

1802. and to have the usual corporate powers. 4. Penalty for refusing or neglecting to serve when elected as a borough officer. 5. Qualifications of the borough officers to be taken before any Justice of the Peace. 6. Empowered to make by-laws, assess taxes, and to appoint a town clerk, &c. The amount of tax not to exceed one cent in the dollar in any one year, unless, &c. 7. Two lots out of the reserved tract of land, including several streams or springs, to be laid off for the use of the borough. Proviso in favour of the right of private property. 8. Manner of collecting taxes, fines and forfeitures, prescribed. 9. By-laws, &c. to be recorded and carried into full effect, and duties of the Town Clerk and High Constable. Persons thinking themselves aggrieved may appeal to the Court of Quarter Sessions.]

(Ante pa.
57.)

Passed 29th March, 1802.—Recorded in Law Book No. VIII. page 95.

CHAPTER MMCLXI.

A SUPPLEMENT to an act, entitled "An act to repeal part of an act of the Assembly of the late province of Pennsylvania, entitled "An act declaring the river Susquehanna and other streams therein mentioned, public highways, for improving the navigation of the said river and streams, and preserving the fish in the same."

WHEREAS, the Legislature, on the twenty-first day of March, one thousand seven hundred and eighty-three, repealed so much of an act, entitled "An act declaring the river Susquehanna and other streams therein mentioned, public highways, for improving the navigation of the said river and streams, and preserving the fish in the same," as declares the Raystown branch of Juniata, from the lower end or limits of John Wilt's plantation to the town of Bedford, in the county of Bedford, to be a public highway, for the purpose of enabling the said John Wilt to erect certain water-works, which now belong to Peter Arnolt: And whereas doubts have arisen in construing the act to which this is a supplement: Therefore, to remedy any defect therein contained,

SECT. I. *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 it shall and may be lawful for Peter Arnolt, his heirs and assigns, and they are hereby authorized and empowered to erect, support, and for ever maintain a mill-dam, not exceeding the height of three feet, across Raystown branch of Juniata, abutting on his own land, in the township of Colerain, in the county of Bedford, and also to lead off from the same on his own land, so much water of the said creek, as may be found necessary for his water-works already erected, or that may be erected on the south bank of the said river: Provided always, That the said Peter Arnolt, his heirs and assigns, in erecting the said dam, or in keeping the same in repair, shall always construct the same with a platform or slope, so as not to injure the navigation of said river, or the property of individuals, and in such*

(Original
act, vol. 2,
pg. 67.)

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manner as that boats and rafts may safely pass over the said slope : 1802.
And provided always, That the said dam be so constructed as not to prevent the passage of fish up the said stream.

SECT. II. *And be it further enacted by the authority aforesaid,* That the said Peter Arnolt, his heirs and assigns, shall for ever maintain and keep in good order, on the body of the said dam, in a convenient part of the same, for rafts to pass over, a complete slope of twenty-five feet in breadth, extending one rod down stream for every foot the dam shall be raised in height, and shall build the dam one foot higher at each side, to convey the water into the slope; and shall also construct the slope one foot and an half higher at each side thereof, to keep the water thereon, until it meets the level of the bottom of the river, for the passage of boats and rafts as aforesaid.

SECT. III. *And be it further enacted by the authority aforesaid,* That on the complaint of any person or persons, to the judges of the court of quarter sessions of the said county, it shall and may be lawful for the said judges, to appoint three commissioners to view the said dam, and to compare it with the limitations and provisions herein set forth and enacted, and report to them at their next sessions, in the said county, the state thereof, which report, on oath or affirmation, if it contain a statement of facts constituting an offence against this act, shall be sufficient ground for the court to direct a bill of indictment to be sent to the grand jury, and upon prosecution to conviction, the said Peter Arnolt, his heirs or assigns, shall be liable to pay a fine, not exceeding two hundred dollars, at the discretion of the court; and the court shall adjudge so much of the said dam to be abated and altered as shall bring the same within the limitations and provisions of this act.

Conditions annexed to the privilege.

How persons aggrieved may obtain redress.

Passed 29th March, 1802.—Recorded in Law Book No. VIII. pa. 88.

CHAPTER MMCLXIII.

An ACT to erect a separate election district, in the county of Allegheny.

SECT. I. *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 parts of Versailles, Elizabeth and Mifflin townships, included in the following bounds, viz. Beginning at the mouth of Turtle creek; thence up the same to where the state-road crosses said creek; thence along said road, to the line of Westmoreland county; thence by said line, to Youghiogeny river; thence down the same to the mouth of Long run; thence a direct line, across said river to the mouth of Pine run in Mifflin township; thence up said river, including the south branch of the same, to Matthew Calhoun's mill; thence a direct line to the mouth of Butter-milk run; and thence across the Monongahela river, to the place of beginning; shall be a separate election district, and called M'Keesport district; and the

A new election district established in Allegheny county to be called M'Keesport district.