

of Dauphin county, for the use of any person aggrieved by the neglect or misconduct of the said commissioners; and the said commissioners shall lodge in the said prothonotary's office a list of all the prizes and fortunate numbers drawn in the same lottery, and shall also publish the same in one more of the public newspapers in Reading and Harrisburg; and all prizes, which shall not be demanded within nine months after the publication of the list as aforesaid, shall be deemed as given up for the purpose above mentioned, and applied accordingly.

Passed March 16, 1798. Recorded L. B. No. 6, p. 250.

CHAPTER MCMLXXX.

AN ACT TO ENABLE THE OWNERS AND POSSESSORS OF THE BRISTOL ISLAND MEADOWS, IN THE TOWNSHIP OF BRISTOL, AND COUNTY OF BUCKS, TO KEEP THE BANKS, DAMS, SLUICES AND FLOOD GATES IN REPAIR, AND TO RAISE A FUND TO DEFRAY THE EXPENSES THEREOF.

Whereas there is a certain parcel of meadow land, called the Bristol Island meadows, the property of John Massey, James Sterling, Israel Tonkin, John Huston, and William Hewson, situate in the township of Bristol, and county of Bucks, bounding the river Delaware, and lying about a mile above the mouth of Neshaminy creek, which for a considerable time past has been embanked, but which has of late been greatly impaired and out of order, for want of proper management and regulations. And whereas all the owners of the said meadows have, by their petition, prayed the legislature for a law, to enable the owners and possessors of the meadows aforesaid to keep the banks, dams, sluices and flood gates in repair, and to raise a fund to defray the expenses thereof, in such manner and form as that each shall bear an equal ratable proposition of burden, ac-

ording to the quantity of acres he holds. And to insure the attainment of these just objects, and the prayer of the said petition being just and reasonable. Therefore:

[Section I.] (Section I, P. L.) 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 all and every the owner and owners of the meadows aforesaid, or so many of them as shall think fit, may meet on the first Monday in April next, at the house of Charles Bessonet, in the borough of Bristol, in the county of Bucks aforesaid, and then and there, by a majority of those met, shall chose, by tickets in writing, three fit persons, owners or possessors of land meadows within the boundaries of said meadows, to be managers, and one fit person to be treasurer, for the year ensuing, and shall also then and there choose, in like manner, by a majority of those met, one or more skillful surveyors, to view the premises, and to ascertain the outlines of all the said meadows, and to survey and make a plot or map of the several quantities of the said meadow ground belonging to each owner; and the said managers shall cause the said map or plat, signed by such surveyor or surveyors, to be recorded among the public records in the county of Bucks, and shall afterwards keep the same, on behalf and for the use of the owners of the said meadow, who shall hereafter be called "The Bristol Island Meadow Company."

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That, from and after the passing of this act, all the banks, dams, sluices and flood gates within the district of the Bristol Island meadows aforesaid, and all and every other matter or thing, for the common benefit, shall be made, repaired, amended, maintained, done and performed, by and under the direction of the managers, for the time being, or any two of them, and the costs, charges and expenses thereof shall be paid out of the company's stock, by an order or orders of such manners, or any two of them, on the company's treasurer; and the said managers are hereby authorized and required, immediately after their first election, and afterwards four times a year, and oftener, if they or any of them see occasion, to enter

upon and inspect the condition of all the said banks, dams, sluices and floodgates, and all other conveniences necessary for stopping out the tides and draining off the back waters, and thereupon to make and do all such repair, matters and things, as shall be necessary for the common benefit, and at the common expense, as aforesaid.

[Section III.] (Section III, P. L.) And in order to enable the managers to comply with the directions of this act as aforesaid, Be it further enacted by the authority aforesaid, That the said managers hereafter to be chosen, or any two of them, shall lay a rate or assement, not exceeding eight dollars per acre at one time, and so from time to time as they shall see occasion, upon all and every the owners and possessors of meadow land within the district of the Bristol Island meadows aforesaid, in proportion and according to the quantity of acres each owner or possessor shall or may hold, agreeably to the survey hereinbefore directed to be made, which said rate or rates, from time to time, the said owners or possessors shall, within ten days after demand made, pay to or deposit in the hand of the said treasurer, there to remain, subject to the drafts and orders of the said managers, or any two of them, for the purpose aforesaid: and if the said rates or assessments are paid by the tenants or renters, the same shall or may be deducted out of their rent, unless he or they are under a contract to the contrary with the owner or owners.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the owners of the Bristol Island meadows aforesaid, or as many of them as shall think fit, to meet together on the first Monday in April, yearly, and every year, at the said house of Charles Bessonnet, in the borough of Bristol aforesaid, or such other convenient places as shall hereafter be appointed by the managers, to be chosen as aforesaid, and then and there, by a majority of those met, shall choose, by ballot or ticket in writing, three fit persons, owners or possessors of land within the boundaries of said meadows, to be managers and one fit person to be treasurer, for the said district, for the year then next ensuing.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That if any of the owners or possessors, elected managers as aforesaid, on due notice given in writing if his election by some one of the company present at the said election, shall refuse, or afterwards neglect to do the duty required of him or them by this act, he or they, so refusing or neglecting his or their duty, shall forfeit and pay to the treasurer for the time being the sum of twenty dollars, to be added to the common stock of the company, unless he shall have served two years successively in the said office, which fine shall be recovered in the manner hereinafter directed for the recovery of other money payable to the said treasurer, and the other manager or managers shall proceed in the execution of his or their office without him or them, or, if he or they think fit, may choose other or others of the said owners or possessors to be manager or managers, in the place of him or them so refusing or neglecting; and if the person so elected treasurer shall refuse or neglect to take upon him the duties, or give the security required by this act, or shall misbehave himself, or by death or otherwise be rendered incapable to execute the said office, in any of these cases, the managers, or any two of them, for the time being, shall choose another fit person [not a manager] to be treasurer for the year.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That every treasurer hereafter to be chosen shall, before he takes upon him the execution of his office, enter into an obligation to the managers for the time being, in double the value of the money that doth or [or] probably may come into his hands during his continuance in office, as near as can be estimated by the managers, conditioned, that he will once in every three months, or oftener if required, render his accounts to the said managers, and well and truly account and settle with them, when required, for and concerning all moneys that are or shall come into his hands by virtue of this act, or that belong to the said company, and shall well and truly pay the balance that shall appear to be in his hands, or any part of it, to such persons, and to such services, as the said managers for the time being, or any two of them, shall order and

appoint, and not otherwise, and that he will, at the expiration of his office, well and truly pay, or cause to be paid and delivered, all the money then remaining in his hands, together with the books of accounts concerning the same, and all other papers and writing in his keeping belonging to the said company, unto his successor in the said office, and that he will do and execute all other matters and things, as treasurer to the said company, according to the true sense and meaning of this act.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the managers for the time being, or any two of them, shall, before the day hereinbefore appointed for the payment of the yearly quotas or assessment, cause a true list of the names of all and every the owners or possessors, with a true account of all and every acre of meadow in the aforesaid tract, which they respectively have, hold or possess, exclusive of flats, and creeks and banks, according to the survey thereof hereinbefore directed to be made, noting, from time to time, the several changes, alternations and transfers of right, in the several parts and parcels thereof, as they shall come to know knowledge, and shall furnish the treasurer with a copy thereof, together with the sum per acre of the general assessment for the current time or year, according to which list or account, the treasurer for the time being shall demand and receive the several sums of their assessments in every year. raised or assessed by virtue of this act, and shall cause notice of the said rate or assessment per acre to be given, at least ten days before the day of payment in every year.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That if any of the said owners or possessors shall neglect or refuse to pay to the treasurer for the time being, the several sums of money hereinbefore directed to be raised and paid, at any time hereafter, for the space of three months after the same ought to be paid as aforesaid, or shall neglect or refuse, on demand, to reimburse the treasurer for the time being his or their proposition of the necessary costs and expenses of making or repairing the banks, dams, sluices or floodgates, or other conveniences for the common benefit, in manner as is hereinbefore directed, then it shall and may be lawful to and for the

treasurer for the time being, by direction of the said managers, or any two of them, in his own name, to sue all and every such person or persons, so refusing or neglecting, for the respective sum or sums of money which he or they ought to have paid by virtue hereof, by action of debt, before any justice of the peace of the county having jurisdiction in the premises, or in any court of records where the same may be cognizable, and give this act, and the said assessments, or the said account, in evidence, as the case may require; and the said justice of the peace, and the said court, are hereby directed and empowered to give judgment and grant execution for the same, with costs of suit accordingly, to be levied on the goods and chattels, or on the tract or piece of meadow belonging to such owner or owners, so neglecting or refusing, and delivered unto the managers for the time being, who, or any two of them, are hereby authorized and empowered to sell the said goods and chattels, or to let out on rent the said meadow, or any part thereof, belonging to any of the said owners or possessors, who shall so neglect or refuse, or who shall not be found in the county 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 arising thereon, for his or their neglect or refusal to pay the same as aforesaid, and no longer. Provided, That in letting out the said meadow the said managers do publicly notify the leasing thereof, and let the same to the highest bidder at public sale or bargain.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That no suit, process or proceedings whatsoever, which at any time hereafter, shall be commenced, sued or prosecuted, in manner hereinbefore directed, shall be discontinued or put without day, by reason of the death, disability or removal of such treasurer, but shall stand good and effectual in law, to all intents and purposes, notwithstanding such death, disability or removal.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That if any owner or owners, possessor or possessors, shall think him, her or themselves, ag-

grieved by any order, account or proceeding of the managers, such owner or owners, possessor or possessors, shall, if he, she or they think proper, choose two fit and disinterested persons, and the said managers, or any two of them, shall choose two other fit and disinterested persons, who, or any three of them, shall finally settle the same; but if the four referees so to be chosen should be equally divided in opinion respecting the said dispute, then they are hereby empowered to call to their aid, and choose one other fit and disinterested person, who, concurring with any two of the said referees, shall, in conjunction with them, finally settle the said dispute.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall intentionally cut through, break down or endamage any of the said banks, dams, sluices or flood gates, either their own or others, or shall let in any creek or water to annoy, injure or overflow any of the said meadows, and shall thereof be legally convicted, in all such cases the person or persons so offending shall be fined in any sum not exceeding treble the value of all the damages, to be assessed by two or more indifferent persons; to be appointed by the said court to value the same, which fine shall be paid to the treasurer of the said company for the time being, and added to the common stock, for the general use and benefit of the said Bristol Island Meadow Company.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the owners of the said meadows, or a majority of them, may, at any time, make, ordain and establish such rules, ordinances and by-laws, as shall be necessary to promote the well-being and good order of the said company, and for the better regulation of their concerns and affairs provided that such rules ordinances and by-laws or any of them, be not repugnant to this act, to the constitution and laws of this commonwealth, or to the constitution and laws of the United States,