

Residue of proceeds of sales for payment of debts to be considered as real estate.

SECT. 18. The residue of the proceeds of the sale of any real estate of an intestate made, by authority of law for the payment of debts, shall vest in the persons entitled by this act to such real estate in such proportions, and for the like interests respectively as they may have had in such real estate.

Claimants to the estate of an intestate debarred after seven years.

SECT. 19. All such of the intestate's relations and persons concerned, who shall not lay legal claim to their respective shares, within seven years after the decease of the intestate, shall be debarred from the same forever: *Provided*, That if any such relation or person, shall at the time of the decease of the intestate, be within the age of twenty one years, or a married woman he or she, shall be entitled to receive and recover the same, if he or she shall lay legal claim thereto, within seven years after coming to full age or discovery.

Where domicil of intestate is out of the state.

SECT. 20. Nothing in this act contained relative to a distribution of personal estate among kindred, shall be construed to extend to the personal estate of an intestate, whose domicil at the time of his death was out of this commonwealth.

This act to go into operation on 1st Oct. 1833. Repealing clause, &c.

SECT. 21. This act shall take effect from and after the first day of October next, and so much of any act of Assembly as is hereby altered or supplied, is repealed from and after said day, except so far as may be necessary to complete the settlement and disposition of the estate of any person who may have died before that time.

SAM'L. ANDERSON,

*Speaker of the House of Representatives.*

THO'S. RINGLAND,

*Speaker of the Senate.*

APPROVED—The eighth day of April, Anno Domini, eighteen hundred and thirty-three. GEO. WOLF:

No. 144.

AN ACT

To incorporate the town of Freeport, in the county of Armstrong.

Town erected into a borough. Corpor. style.

SECT 1. *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 Freeport, in the county of Armstrong, shall be and the same is hereby erected into a borough, which shall be called the "Borough of Freeport," and be

comprised within the following boundaries, to wit: beginning on the bank of the Allegheny at the mouth of Buffalo creek, at a chesnut; thence up said river north seventy-four degrees, east one hundred and twenty perches to the mouth of the eddy opposite said town; thence up said river north fifty-three degrees, east sixty seven perches to the corner of Thomas Robinson's survey: thence north nineteen degrees, west fifty-four and three-tenths perches to an oak on the land of James Armstrong; thence north seventy-seven degrees, west sixty six and seven-tenths perches to a white oak on said land; thence south seventy-two and a half degrees, west seventy four and two-tenths perches to a black oak on the bank of Buffalo creek; thence down said creek south twenty-eight degrees, west forty-four and six tenths perches to a chesnut; thence down the same south twenty degrees, west eighteen and seven-tenths perches; thence south twelve degrees, west forty-seven perches to a maple; thence south one degree, east twenty four and seven-tenths perches to the east abutment of the aqueduct over said creek; thence south forty-nine degrees, east twenty two perches to the place of beginning: *Provided*, That this act shall not be considered as giving any jurisdiction or authority whatever to the borough of Freeport in and upon the Pennsylvania canal and its appurtenances.

Borough boundaries,

Proviso. Except juris-  
diction upon canal.

SECT. 2. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for all persons entitled to vote for members of the Legislature, who have resided in the said borough six months previously to such election, to meet at the public school house in said borough, on the first Friday in May next, and then and there elect by ballot, between the hours of twelve and six of said day, one reputable citizen residing therein, who shall be styled the burgess of said borough, one citizen who shall be styled assistant burgess, and six citizens residing therein, who shall be a town-council; but previous to such election, the inhabitants shall elect two reputable citizens as judges, one as inspector and two as clerks of the said election, which shall be conducted and regulated 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 mal-practices as by the said law is imposed; and the said judges, inspector and clerks, before they enter on the duties of their offices, shall each take an oath or affirmation, before any justice of the peace of said county, to perform the same with fidelity, and after the said election shall be closed, shall declare the person having the greatest number of votes to be duly elected, and in case any two or more candidates shall have an equal number of votes, the preference shall be determined by lot, to be drawn by the judges and inspector, whereupon duplicate returns thereof shall be signed by the

Organization of corporation.

Election in May, 1833, of burgesses and council.

Arrangement for conduct of election.

- judges, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the borough, and in case of death, resignation, removal, refusal to accept or neglect, or refusal to act after acceptance of any of the said officers, the burgess, or in case of his death, absence, inability to act, or refusal or neglect to act, the assistant burgess shall issue his precept directed to the high constable, or when there is no high constable, or where he refuses or neglects to act, then to one of the street commissioners, who shall advertise and hold an election in the manner aforesaid, to supply such vacancy, giving at least ten days notice thereof by advertisements set up at four of the most public places in the said borough, or by two insertions in an English newspaper, if any may be printed in said borough.
- Vacancies from any cause provided for.**
- Notice of election.**
- Borough officers declared a body politic**
- Privileges & liabilities.**
- Penalty of \$10 on refusal to accept office by persons elected.**
- Proviso. Term of service and right of appeal.**
- SECT. 3.** *And be it further enacted by the authority aforesaid,* That from and after the first Friday in May 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 council of the borough of Freeport, and shall have perpetual succession; and the said burgess and council aforesaid, and their successors, shall be capable in law to receive, hold and possess goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors in fee simple or otherwise, and not exceeding the yearly value of five thousand dollars, and also to give, grant, sell, let and assign the same lands, tenements, hereditaments, 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.
- SECT. 4.** *And be it further enacted by the authority aforesaid,* That if any person, an inhabitant of said borough and duly qualified to elect as aforesaid, shall be elected to the office of burgess or assistant burgess, and having notice of his election, shall refuse to undertake and execute either of those offices, as the case may be, every person so refusing, shall forfeit and pay a fine of ten dollars, and if any other person duly qualified as aforesaid, shall be duly elected to any other office in the said borough enacted by this act, and having notice of his election, shall refuse to undertake and execute the duties of that office, every person so refusing shall forfeit and pay a fine of five dollars: *Provided,* That no person shall be compelled to serve more than two years in any term of four years, and that if any person or persons shall conceive himself or themselves aggrieved by the judgment of the burgess or assistant burgess, by virtue of this act, he or they may appeal to the next county court of Common Pleas, upon giving security according to law to

prosecute his or their appeal to effect, who shall on the petition of the party take such order therein as shall appear just and reasonable, and the same shall be conclusive to all parties.

SECT. 5 *And be it further enacted by the authority aforesaid,* That the burgess and assistant burgess shall each take and subscribe an oath or affirmation before one of the associate judges or a justice of the peace for the county of Armstrong, to support the constitution of the United States and of this state, and an oath or affirmation well and truly to execute the office of burgess or assistant burgess of the borough of Freeport, and when so qualified one of them shall administer an oath or affirmation to the council, high constable and town clerk, in manner and form aforesaid, before they shall enter on the duties of their respective offices, the certificates of which oaths and affirmations shall be filed among the records of said corporation, and the year shall commence for corporate purposes on the second Friday of May next.

Of the oaths  
of office.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said borough, entitled to vote as aforesaid, shall on the first Friday in May next ensuing the election aforesaid, and on the same day in every year thereafter, meet at the public school house in said borough, and elect as aforesaid one burgess, one assistant burgess and six council men, and it shall and may be lawful for all persons entitled to vote as aforesaid, for burgess and other officers of the said borough, at the same time and place where they vote for said officers, to elect two reputable citizens of the said borough, and return the names of the persons so elected to the next court of Quarter Sessions of the said county, one of whom shall be appointed constable of said borough, in the same manner, with like power and authority and subject to the same regulations and penalties as are provided and contained in the laws now existing, or that may hereafter be passed concerning constables within this Commonwealth, and all manner of process which may by law be directed to the constable of any township in the said county may, in the same manner, be directed to the constable of said borough, whose duty it shall be to execute the same according to law, and the inhabitants of said borough, in manner aforesaid, and at the same time and place, shall elect one street commissioner, two overseers of the poor, one assessor and two assistant assessors of county taxes for the said borough, under like regulations and for the same purposes as are or shall be hereafter directed by law, in the several townships in this Commonwealth, which said overseers of the poor, assessors and assistant assessors so elected shall have, use and exercise all and every the same duties, and have, use and exercise all and every the same powers,

Of the annual  
election of  
officers.

Of the con-  
stable.

Street com-  
missioners,  
overseers and  
assessors.

rights and privileges, and be subject to all and every the same fines, penalties and forfeitures within the said borough respectively, which are or hereafter lawfully may be used, had and exercised, or which are or shall be suffered by and imposed upon like officers of the several townships within this Commonwealth, and the said street commissioners shall perform such duties as shall be required of them by the by-laws and ordinances of said borough, and their names, together with that of the overseers of the poor, shall be returned to the next court of Quarter Sessions of the said county, for the same purposes, as is or shall be declared by law as to supervisors, or overseers of the poor in the several townships in this Commonwealth, except that the said street commissioners shall have no power to levy or collect any road tax, but in all respects be subject to the proper officers of said borough.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the town council so chosen, or a majority of them, of which the burgess shall in all cases be chairman, and have the casting vote, or in case of his absence, inability or refusal to act, the assistant burgess shall have full power and authority to make and enact such ordinances, rules and regulations as may be necessary for improving and keeping in order the streets, lanes, alleys, roads, public squares, wharves, landings and common ground, belonging to said town, within the said borough, and removing nuisances or obstructions therefrom, and the same to annul, alter or make anew as occasion may require, and also annually to appoint a town clerk, treasurer, and such other officers as may be deemed necessary, and also to assess levy and collect a tax for the said purposes, and shall have all other powers necessary for the well ordering and better government of the said borough: *Provided,* That the said ordinances, rules or regulations shall not be repugnant to the constitution or laws of the United States, or of this Commonwealth: *and provided also,* That no tax shall be laid by them in any one year to exceed one half of a cent in the dollar, on the valuation of taxable property taken from the last assessment, unless some object of general utility shall be thought necessary, in which case a majority of the freeholders of said borough, by writing under their hands, shall approve and certify the same to the town council, who shall proceed to assess the same accordingly, and all taxes which may be assessed or laid within the said borough, shall as nearly as the same is practicable, be assessed and collected conformably to the laws for raising county rates and levies: *And provided also,* That the town council may hear any complaints in relation to the assessment of the said taxes, and grant such relief as to them shall seem just at any time, and also exonerate the collector from the payment of any tax that may be impracticable to collect; it

General powers of the town council.

Proviso. Of the by laws.  
2d proviso. Rate of taxation limited.

3d proviso. Power to council rel. to taxes.

shall also be the duty of the burgess to cause all the by-laws and ordinances of the council to be carried into effect, and to do and perform such other services as may be enjoined on him by the same. Duty of burgess.

SECT. 8. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the high constable to give notice of the elections by setting up advertisements, according to the provisions of section second of this act, for supplying vacancies, and shall attend and see that the same are opened at the time, and in the manner directed by this act: High const. to give notice of elections.  
*Provided,* That Doctor J. B. Williamson and Benjamin King, or either of them, shall publish and superintend the first election, and it shall be the duty of the high constable to do and perform all the duties required to be done by him, in conformity with the by-laws and ordinances of said borough. Proviso. Persons appointed to superintend first election.

SECT. 9. *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 burgess and council, when assembled on business of the corporation, and perform the duty of clerk to them, 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, and his attestation, with the seal of the corporation, shall be good evidence of the thing or act certified. Duties of the town clerk.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the treasurer shall give security for the faithful discharge of the duties of his office, and for the safe delivery into the hands of his successors of all moneys, books and accounts appertaining thereto, upon demand being made by the burgess for that purpose. Security of treasurer.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the street commissioner, treasurer, constable, collector, overseers of the poor, and every other officer who may be appointed by the burgess and 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 the said burgess and council, showing particularly the amount of taxes laid and collected, and of the expenditure. Annual settlement and publication of accounts.

SECT. 12. *And be it further enacted by the authority aforesaid,* That from and after the first Friday in May next, the supervisors and overseers of the poor of Buffaloe township, shall cease to have any jurisdiction within said borough, except so far as to collect any taxes that may be due then, and owing to them from the inhabitants of said borough, and nothing contained in the general road or poor laws shall be deemed to extend to said borough: *Provided,* That so far as relates to the support of any pauper or paupers, chargeable to the township of Buffaloe, at the time of the passing of this Separation of borough from Buffaloe township. Proviso.

act, the inhabitants of the said borough shall pay the same poor rates or taxes, as if this act had not been passed.

General powers of the burgesses.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the burgess elected by this act, or in his absence or inability to attend, the assistant burgesses are hereby authorized to issue their precept, directed to the constable, commanding him to collect all taxes assessed, and fines and forfeitures imposed by this act, or by the ordinances or regulations of the council, and the same to pay over to the treasurer; and the said burgesses are hereby empowered to carry into effect all by-laws enacted by the council, and whatever else shall be enjoined upon him for the well ordering and governing the said borough, he shall have judicial jurisdiction in all cases of fines imposed by this act, or by the by laws and ordinances of the council, and all disputes between the corporation and individuals, arising under and by virtue of this act, or under and by virtue of the by-laws, ordinances and regulations of the council, and for these purposes may issue process of summons, subpoena, writs of execution, and such other process as may be necessary in the exercise of such jurisdiction, directed to the constable of the borough.

\$5 penalty on persons appointed to office refusing to serve.

SECT. 14. *And be it further enacted by the authority aforesaid,* That any person appointed to any office by the burgess and council, who shall refuse or neglect to take upon himself the duties of the office to which he may be appointed, or having taken upon himself the same, shall neglect or refuse to perform his duty, shall forfeit and pay for every offence of that kind the sum of five dollars, to be applied to the use of the borough.

Compensation of borough officers

SECT. 15. *And be it further enacted by the authority aforesaid,* That the burgess and council shall from time to time fix the compensation of the high constable, clerk, treasurer, and all other officers that may be elected or appointed by this act, which compensation shall be paid out of the borough treasury, by orders drawn thereon, signed by the burgess, or in case of his absence or inability or refusal to act, by the assistant burgess, and attested by the clerk, and shall not be increased or diminished during the time for which said officers were elected or appointed respectively: *Provided however,* That the burgess, assistant burgess, or town council, elected from time to time shall receive no compensation for acting in their official capacities.

Proviso.

Cases of omission or neglect guarded against.

SECT. 16 *And be it further enacted by the authority aforesaid.* That if in consequence of a neglect or unforeseen or unavoidable casualty, the election of officers for the said borough or any of them, should not be held on the day or days prescribed in this act, then and in that case the officer or officers elect for the preceding year shall continue to hold and execute their several offices until such election shall be held,

which in no case shall exceed thirty days from the time prescribed for such election by this act.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the said borough of Freeport is hereby erected into a separate election district, and the electors thereof shall hereafter hold their general elections at the public school house in said borough. Borough declared a separate election district.

SECT. 18. *And be it further enacted by the authority aforesaid,* That all the following described part of Buffaloe township, in the county of Armstrong, lying between the Allegheny river and Buffaloe creek, situate in the following described line, viz: beginning at Walker's ferry, on the Allegheny river; thence by a direct line to the Armstrong and Butler county line, on the Buffaloe creek, at or near the mouth of Pine run; thence by way of said line to the Allegheny river, and up said river to the place of beginning, shall be and is hereby annexed to the borough of Freeport, for the purpose of holding their general elections; and so much of an act entitled, "An act to regulate the general elections within this Commonwealth," passed the fifteenth day of February, seventeen hundred and ninety-nine, as directs that when several parts of townships shall form an election district, that the citizens of each part of such townships shall choose one inspector, so far as it relates to the aforesaid division repealed, (be and the same is hereby repealed.) Certain portion of Buffaloe township annexed to borough election district.

SAM'L. ANDERSON,

*Speaker of the House of Representatives.*

THO'S. RINGLAND,

*Speaker of the Senate.*

APPROVED—The eighth day of April, Anno Domini, eighteen hundred and thirty-three.

GEO. WOLF.

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No. 145.

AN ACT

To incorporate the Philadelphia and Fall's Bridge Turnpike Road company.

SECT. 1. *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 for the purpose of making a turnpike road according to the courses hereafter mentioned, the following