

state, and an oath or affirmation well and truly to execute the office of chief burgess of the borough of West Chester; and, when so qualified, he shall administer an oath or affirmation to the other burgess, assistants, high constable and town clerk, in manner and form aforesaid, before they shall enter on the duties of their respective offices.

Passed March 28, 1799. Recorded L. B. No. 6, p. 389.

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CHAPTER MMXLV.

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AN ACT TO ERECT THE TOWN OF LEBANON, IN THE COUNTY OF DAUPHIN, 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 Lebanon, in the county of Dauphin, shall be, and the same is hereby, erected into a borough, which shall be called "The borough of Lebanon," and shall be comprised within the following boundaries, viz: Beginning at a stone at the north bank of Quitapahilla creek, and extending by the said creek on the several courses thereof forty-six perches to a stone on the north side of the said creek; thence by land late of Christopher Laib, deceased, north sixty-nine perches to a stone; thence by land of John Light south seventy-nine degrees west seventy-four perches to a post; thence by land of Christopher Uhler south eighty-six perches to a post, and west twelve perches, south twenty-five degrees west fifty perches to a stone; thence by land by Jacob Wirich south sixty-six perches to a post; from thence by land of Henry Gilbert east one hundred and thirty perches to a post; thence by lands of Peter Shindle and John Light north eight degrees east one hundred and thirty perches to the place of beginning.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the citizens of the said borough, who shall have resided within the same twelve months and shall in other respects be entitled to vote for members of the general assembly of this commonwealth, shall, on the first Monday of May next, and on that day in every year thereafter, meet together at the market-place in the said borough, and then and there choose, by ballot, two reputable freeholders, inhabitants of the said borough, to be burgesses, and three reputable persons to serve as assistants, for advising, aiding and assisting the said burgesses in the execution of the powers and authorities hereby given them, and also to elect a high constable and a town clerk, all and every of which persons shall be residents in the said borough, and shall be duly qualified to elect as aforesaid, and the person who shall have the greatest number of votes for burgess shall be called the chief burgess.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the election for the officers aforesaid shall be holden in the following manner, viz: The constable of the town of Lebanon, in the present year, and the high constable so as aforesaid elected or appointed in the manner hereinafter mentioned, in every succeeding year, shall give notice of such election six days before the time appointed for holding the same, by advertisements set up at six of the most public places within the said borough, and at the election to be holden the present year, the town constable and two reputable freeholders, to be chosen by the electors of the said borough for that purpose, and at every succeeding election the burgesses and assistants, shall hold the said election, receive and count the ballots, and declare the persons duly elected, whereupon duplicate certificates of the persons so elected shall be signed, in the present year by the two freeholders chosen as aforesaid, and in every succeeding election by the said burgesses, which certificate shall, within five days after the said election, be transmitted to the town clerk and filed among the records of the corporation; and at any election held as above directed, should the two persons highest in vote for burgesses have an equal number of votes, the next court of quarter sessions shall declare who shall be the chief burgess; and if it shall at any time so happen,

through neglect or otherwise, that no election shall be holden on that day, or in the mode herein prescribed, it shall be lawful for the court of quarter sessions, and it is hereby required forthwith to appoint the burgesses, assistants, high constable and town clerk aforesaid, who shall thereupon be fully invested with power and authorities to their respective offices appertaining; and the burgesses and other officers, so appointed or elected, shall hold and execute their respective offices until the first Monday in May next ensuing their appointment or election, or until others shall be duly elected or appointed in their stead.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, that the burgesses and assistants so chosen, or a majority of them, shall have full power and authority to make such ordinances, rules and regulations, as may be necessary for improving and keeping in order the streets and alleys 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 to assess, levy and collect a tax for the said purposes, and shall have all other powers necessary for the interest and well ordering and better government of the said borough. Provided, That the said ordinances, rules or regulations shall not be repugnant to the constitution and laws of this commonwealth. And provided also, That no tax shall be laid by them on any one year to exceed one cent in the dollar on the valuation of taxable property taken from the last assessment, until the same is agreed to by a majority of the electors, at the town meeting assembled for that purpose, called together by the said burgesses and assistants, or by a request in writing of at least six of the inhabitants of said borough, duly qualified to elect as aforesaid, to the said burgesses, who shall require the high constable to give five days' notice of such intended town meeting, by advertisements fixed up in not less than six of the most public places within the said borough, notifying the time, place and object of the said town-meeting; and all taxes which may be assessed or laid within the said borough shall, as near as the same is practicable, be conformable to the laws for raising county rates and levies.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the burgesses and inhabitants of the said borough, and their successors, to have, hold and keep, at the place erected for that purpose within the said borough, two markets in each week, that is to say, one market on Wednesday, and one market on Saturday in every week of the year forever; and there shall be a clerk of the market within the said borough, who shall have the assize of bread, wine, beer, wood, hay, corn and other provisions, brought for the use of the inhabitants, so far as respects regulating the weight and measure of the same, and who shall and may perform all things belonging to the office of a clerk of the market within the said borough, and shall be removable by the burgesses and assistants aforesaid, and another from time to time appointed and removed, as they shall find necessary.

[Section VI.] (Section VI. P. L.) And be it further enacted by the authority aforesaid, That the said burgesses and citizens, duly qualified to elect as aforesaid, and their successors forever, hereafter, shall be one body politic and corporate, in and by the name of "The Burgesses and Inhabitants of the borough of Lebanon, in the county of Dauphin;" shall have perpetual succession; and they and their successors, by the name of the burgess and inhabitants of the borough of Lebanon shall, at all times hereafter, be persons able and capable in law to have, get, receive and possess lands, tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors, in fee simple, and for term of lives, years, or otherwise; and also goods and chattels, and other things of what nature or kind soever; and also to give, grant, let, sell and assign the same lands, tenements, hereditaments, goods and chattels, and to do and execute all other things about the same, by the name aforesaid; and they shall forever hereafter be persons able and capable in law to sue and be sued, plead and be impleaded, and answer and be answered unto, defend and be defended, in all or any courts within this Commonwealth, in all manner of actions, suits, complaints, pleas, causes and matters whatever; and that it shall and may be lawful to and for the said burgesses and inhabitants aforesaid, and their successors forever hereafter, to have and to use one common seal, for seal-

ing of all business whatsoever touching the said corporation, and the same from time to time at their will to change and alter; and the said burgesses and assistants shall have full power to appoint such other officers within the said borough, as shall be necessary to carry into complete effect the provisions of this act.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any person, an inhabitant of the said borough and duly qualified to elect as aforesaid, shall be elected to the office of burgess, and having notice of his election, shall refuse to undertake and execute that office, every person so refusing shall forfeit and pay the sum of twenty dollars; and if any person, duly qualified as aforesaid, shall be duly elected to any other office in the said borough, created 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 the sum of ten dollars, which fines and forfeitures, and all others in pursuance of this act, or of the by-laws of the said burgesses and inhabitants, shall be recovered before the acting burgess, or any justice of the peace of that county, for the use of the said corporation; and in any such case of refusal, the acting burgesses shall issue their process, directed to the high constable, requiring him to hold an election for the choice of some other fit person or persons, in the stead of such as shall refuse. Provided always, That if any person or persons shall conceive him or themselves aggrieved by the judgment of the burgesses, or any justice, by virtue of this act, he or they may appeal to the next county court of common pleas, who shall, on the petition of the party, take such order therein as to them shall appear just and reasonable, and the same shall be conclusive to all parties.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the chief burgess shall take and subscribe an oath or affirmation, before any one of the associate judges, or a justice of the peace for the county of Dauphin, 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 chief burgess of the borough of Lebanon, and, when so qualified, he shall administer an oath or affirmation to the other burgesses, assistants, high constable and town clerk, in manner and form aforesaid, before they shall enter on the duties of their respective offices.

Passed March 28, 1799. Recorded L. B. No. 6, p. 378, etc.

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## CHAPTER MMXLXI.

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AN ACT TO ENABLE WILLIAM ALEXANDER AND ROBERT ALEXANDER, AND THE SURVIVOR OF THEM, TRUSTEES OF AN ESTATE HELD FOR THE USE OF JONATHAN WILLIAMS AND MARIAMNE HIS WIFE, AND THEIR JOINT HEIRS, WITH THE REMAINDERS OVER, TO SELL AND CONVEY THE SAID ESTATE, OR SUCH PARTS THEREOF AS MAY BE NECESSARY, AND TO INVEST THE MONEYS ARISING THEREFROM TO THE SAME USES, BUT IN OTHER PROPERTY MORE BENEFICIAL AND PRODUCTIVE, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas it appear, that in pursuance of certain agreements and settlements, in consideration of marriage between Jonathan Williams, now of the county of Philadelphia, and Mariamne, his wife, late Mariamne Alexander, a certain messuage and tract of land, called Mount Pleasant, situate in the township of the Northern Liberties, in the county of Philadelphia, and containing about one hundred acres, and also two lots of ground on the south side of Chestnut street, between Tenth and Eleventh streets from Delaware, in the city of Philadelphia, [was] purchased with moneys furnished by Alexander John Alexander, a party to the said agreements and settlements, and now are vested in William Alexander and Robert Alexander, and their heirs, in trust for the use of the said Jonathan Williams and Mariamne, his wife, during their joint lives, and the life of the survivor; and from and after the decease of the said Jonathan and Mariamne Williams, and the survivor of them, to the use of all the children of the said marriage, to be divided among them, in such proportions as should be appointed by a writing under the hands of the said Jonathan and Mariamne Williams, and in