

## No. 40.

## AN ACT

Providing for the erection of a dam and flood-gate, at the mouth of Hollander's creek, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the managers of the Greenwich Island meadow company, and the managers of the Schuylkill Point meadow company, or a majority of all the managers of both of said companies be, and they are hereby authorized and empowered to erect, or cause to be erected, in such place as may be approved by them, at or near the mouth of Hollander's creek, in the county of Philadelphia, a dam and flood-gate, of such size as may be sufficient for the discharge of any and all the surplus water that may be necessary for the draining of the meadow land, on or near said creek.

Erection of  
dam & flood-  
gate

SECTION 2. That the Greenwich Island meadow company, and such persons, corporations or authorities, who own or hold property in trust, or otherwise, on the west of Hollander's creek, or are benefitted directly or indirectly, by the erection of said dam and floodgate, shall pay the other one-half of the expense incurred by its erection.

Expense of  
erection how  
and by whom  
paid

SECTION 3. That immediately after the passage of this act, the court of quarter sessions of Philadelphia county, shall appoint three suitable and disinterested persons whose duty it shall be, at least three days notice of the time of their meeting, for the purpose of their appointment, having been previously given to the parties interested, if in the city or county of Philadelphia, to view and examine the lands lying on the west side of Hollander's creek, and apportion that part of the expense designated in the preceding section of this act to be paid by the Schuylkill Point meadow company, and others therein named, in such proportion as they or any of them may be benefitted by the erection of said dam and floodgate, and report the result of their proceedings to said court, who shall, on the filing of said report, confirm the same: and if any person or persons shall neglect or refuse to make payment of the portion of the expense apportioned to them by the report of said viewers, for the space of thirty days after the confirmation of said report, by the court of quarter sessions

Viewers to be  
appointed

Apportion  
ment of ex-  
pense

Viewers to  
report

Proceedings  
on neglect of  
payment

aforsaid, it shall and may be lawful for the managers of the Greenwich Island meadow company, and the managers of the Schuylkill Point meadow company, or a majority of all the managers of both companies, to enter such apportioned expense in the district court, or the court of common pleas of Philadelphia county, as a lien against the property, to which it may be apportioned, and proceed to enforce payment thereof, in the same manner and by the same process that mechanics liens are now enforced.

Work to be  
kept in repair

SECTION 4. And whereas, it is of great importance that the work contemplated by this act, should be kept in repair, and it is likewise necessary, to make it useful that Hollander's creek should be kept open as far as the dam, where the London company's road crosses it: It is therefore enacted that the managers of the Greenwich Island meadow company, and the managers of the Schuylkill Point meadow company, and the owner or owners of property on the west side of, and

Powers to widen Hollander's creek, &c

adjoining Hollander's creek, not incorporated with the Schuylkill Point meadow company, or a majority of them, are hereby empowered and required to cleanse, deepen or widen said creek, or any part thereof, between the dam at the mouth of said creek, and the dam where the London company's road crosses it, whenever they deem it necessary; and they are hereby enjoined and required in widening or deepening said creek, to keep the middle of the creek on the line of the different properties on each side thereof, as near as possible, and

Expense—  
how and by  
whom paid

that the expense thereby incurred, shall be paid by the respective companies and property holders, in proportion to the length of front they occupy on said creek, and that the managers of the Greenwich Island meadow company, and the managers of the Schuylkill Point meadow company, or a majority of all the managers of both companies, are hereby authorized and required to alter or repair said dam and floodgate,

Alterations &  
repairs of dam  
and floodgates

whenever such alteration or repairs are necessary, and the managers of the Greenwich Island meadow company, and the managers of the Schuylkill Point meadow company, or a majority of all the managers of said companies, shall and may proceed to collect and enforce payment of such sums as may be apportioned in the same manner, and by the same process as is provided for the collection of the expenses incurred in erecting the dam and floodgate aforsaid.

Power to enforce payment

of all the managers of said companies, shall and may proceed to collect and enforce payment of such sums as may be apportioned in the same manner, and by the same process as is provided for the collection of the expenses incurred in erecting the dam and floodgate aforsaid.

WM. HOPKINS,

*Speaker of the House of Representatives.*

CHARLES B. PENROSE,

*Speaker of the Senate.*

APPROVED—The thirteenth day of March, eighteen hundred and thirty-nine.

DAVID R. PORTER.