

CHAPTER DXXIII.

AN ACT FOR AMENDING EACH AND EVERY OF THE ACTS OF ASSEMBLY OF THIS PROVINCE HERETOFORE MADE FOR EMBANKING AND DRAINING SEVERAL PARCELS OF MARSHY LAND, SITUATE IN THE COUNTIES OF PHILADELPHIA AND CHESTER, AND FOR REPAIRING AND MAINTAINING THE BANKS, DAMS AND SLUICES THEREUNTO BELONGING.

Whereas the method prescribed for recovering the sums of the deposit money and assessments laid and to be laid and assessed by the managers appointed by virtue of the several acts of assembly heretofore made for embanking and draining the several pieces or parcels of marsh or meadow ground situate in the counties of Philadelphia and Chester hath on experience been found by the said managers not to answer the good ends intended, whereby some of the [said] banks, dams and sluices, for want of a more speedy supply of money which should at all times be in the hands of the treasurers ready to be applied to enable the managers respectively to uphold and repair them agreeable to the said several laws, have been suffered in several places to go much out of repair, to the great damage and injury of the owners and possessors of the said meadows.

For remedying whereof:

[Section I.] Be it 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 if any of the said owners, possessors or occupiers of meadow lands whose banks, dams and sluices are in any wise upheld, supported, maintained or regulated by any law of this province heretofore made shall neglect or refuse to pay the several sums of money that have or shall from time to time be rated, assessed and laid for supporting their respective proportions of the banks,

dams and sluices by the major part of the managers of each respective company, together with the forfeitures arising thereon which they respectively ought to pay, for the space of thirty days after demand made by the treasurer of the respective company; or have heretofore neglected or refused or shall hereafter neglect or refuse to reimburse the treasurer for the time being the necessary expense of making and repairing his, her or their part, share or proportion of the banks to them duly assigned respectively, agreeable to the directions of the several acts of assembly aforesaid, that then and so often it shall and may be lawful to and for the said several treasurers by direction of the major part of the managers for the time being respectively 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 not to be found in the county, and deliver the same over unto the managers respectively for the time being, who, or the major part of them, are hereby empowered and authorized to let the same on rent or any part thereof that may be sufficient belonging to such delinquent owner or owners so neglecting as aforesaid or where they are not to be found in the county from time to time 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, her or their neglect or refusal to pay the same as aforesaid and no longer.

Provided always, That in letting out the said meadow land the said managers do publicly notify the leasing thereof and let the same to the highest bidder at private sale or bargain.

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 II.] 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 subject to any of the laws heretofore made for the better supporting and upholding the banks that inclose them, after notice being given him, her or them by any one of the managers for the time being to mow, dress, keep clean or sow with English grass seed his, her or their banks and dams to them properly assigned and belonging for the space of thirty days, it shall and may be lawful to and for the major part of the managers of the respective meadow companies for the time being from time to time to employ a sufficient number of workmen to mow, dress, keep clean and sow with English grass seed the said banks or dams so neglected as aforesaid, and charge the owners, possessors or occupiers respectively with the whole cost arising thereupon; and upon their or any of their neglect or refusal to pay the same it shall and may be lawful for the treasurer of the said respective companies, by order of the major part of the managers for the time being respectively, to recover the money so expended in the manner hereinbefore directed, with costs of suit accordingly, any law, custom or usage to the contrary thereof in any wise notwithstanding.

[Section III.] And be it further enacted by the authority aforesaid, That it shall and may be lawful for the owners, possessors and occupiers of the Wiccaco Meadows, or as many of them as shall see proper, to meet together on the first Monday in April yearly and every year, at the court-house in Philadelphia or at such other convenient place as shall hereafter be appointed by the managers of the Wiccaco Company, to be chosen by virtue of this act, and then and there by a majority of those met shall choose by tickets in writing five fit persons, owners or occupiers of the said meadows, to be managers and one fit person to be treasurer for the said Wiccaco Company for the ensuing year, anything in an act of assembly, entitled "An act to enable the owners and occupiers of the Wiccaco Meadows, 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,"¹ passed in the second year of His present Majesty's reign, to the contrary notwithstanding.

[Section IV.] And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the treasurer of the Greenwich Island Company, by order of a majority of the managers of the said company for the time being, to recover the rates, assessments, shares or proportions of money laid or to be laid, rated and assessed by the said managers, or a majority of them, from time to time for and towards repairing the bridge over Hollander's creek and the road leading over the said bridge on all persons holding lands in the said island accommodated by the said bridge and road in the same manner as the other rates and assessments are directed to be recovered by virtue of this act, any law of this province to the contrary notwithstanding.

[Section V.] And be it further enacted by the authority aforesaid, That so much of each and every of the several respective acts of assembly of this province heretofore made for enabling the owners and possessors of drained meadow land to uphold the banks, dams and sluices that inclose the said lands so drained as is hereby altered, changed, contradicted or supplied shall be and is hereby declared to be repealed and made null and void to all intents and purposes.

Passed February 15, 1765. Referred for consideration by the King in Council, February 10, 1766, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section VIII, and the notes to (the two acts of) Assembly passed April 12, 1760, Chapters 454, 455; (the two acts of) March 14, 1761, Chapters 458, 462; September 26, 1761, Chapter 472; (the three acts of) February 17, 1762, Chapters 473, 474, 475; and the Acts of Assembly passed February 21, 1767, Chapter 558; February 26, 1800, Chapter 2108.

¹ Passed February 17, 1762, Chapter 473.