

costs of suit in that behalf expended, to be recovered by action of debt before any justice of the peace, or in any court having jurisdiction competent to the sum due.

[Section IV.] (Section IV, P. L.) Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall be held, deemed, taken or in anywise understood to invalidate the contract had and made between the governor of this commonwealth and the said company, for completing the said canal and locks in the manner and in the time therein specified, nor to release the said company, or any of them, from their responsibility, each for the other jointly and severally, in the due and faithful execution of the work, according to the true intention of the legislature, as specified and set forth in the said contract.

Passed April 10, 1793. Recorded L. B. No. —, p. —, (not given).

CHAPTER MDCLXXXI.

AN ACT TO AUTHORIZE SIMON SNYDER, AND THE HEIRS OF ANTHONY SELIN, DECEASED, TO ERECT A DAM ON PENN'S CREEK, IN THE COUNTY OF NORTHUMBERLAND, UNDER THE LIMITATIONS AND PROVISIONS THEREIN PRESCRIBED.

Whereas erecting dams in certain streams of water, which have been heretofore by law declared public highways, under certain limitations and provisions, will be so far from impeding or obstructing the design of such laws that it will rather tend to accomplish the purpose of them: 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 Simon Snyder, and the heirs of Anthony Selin, deceased, and their heirs and assigns, shall have liberty to erect a dam across Penn's creek, in the county of Northumberland, not exceeding the height of three feet, and to maintain and keep the same in good repair forever.

[Section II.] Provided always, and be it further enacted by the authority aforesaid, That the said Simon Snyder and the heirs of Anthony Selin, deceased, and their heirs and assigns forever, do maintain and keep in good order on the body of said dam, in a convenient part of the same, for rafts to pass through, an opening of at least twenty-five feet wide, the bottom of which shall not be more than twenty inches above the common level of the water below said dam, with a sloping way therefrom, to extend twenty feet down stream before it reaches the bottom of said creek, and also erect, or cause to be erected and kept in good repair, a complete lock of twelve feet wide, through which boats and canoes may at all times safely and conveniently pass.

[Section III.] And it is hereby expressly enacted and declared, That if the provisions and limitations before mentioned are not at all times duly attended to and observed, then the enacting clause first mentioned shall be void and of no effect, anything herein contained notwithstanding.

[Section IV.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful, on the complaint of any person or persons to the judges of the court of common pleas of said county, for them to appoint three commissioners to view said dam and compare it with the limitations and provisions hereinbefore set forth and enacted, and to report to them at their next sessions in said county, the state thereof, which report on oath or affirmation, if it contain an offence committed against this act, shall be sufficient ground of indictment, and upon prosecution to conviction of an offence against this act, or the act declaring that part of Penn's creek a public highway, the party or parties so convicted shall be liable to pay a fine not exceeding fifty pounds, at the discretion of the court.

Passed April 10, 1793. Recorded L. B. No. —, p. —, (not given).