

cation thereof, as directed by 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 duty of clerk thereto, and keep and preserve the common seal, records, papers, books and other documents relating to said corporation, and in default he shall be answerable to any person concerned, for all damages, and removed from office by the burgess, on complaint of a majority of the council; and the high constable shall perform all duties on him enjoined by this act, and also by the by-laws and ordinances of the town council, under the like penalties. Provided always, that if any person or persons shall think him, her or themselves aggrieved by anything done in pursuance of this act, he, she or they may appeal to the next court of quarter sessions to be held for the proper county, on giving security according to law, to prosecute his, her or their appeal with effect, which court shall take such order therein as shall be just and reasonable, which order or judgment shall be conclusive against all parties.

Approved March 29, 1802. Recorded L. B. No. 8, p. 95.

CHAPTER MMCLXXII.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT (1) 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.' (2)

Whereas, the legislature, on the twenty-first day of March, one thousand seven hundred and eighty-three,⁽¹⁾ repealed so much of an act, entitled "An act declaring the river Susquehanna and other streams therein mentioned public highways, for improving the navigation of the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,"⁽²⁾ 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 and defect therein contained,

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

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said Peter Arnolt, his heirs and assigns, shall forever 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 bed of the bottom of the river for the passage of boats and rafts as aforesaid.

Section III. (Section III, P. L.) 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.

Approved March 29, 1802. Recorded L. B. No. 8, p. 88.

Note (*). Chapter 1025. Passed March 21, 1783. 11 Statutes at Large, p. 102.

Note (*). Chapter 627. Passed March 9, 1771. 8 Statutes at Large, p. 36.

CHAPTER MMCLXXIII.

AN ACT FOR THE RELIEF OF ISAAC WILEY AND JAMES CALHOUN.

Whereas, it appears that Isaac Wiley, of Cumberland county, was wounded on the second day of May, in the year of our Lord one thousand seven hundred and eighty-two, while serving as a militia man, under the command of captain Samuel Leaman, in colonel Samuel Hunter's battalion, defending the frontier inhabitants of Northumberland county against the Indians: And whereas it appears that James Calhoun, now resident in Westmoreland county, was in the month of May, in the year of our Lord one thousand seven hundred and seventy-eight, wounded and taken prisoner by the British, at the Crooked Billet, while serving as a militia man under