

CHAPTER CMLXXX.

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO ENABLE THE OWNERS OF SCHUYLKILL POINT 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 EXPENSES THEREOF."¹

(Section I, P. L.) Whereas, by an act, entitled "An act to enable the owners of Schuylkill Point 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 expenses thereof,"¹ it was, among other things, enacted, That Hough Roberts, Enoch Flower, Samuel Rhoads, Andrew Bankson, Joseph Johnson and John Smith, or any four of them, were thereby nominated, authorized and appointed, within two months after the publication of that act, to divide the banks which surrounded and included all that, the said tract or piece of marsh or meadow land, and allot and appoint how many perches of the said bank each owner or possessor of the said tract should make, repair, maintain and support in proportion to the number of acres of meadow he held therein, allotting the part and proportion so to be made, repaired, maintained and supported, as near and convenient as might be to the land of each respective owner thereof, beginning the allotments at the place of beginning in the said-recited act mentioned, all which said allotments so made and signified by an instrument in writing, under the hands and seals of any four of them, should be the proper shares, parts, proportions and quantities of bank for the several owners or possessors of the said meadow to make, repair and support at their own expense and charge, as in and by the said-recited act more fully appear:

(Section II, P. L.) And whereas, it is found by experience that the mode of supporting the said bank by individual allotments is attended with divers inconveniences:

[Section I.] Be it therefore enacted by the Representatives

¹ Passed September 26, 1761, Chapter 472.

of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the publication of this act the several owners of meadow ground within the banks surrounding the said Schuylkill Point meadows shall be and they are hereby released and discharged from making, repairing, maintaining and supporting the several proper shares, parts, proportions and quantities of the said bank to them allotted, in pursuance of the said-recited act, at their own proper expense and charge and of and from all penalties and forfeitures by the said-recited act annexed to the neglect thereof.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That immediately after the passing of this act it shall and may be lawful for the present managers of the said company to enter into and upon the said banks, and if, upon inspection it shall appear to them that any particular allotments thereof shall stand in immediate need of repair, then it shall be lawful for the said managers, without consulting the owners of the particular allotments which shall so require immediate repairs, to enter upon the adjoining grounds with such workmen, horses, carts, implements and tools as shall be necessary, and to dig and cast earth, or purchase other materials and cause the said allotments of bank to be repaired so as to put them all in order and repair as nearly as possible equal at the several expense and charge of each of the said owners of the said allotments which shall require such repair, and to levy, recover, collect and receive from each of them, respectively, the several amounts of the said respective expenses and charges, in the same manner and under the same penalties and forfeitures as the taxes for other purposes in the said-recited act mentioned are directed to be levied, recovered, collected and paid.

(Section IV, P. L.) And in order for the better and more certain and expeditious repairing and supporting the said bank in future, and for rendering the burden and expense thereof more equal upon all the said owners:

[Section III.] Be it enacted by the authority aforesaid, That from and after the publication of this act, it shall and may be

lawful to and for the managers of the said Schuylkill Point meadows, elected and to be elected in pursuance of the before-recited act, and they are hereby enjoined and required to enter upon and inspect the said banks, drains and ditches, so often as they shall think necessary, but not less than four times in every year, and if, upon such inspection, it shall appear to them that any part of the said bank stands in need of repair, whether from gradual decay or a sudden irruption of the water, or otherwise, then and in such case it shall and may be lawful for the said managers, without consulting the owners of the particular place where such repairs are wanting, to enter upon the adjoining grounds with such workmen, horses, carts, implements and tools as shall be necessary, and there to dig and carry earth or purchase other materials for the repair and support of the said bank (in a good substantial and sufficient manner, according to the directions in the said-recited act contained), at the joint expense and charge of all the said owners.

(Section V, P. L.) And whereas, it may sometimes happen that great benefit may be derived to the general interest of the said company by making some additional works for the security of the said banks or draining the said meadows, but the great length of time necessary to procure the consent of all the said owners may prevent the same being done within due time:

[Section IV.] Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for a board of the managers, at any time when they shall be of opinion that any such additional works (not herein nor by the act to which this is a supplement provided for) shall become necessary and expedient for the general benefit of all the said owners, to cause the same to be done and perfected at the joint expense and charge of all the said owners.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said managers, elected and to be elected as aforesaid, from time to time to lay such assessments and taxes on every acre of land within the said bank as they shall judge necessary for repairing, maintaining and supporting the same; and for the

other purposes herein above mentioned, to be paid, collected and recovered in the same manner and under the same penalties and forfeitures as the taxes for other purposes in the said-recited act mentioned are thereby directed to be levied, recovered, collected and paid.

(Section VII, P. L.) And whereas, the penalty by the said-recited act annexed to the refusal or neglect of any owner of the said Schuylkill Point meadows to serve the office of a manager when thereto elected by the said company, is found to be insufficient to answer the ends thereby intended:

[Section VI.] Be it therefore enacted by the authority aforesaid, That from and after the publication of this act, whenever any owner or possessor of any of the said meadows shall be duly elected, in pursuance of the said-recited act, to serve as a manager to the said company, and shall neglect or refuse to take upon himself the burden of the said office, every such person so elected and neglecting or refusing, unless he shall have served the said office two successive years next before his said election, shall forfeit and pay to the treasurer of the said company for the time being the sum of five pounds, lawful money of this commonwealth for the public use of the said company, in lieu of such service, which said penalty shall be levied, collected, recovered and paid in the same manner, and under the same forfeitures, as other moneys payable to the treasurer of the said company are by the said-recited act directed to be recovered.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That so much of the said-recited act as is herein and hereby altered shall be and is hereby repealed and made null and void, but all and every other matter and thing therein contained shall be and remain in full force and virtue as if this act were never made.

Passed April 15, 1782. Recorded L. B. No. 1, p. 525, etc.