

DELAWARE RIVER BANKS - REPAIR OF
Act of Mar. 25, 1848, P.L. 250, No. 210
AN ACT

Cl. 11

To provide for the repairs of the meadow banks upon the Delaware front, in the county of Philadelphia, above the city of Philadelphia, and extending the limits of Richmond district.

Section 1. Notice to repair; proceedings on neglect or refusal

It shall be the duty of the commissioners of the District of Richmond, within the present or any future limits of said district, or of the supervisor or supervisors of roads in such portion or portions of said county, containing such banks as shall be unincorporated, or in case any portion now unincorporated, shall hereafter be incorporated, then of the commissioners of such portions of said county as shall be hereafter incorporated, or of any person or officer duly authorized by them, or any of them, for such purposes, upon complaint made to him by any person or persons owning property fronting upon such river, (The Delaware River) or liable to be damaged by the overflow of the same, that said banks or any part thereof, are out of repair or in a ruinous, unsafe, and insecure condition, to give notice forthwith, to the owner or owners of such part or portion, to repair the same within forty-eight hours after such notice, which said notice shall be given to the owner or reputed owner thereof, or if such owner is unknown and cannot be found, then by posting the same on a conspicuous part of such bank so out of repair and insecure; and in case such owner or owners shall neglect or refuse to cause such repairs to be made, within the time aforesaid, or the same shall be defectively or insecurely done, it shall be the duty of such supervisor or supervisors, or commissioners, to cause the said banks to be well and thoroughly repaired, and rendered safe and secure; for which purposes they shall have full right and authority to enter into and upon such banks, and the premises thereto adjacent; and after said repairs are so done, they shall enter the same as a lien against the said premises and the owners or reputed owners thereof, which said lien shall have the priority over all other liens, charges, taxes and incumbrances whatever: Provided always, That such lien shall be filed within six months after the date of such repairs, in the name of such supervisor or supervisors or in the corporate name of such district or township, as the case may be; and the same shall be recovered by an action of scire facias, in manner and form as district liens in said county are now recoverable: And provided further, That upon the trial of such action, the said defendant shall only be permitted to aver and prove in defense, that the said lien, in whole or in part, has been paid since the same was filed, and that all matters necessary for a recovery, on the part of the plaintiffs, shall be considered as proved by the production of the lien and scire facias thereon, at the time of trial. 1848, March 25, P.L. 250, Sec. 1.