the said landings are purchased and improved and until the whole debts accrued by the purchase and improvement thereof are, by the sale of any parts of the grounds purchased, the rents and profits of the landings, and the rates and assessments hereby ordered to be laid and collected, or by some other means fully paid off and discharged, and until their accounts of and concerning the same are finally adjusted, and no longer; and then and from thenceforth the real estate of and in the same shall devolve upon and accrue to the supervisors of the highways in the said district, who are hereby erected into and declared to be one body politic and corporate (for this especial purpose) in deed and in law, capable of holding the same, and of suing and being sued in all actions touching and concerning the same, by the name of "The Supervisors of the public landings and highways in the district

of Southwark, and to their successors forever, in trust for the use of the public, in the manner hereinafter mentioned, that is to say, in trust that the said supervisors for the time being, or a majority of them, with the approbation of three justices of the peace of and for the said county, shall and may grant, demise and to farm let the same landings to any person or persons for any term of years, not exceeding seven at one time, upon such rents and conditions as they shall think proper; and shall and may make such rules, orders and regulations for the well governing as well the tenants thereof as the boats, flats, carts and wagons which shall frequent the same, and the owners, skippers and drivers thereof, and the prices or rates of toll or wharfage to be paid for all articles to be unladen thereon; and that the said supervisors shall receive the rents, issues and profits thereof and apply the same to the making any improvements or buildings thereon, to the paving any of the streets or maintaining and repairing any of the highways or to any other public use within the said district, which the said supervisors, or a majority of them, by and with the approbation of three justices of the said county as aforesaid shall order and appoint.

(Section X, P. L.) And whereas, the number of supervisors within the said district directed to be chosen by the freeholders and inhabitants by the act of assembly in such case provided will be too small when this weighty trust shall wholly devolve on them:

[Section IX.] Be it therefore enacted by the authority aforesaid, That at the first election which shall be held for the said district, after the accounts of the said commissioners shall be finally adjusted, the freeholders and inhabitants of the said district shall elect six respectable freeholders to be the supervisors of the public landings and highways in the district of Southwark, in lieu of the three supervisors of the streets and highways by the said act directed to be chosen; which six freeholders, being duly elected according to the directions of the said act, shall have, hold, enjoy and exercise all the powers, authorities and estates by this act vested in the supervisors

of the public landings and highways in the district of Southwark.

Passed September 20, 1782. Recorded L. B. No. 2, p. 12, etc. See the Act of Assembly passed March 6, 1790. Chapter 1490.

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CHAPTER CMXCII.

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AN ACT FOR INCORPORATING THE PRESBYTERIAN CHURCH IN THE TOWNSHIP OF WARWICK, IN THE COUNTY OF BUCKS.

(Section I, P. L.) Whereas the minister, elders and members of the Presbyterian church in the township of Warwick, in the county of Bucks, have prayed that their said church may be incorporated and by law enabled, as a body corporate and politic, to receive and hold such charitable donations and bequests as may from time to time be made to their society, and vested with such powers and privileges as are enjoyed by the other religious societies who are incorporated in the state of Pennsylvania:

(Section II, P. L.) And whereas, it is just and right and also agreeable to the true spirit of the constitution that the prayer of their said petition be granted:

[Section I.] (Section III, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That Richard Walker, Benjamin Snodgrass, William Scott, William Long, Nathan McKinstry, Gills Craven, William Walker, John Carr, Joseph Harb and their successors duly elected and appointed in such manner and form as hereinafter is directed be, and they are hereby made and constituted a corporation and body politic in law and in fact, to have continuance forever, by the name, style and title of "The Trustees of the Presbyterian Church in Warwick Township, in the county of Bucks."

[Section II.] (Section IV, P. L.) And be it further enacted