

## CHAPTER MCXX.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ENABLE THE OWNERS AND POSSESSORS OF A CERTAIN TRACT OF MARSH MEADOW GROUND-THEREIN DESCRIBED, SITUATED IN THE TOWNSHIP OF KINGSESSING IN THE COUNTY OF PHILADELPHIA TO KEEP THE BANKS, DAMS, SLUICES AND FLOOD-GATES IN REPAIR AND TO RAISE A FUND TO DEFRAY THE EXPENSE THEREOF." <sup>1</sup>

(Section I, P. L.) Whereas by an act, entitled "An act to enable the owners and possessors of a certain tract of marsh and meadow ground therein described situated, lying [and] being in the northern district of the township of Kingsessing in the county of Philadelphia to keep the banks, dams, sluices, and flood-gates in repair and to raise a fund to defray the expenses thereof,"<sup>1</sup> Isaac Pearson, William Parker and Andrew Bankson were thereby nominated, authorized and appointed to divide the banks which surround the same piece of marsh or meadow ground, and allot and appoint how many perches of the said bank each owner or possessor of the said tract of meadow land 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, all which said allotments so made and signified by an instrument of writing under the hands and seals of any two of them, should be the proper shares, parts, proportions and quantities of bank for the several owners or occupiers of the said meadows to make repair and support at their own proper cost and charge as in and by the said in part recited act more fully appears.

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

Therefore:

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<sup>1</sup> Passed February 18, 1769, Chapter 585.

[Section I.] Be it 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 from and after the publication of this act the several owners of meadow ground within the banks surrounding the same shall be forever hereafter released and discharged from making, maintaining, repairing and supporting their 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 for 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 should 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 need of repair, 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 said allotments of bank to be repaired so as to put them all in order and repair as nearly equal as possible 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 charges, in the same manner, and under the same penalties and forfeitures as the taxes for the other purposes in the said recited act mentioned are directed to be levied, recovered, collected and paid.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the owners and possessors of said marsh meadow ground herein described shall and are hereby authorized and empowered as soon as convenient after the

passing of this act (giving six days' notice) to choose three persons managers in the room of the present managers.

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

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

(Section VI, P. L.) Provided, that the said managers now elected or hereafter may be elected shall make or cause to be made and procured a just and true estimate of the expense of each and every owner in repairing his respective allotment of bank in consequence of the damage sustained in said allotment by the breaking up of the ice in the spring which is considered as an act of providence more than any neglect of the owners to the end that the expense thereof may be defrayed by a general assessment and that those persons who have borne an over proportion of the repairs thereof may be credited in a future assessment for such sums as they have paid more than their share agreeable to a general assessment of said meadows according to the quantity they respectively hold.

[Section V.] (Section VII, 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; yet all and every other matter and thing therein contained shall be and remain in full force and virtue as if this act was never made.

Passed December 15, 1784. Recorded L. B. No. 2, p. 380, etc.