

he, she or they may think proper: Provided, that such dam or dams be so constructed and kept in repair by the owners thereof, with complete slopes and locks on convenient parts of such dams, as that the navigation of said creek for boats and rafts will not be injured, nor the passing of fish prevented.

Approved March 5, 1804. Recorded in L. B. No. 9, p. 409.

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CHAPTER MMCDXLVII.

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AN ACT TO ALTER AN ACT, ENTITLED "AN ACT TO ERECT THE TOWN OF PITTSBURGH, IN THE COUNTY OF ALLEGHENY, INTO A BOROUGH, AND FOR OTHER PURPOSES THEREIN CONTAINED." (\*).

Whereas the inhabitants of the borough of Pittsburgh, in the county of Allegheny, have petitioned for an alteration in the law for incorporating said borough; stating, that on a fair experiment they have found the existing law insufficient to promote conveniency, good order and public utility: 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 the said town of Pittsburgh shall still continue and forever remain a borough, under the name and title of "The borough of Pittsburgh;" the extent and bounds of which shall be the same as in the original law, to wit: Beginning at the point or confluence of the rivers Allegheny and Monongahela, and running up the north-east branch of the said river Monongahela, south fifty-seven degrees, east thirty-nine perches, to Short street; thence south sixty-four degrees, east two hundred and seven perches, to Grant street; thence south seventy-four degrees, east forty-nine perches, to the mouth of Sooke's run; thence north thirty degrees, east one hundred and fifty perches, to a post in Andrew Watson's field; thence north nineteen degrees, west one hundred and fifty perches, to the river Allegheny; thence down the said river Allegheny, south seventy-one degrees, west three hundred and fifteen perches, to the place of beginning.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the freeholders, housekeepers and other inhabitants of said borough, who have resided within the same at least one year immediately preceding the election, and within that time paid a borough tax, shall have power on the third Saturday in March next, and on the same day in every year hereafter, to meet at the court house in said borough, and then and there, between the hours of twelve and six o'clock of the same day, elect by ballot one reputable citizen residing therein, who shall be styled "The burgess" of said borough, and thirteen reputable citizens, to be a town council, and shall also elect as aforesaid one reputable citizen, as high constable, all of whom shall be freeholders in said borough; but previous to said election the inhabitants shall elect three reputable citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated and conducted according to the general election law of this commonwealth; so far as relates to receiving and counting votes, and who shall be subject to the same penalties for malpractices, as by the said law is imposed; and the said judges, inspectors and clerks, before they enter upon the duties of their respective offices, shall take an oath or affirmation before any justice of the peace of said county, to perform the same with fidelity; and after said election shall be closed, shall declare the persons having the greatest number of votes to be duly elected; and in the case that any two or more candidates should have an equal number of votes, the preference shall be determined by lot, to be drawn by the three judges, whereupon duplicate certificates of said election shall be signed by the said judges, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation; and in case of the death, resignation, removal or refusal to accept of any of the said offices, the burgess, or in his absence or inability to act, the first named of the town council shall issue his precept, directed to the high constable, requiring him to hold an election in manner aforesaid, to supply such vacancy, giving at least ten days notice,

by advertisements set up at four of the most public places in the said borough.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That from and after the third Saturday in March next, the burgess and town council duly elected as aforesaid, and their successors, shall be one body politic and corporate in law, by the name and style of "The burgess and town council of the borough of Pittsburgh," and shall have perpetual succession, and the said burgess and town council aforesaid, and their successors, shall be capable in law to have, get, receive, hold and possess goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors in fee simple or otherwise, not exceeding the yearly value of five thousand dollars, and also, to give, grant, sell, let and assign the same lands, tenements, hereditaments and rents, and by the name and style aforesaid they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law in this commonwealth, in all manner of actions whatsoever, and to have and to use one common seal, and the same from time to time at their will to change and alter; until it shall be otherwise directed by law, the inhabitants of said borough may hold two fairs every year hereafter, to continue two days each, commencing on the first Thursday in June, and upon the first Thursday in October.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any person duly elected as burgess or a member of the town council, or constable as aforesaid, and having received notice thereof as aforesaid, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, every person so refusing or neglecting shall forfeit and pay the sum of twenty dollars; which fine and all other fines and forfeitures incurred and made payable in pursuance of this act, or of the by-laws and ordinances of the town council, shall be for the use of the said corporation.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the burgess, town council and

high constable, and each of them, before entering upon the duties of their respective offices, shall take an oath or affirmation before any justice of the peace of the said county, to support the constitution of the United States and of this state, and to execute the duties of their respective offices with fidelity; and the certificates of such oaths and affirmations shall be filed among the records of the said corporation.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the town council to meet as often as occasion may require, and elect such by-laws, and make such rules, regulations and ordinances as shall be determined by a majority of them, necessary to promote the peace, good order, benefit and advantage of said borough, particularly of providing for the regulation of the market, improving, repairing and keeping in order the streets, alleys and highways, ascertaining the depth of vaults, sinks and pits for necessary houses, and making permanent rules relative to the foundations of buildings, party walls and fences; they shall have power to assess, apportion and appropriate such taxes as shall be determined by a majority of them, necessary for carrying the said rules and ordinances from time to time into complete effect, and also to appoint a town-clerk, treasurer, two persons to act as street and road commissioners, a clerk of the market, and a collector, annually, and such other officers as may be deemed necessary from time to time: Provided, that no by-law, rule or ordinance of the said corporation, shall be repugnant to the constitution or laws of the United States or of this commonwealth; and that no person shall be punished for a breach of a by-law or ordinance made as aforesaid, until three weeks have expired after the promulgation thereof, by at least four advertisements set up in the most public places in said borough: And provided also, that no tax shall be laid in any one year on the valuation of taxable property, exceeding half a cent in the dollar, unless some object of general utility shall be thought necessary, in which case a majority of the taxable inhabitants of said borough, by writing under their hands,

shall approve of and certify the same to the town-council, who shall proceed to assess the same accordingly.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the burgess elected and qualified, agreeably to this act, is hereby authorized and empowered to issue his precept, as often as occasion may require, directed to the collector, commanding him to collect all taxes assessed, and to the high constable to collect all fines and forfeitures imposed by this act, or by the ordinances or regulations of the corporation, and the same to pay over to the treasurer; and the said burgess is hereby authorized to carry into effect all by-laws enacted by the council, and whatever else shall be enjoined on him, for the well ordering and governing said borough; he shall have jurisdiction in all disputes between the corporation and individuals arising under the by-laws.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the town-clerk to attend all meetings of the council when assembled upon business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties which may be enjoined upon him by virtue of this act, or of the acts of the corporation, whose attestation, with the seal of the corporation, shall be good evidence of the act or thing so certified.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the treasurer shall give security for the faithful discharge of the duties of the office, and for the safe delivery of all monies, books and accounts appertaining thereto, into the hands of his successor, upon demand made for that purpose.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That the street commissioners, treasurer, constable, clerk of the market and collector, as well as all other officers which may be appointed by the corporation or council, shall render their accounts to the council once in

every year, for settlement; and the said accounts being adjusted and settled accordingly, shall be forthwith published by said council, showing particularly the amount of taxes laid and collected, and of the expenditures.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That five of the town council to be chosen by lot, drawn by the town clerk in the presence of said council, annually, shall be a court of appeal, a majority of whom shall be a quorum; and prior to the collection of any borough tax the collector shall inform each inhabitant of the amount of his tax, and of the time and place of appeal: Provided nevertheless, that said court of appeal shall have no other power as such than to determine the justness of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same.

Section XII. (Section XII, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the high constable to give notice of the annual elections of the said borough, by setting up advertisements in the market and three other public places in the said borough; ten days previous thereto he shall attend and see that the same is opened at the time and in the manner directed by this act: Provided, that it shall be the duty of the present high constable to publish and superintendent the election to be held on the third Saturday in March next, as is hereinbefore directed.

Section XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the burgess and town council, or a majority of them, by and with the consent and approbation of a majority of the taxable inhabitants of the borough, who by writing under their hands shall approve and certify the same, to authorize any person or persons owning lots bounded by the Allegheny river and Water street, on the Monongahela river, to build wharves and erect buildings thereon, opposite their respective lots, subject nevertheless to such rules, regulations and restrictions as the corporation may deem necessary for the construction of wharves within the limits of the borough: Provided, that such

wharf or wharves shall be so constructed as not to obstruct or impede the navigation of said rivers.

Section XIV. (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall think him, her or themselves aggrieved by any thing done in pursuance of this act, except in what relates to the imposing and collecting the borough tax, he, she or they may appeal to the next court of quarter sessions, to be held for the proper county, upon giving security according to law to prosecute his, her or their appeal with effect; and the court having taken such order therein as shall seem to them just and reasonable, the same shall be conclusive against all parties.

Section XV. (Section XV, P. L.) And be it further enacted by the authority aforesaid, That from and after the third Saturday in March next, the act entitled "An act to erect the town of Pittsburgh, in the county of Allegheny, into a borough;" passed on the twenty-second day of April one thousand seven hundred and ninety-four,<sup>(1)</sup> be, and the same is hereby repealed.

Approved March 5, 1804. Recorded in L. B. No. 9, p. 410.  
Note (\*). Chapter 1771; 15 Statutes at Large, p. 161.

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## CHAPTER MMCDXLVIII.

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AN ACT TO ENABLE THE ADMINISTRATORS OF CONRAD WEISER TO SELL AND MAKE TITLE TO CERTAIN LOTS ADJOINING THE TOWN OF SELINGROVE, IN NORTHUMBERLAND COUNTY.

Whereas it has been represented to the legislature that Conrad Weiser, late of Penns township, in Northumberland county, deceased, in his lifetime laid out a piece or tract of land adjoining the town of Selingsgrove, in the township aforesaid, in town and out-lots, which he called Weifersburg; part of the town lots whereof he sold in fee simple, and the out-lots, forty-two in number, of one acre each, he purposed to let out on ground rent. And whereas some of the purchasers of town-lots never received any title nor written evidence thereof of the said Conrad Weiser, although they had paid therefor, and