

## CHAPTER MMCCXLIV.

## AN ACT TO ERECT THE TOWN OF CANONSBURG, IN THE COUNTY OF WASHINGTON, INTO A BOROUGH.

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 town of Canonsburg, in the county of Washington, shall be, and the same is hereby, erected into a borough, which shall be called the "Borough of Canonsburg," and shall be comprised within the following bounds, to wit: Beginning at the mouth of Bush run; thence up said run to the division line between Craig Ritchie's land and Samuel Witherspoon's lot; thence along the line of said lot, so as to include the same, to Thomas Briceland's land; thence along the line of said land, until it strikes Wells's road; thence to the corner of Nathan Andrew's lot; thence along the north side of the same, to the lot attached to the old brew-house; thence along said lot, so as to include the same, to the west end of the town lots on the west side of the principal street; thence along the said road southwest, to a white oak marked G, at the southwest end of Miller's improvement on Darr and Ogle's land; thence a direct course to Chartier's creek; thence down the same, to the place of beginning.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for all persons having resided within the said borough six months next preceding the election, and being entitled to vote for members of the general assembly, on the first Monday of May, in each and every year hereafter, to meet in one of the rooms of the college in the said borough, and then and there elect, by ballot, between the hours of twelve and six o'clock in the evening, one reputable citizen, residing therein, who shall be styled the burgess of the borough, and five reputable citizens to be a town council, and shall also elect a high

constable; but previous to the opening of any such election, the said inhabitants shall elect three reputable citizens, one of whom shall preside as judge, one to act as inspector, and the other to perform the duty of clerk, according to the directions of the general election laws of this commonwealth, so far as relate to the receiving and counting votes, and shall be subject to the same penalties for malpractices, as by the said election laws are imposed; and the said judges, inspector and clerk, before they enter on the exercise of their respective duties, shall take an oath or affirmation, before any justice of the peace of the county of Washington, to perform the same with fidelity, and shall hold the said elections from time to time, as occasion shall require, receive and count the ballots, and declare the persons having the greatest number of votes to be duly elected: whereupon duplicate certificates thereof shall be signed by the said judge, inspector and clerk, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation, for their safe keeping, and in case of vacancy, by death, resignation, refusal to accept, or removal from the said borough, of any of the said officers, 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 to fill such vacancy, he giving at least ten days previous notice, by advertisements set up at four of the most public places within the said borough.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the burgess and town council, duly elected as aforesaid, and their successors forever hereafter, shall be one body politic and corporate in law, by the name of "The burgess and town council of the borough of Canonsburg, in the county of Washington," and shall have perpetual succession; and the said burgess and town council aforesaid, and their successors forever hereafter shall be capable in law, to have, get, receive, hold and possess, lands, tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors, in fee simple or otherwise, also goods, chattels and other things, of what nature or

kind soever, not exceeding the yearly value of three thousand dollars, and also to give, grant, let, sell and assign the same lands, tenements, hereditaments, rents, goods and chattels, and by the name aforesaid, they shall be capable in law, to sue and be sued, plead and be impleaded, in any of the courts of this commonwealth, in all manner of actions whatsoever, and to have and use one common seal, and the same, from time to time, at their will, to change and alter.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any person duly qualified to elect and be elected, whether a burgess or a member of the town council as aforesaid, having been notified as before directed, 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, shall take an oath or affirmation before any one of the judges or justices of the peace for the county of Washington, to support the constitution of the United States, and of this state, and well and truly to execute the duties of their respective offices in the borough of Canonsburg, before they shall enter on the execution thereof, and the certificate of such oath or affirmation shall be recorded in the books 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 may appoint a town clerk, and such other officers as may be necessary to regulate the digging and gathering of coal, in the coal banks adjacent to the said town, by the inhabitants thereof, in such manner that the private rights of individuals be not injured or impaired, and manage the concerns of the coal banks, so far as the right of the inhabitants of the said

borough extends to the same; for repairing the streets, lanes and alleys, and for removing nuisances and obstructions therefrom; for regulating partition walls and fences; to enact such by-laws, and make such rules, ordinances and regulations; assess, apportion and appropriate such taxes as shall be thought, by a majority of the town council best calculated to promote the foregoing purposes, and to do every matter and thing incident to, and for the good of the said borough, for the preservation of peace and good government within the same; which by-laws, rules, ordinances and regulations, shall not be repugnant to the constitution and laws of the United States or of this state; and the same to revoke and annul, alter and make anew, as occasion may require; but no person shall be punishable for any breach of the by-laws, rules, ordinances and regulations, unless after the passing of any ordinance, the same be set up on the market house, and on two other of the most public places within the said borough; and no by-law, or ordinance shall have any effect sooner than three weeks after such publication: Provided nevertheless, that no tax shall be laid in any one year, on the valuation of taxable property, exceeding one cent in the dollar, unless some object of general utility should be thought necessary; in such case a majority of the taxable inhabitants of said town, by writing, under their hands, shall certify the same to the town council, who shall proceed to assess the same, as before directed.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the burgess elect, agreeably to the directions of this act, is hereby authorized and empowered to issue his precept to the high constable, commanding him to collect all taxes assessed from time to time, as aforesaid, and all fines and forfeitures that may become due by this act, or by the ordinances or regulations of the corporation, and the same to pay over to the treasurer to be appointed by the town council, and to carry into effect whatsoever is enjoined on him for the well ordering and good government of the said borough: Provided nevertheless, that it shall and may be lawful to and for the justices of the peace of the said borough, and all and every the justice or justices of the peace

aforesaid, residing or being in the said borough, to do and execute every act or acts, as pertaining to their office, agreeably to the powers conferred on them by the constitution and laws of this commonwealth.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the burgess shall be, and he is hereby required to cause the by-laws, rules, ordinances and regulations, made as aforesaid, to be recorded in a book to be kept for that purpose; and he shall carry the same into full execution, without delay, after the publication thereof, as directed by the sixth section of this act. And it shall be the duty of the town clerk to attend all meetings of the town council, when assembled on business of the corporation, and perform the duties of clerk thereto, and keep and preserve the common seal, records, papers, books and other documents relating to said corporation, under the penalty of being answerable to any person concerned, for all damages, and of removal from office by the burgess, on complaint of a majority of the council; and the high constable shall perform all the duties on him enjoined by this act and the by-laws and ordinances of the town council, under the like penalties and manner of removal: Provided always, that if any person shall think himself or herself aggrieved by anything done in pursuance of this act, he or she may appeal to the next court of quarter sessions to be holden for the county of Washington, he or she giving surety, according to law, to prosecute his or her appeal with effect, which court shall take such order therein, as shall be just and reasonable, which order or judgment shall be conclusive to all parties.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That nothing contained in an act of the general assembly, entitled "An act for opening and better amending and keeping in repair the public roads and highways within this province," passed in the year of our Lord one thousand seven hundred and seventy-two,<sup>(1)</sup> shall be deemed, construed or taken to extend to public roads, streets, lanes or alleys within the said borough, or to the assessing the inhabi-

tants thereof, for the purposes therein mentioned, or to any matter or thing to be done or performed therein.

Approved February 22, 1802. Recorded L. B. No. 8, p. 54.  
Note (\*). Chapter 653. 8 Statutes at Large, p. 185.

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CHAPTER MMCCXLV.

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AN ACT DECLARING TEN MILE CREEK, FROM THE MOUTH THEREOF TO JACOB ADAM'S MILL, IN THE COUNTY OF GREENE, A PUBLIC HIGHWAY.

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 from and after the passing of this act, Ten Mile Creek, from the mouth thereof, at the Monongahela river, up to the main fork, and thence up the fourth branch of said creek, as far as Jacob Adams' mill, near Waynesburgh, in the county of Greene, shall be, and the same is hereby declared to be a public highway, under the limitations and restrictions hereinafter specified; and it shall and may be lawful for any person or persons desirous of improving or using the navigation of said creek, to remove all natural and artificial obstructions (excepting mill dams already built) out of the bed of said creek, from the mouth thereof to the main fork, and thence up the south branch, to the said Jacob Adams' mill, and also to erect such slopes at the mill dams already built, and keep them in repair, as may be necessary for the passage of boats and rafts and the ascent of fish: Provided always, that such slopes be so constructed and repaired as not in any wise to injure the said dams.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That nothing in this act contained, shall be deemed, taken or understood to prevent any person or persons, their heirs or assigns, possessing lands on said creek, who before the passing of this act had a lawful right to erect a dam or dams, from erecting any such dam or dams that he, she or they may think proper: Provided always, that every