

## CHAPTER LXIV.

*An ACT to erect the Town of Erie, in the County of Erie, into a Borough, and for other Purposes.*

Section 1. **B**E 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 first section of the town of Erie, in the county of Erie, shall be and the same is hereby erected into a borough, which shall be called the Borough of Erie, and the east side of Parade-street, the south side of Twelfth-street, the west side of Chestnut-street and Lake Erie, shall be the boundaries thereof.

The first Section of the town of Erie, erected into a borough,

Sec. 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 said borough six months previously to any election, to meet at the house now occupied by George Buchlar, on the first Monday in May in each year, until a court-house shall be erected, after which the elections shall be held therein, and then and there to 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 said borough, and five reputable citizens to be a town-council, and also to elect as aforesaid a high-constable; but previously to any such election, the inhabitants shall elect three reputable citizens, one of whom shall preside as judge, one act as inspector, and the other discharge the duty of clerk, according to the general election law of this Commonwealth,

Who may vote for borough officers

Officers to be elected,

Mode of conducting the election.

wealth, so far as relates to receiving and counting the votes, and shall be subject to the same penalties for mal-practices as by the said election laws are imposed, and the said judge, inspector and clerk, before they enter on the duties of their respective offices, shall take an oath or affirmation, before any justice of the peace in the county of Erie, to perform the same with fidelity, and shall hold said elections, from time to time, as occasion may require, and 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 said officers, the burghers, 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 notice, by advertisements set up at four of the most public places in said borough.

How vacancies in any of the borough offices may be supplied.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the burghers, and town-council duly elected as aforesaid, and their successors forever, shall be one body politic and corporate in law, by the name of "The Burghers and Town-council of the Borough of Erie, in the county of Erie," and shall have perpetual succession, and the said burghers and town-council aforesaid, and their successors forever, shall be capable in law to have, get, receive, hold and possess lands, tenements, rents, liberties, and jurisdictions,

Borough & town-council shall be a body politic and corporate;

with power to hold lands, &c.

jurifdictions, franchises and hereditaments to them and their fucceffors, in fee-fimple, or otherwise, alfo goods, chattles and other things of what nature and kind foever, not exceeding the yearly value of three thousand dollars; and alfo to give, grant, let, fell and affign the fame lands, tenements, hereditaments, rents, goods and chattles, and by the name aforefaid they fhall be capable in law to fue and be fued, plead and be impleaded, in any of the courts of this Commonwealth, in all manner of actions whatfoever, and to have and to ufe one common feal, and the fame, from time to time, at their will, to change and alter.

not exceeding  
in value 3000  
dollars per  
ann.

Penalty for  
refufing or  
neglecting to  
ferve as burgefs  
or member of  
the town-coun-  
cil.

Sec. 4. *And be it further enacted by the authority aforefaid,* That if any perfon duly elected, whether a burgefs or member of the town-council, as aforefaid, having been notified as before directed, fhall refufe or neglect to take upon himfelf the execution of the office to which he fhall have been elected, every perfon fo refufing or neglecting fhall forfeit and pay the fum of twenty dollars; which fine, and all other fines and forfeitures incurred and made payable in purfuance of this act, or of the bye-laws and ordinances of the town-council, fhall be for the ufe of the faid corporation; to be recovered as debts of equal amount are or may be by law recoverable.

How recover-  
able.

Officers to take  
an oath or  
affirmation to  
fupport the  
conftitution.

Sec. 5. *And be it further enacted by the authority aforefaid,* That the burgefs, town-council and high-constable, and each of them, fhall take an oath or affirmation, before any juftice of the peace of faid county, to fupport the conftitution of the United States and of this State, and well and truly to execute the duties of their refpective offices in the borough of Erie,  
and

and the certificate of such oath or affirmation shall be recorded in the books of the said corporation.

Sec. 6. *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 enact such bye-laws and make such rules, ordinances and regulations, assess, apportion, and appropriate such taxes as shall be determined by a majority of the town-council, necessary to promote the peace, good order, benefit or advantage of said borough, and also to erect and build, or cause to be erected and built, such and so many wharves and landings, and extend the same to such distance into the Bay of Presqu'isle, opposite to the said borough, from time to time, and to charge and receive reasonable tolls and wharfage from persons using the same, and generally to make such rules, orders and regulations respecting the same, as they shall think necessary: and also to appoint a town-clerk, and such other officers as may be deemed necessary, by a majority of the town-council; but no bye-law, rule or ordinance enacted as aforesaid, shall be repugnant to the Constitution or laws of the United States or of this State, and no person shall be punished for the breach of any bye-law or ordinance enacted for the regulation of the said borough of Erie, unless a true copy thereof be set up at three of the most public places in said borough, and no bye-law or ordinance shall be carried into operation in less 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 half cent in the dollar, unless some object of general utility should be thought necessary; in such

Of enacting  
bye laws;

apportioning  
taxes.

Erecting  
wharves.

Appointing a  
town-clerk.

Limitations of  
taxes.

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case a majority of the taxable inhabitants of said borough, by writing under their hands, shall certify the same to the town-council, who shall proceed to assess the same as aforesaid.

Of collecting  
taxes.

Sec. 7. *And be it further enacted by the authority aforesaid,* That the burghers, elected agreeably to this act, is hereby authorized and empowered to issue his precept, directed 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 virtue of 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 governing the said borough.

Bye-laws to be  
recorded.

Duties of the  
town-clerk.

Sec. 8. *And be it further enacted by the authority aforesaid,* That the burghers shall be, and is hereby required to cause the bye-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 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 the said corporation, and in default he shall be answerable to any person concerned for all damages, and may be removed from office by the burghers, 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 bye-laws and ordi-

Of the high  
constable.

nances

nances of the town-council, under the like penalties: *Provided, always,* That if any person or persons shall think him, her or themselves aggrieved by any thing 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.

Persons aggrieved may appeal to the court of quarter-sessions.

Sec. 9. *And be it further enacted by the authority aforesaid,* That the lots numbered in the general plan of the said town with the numbers two thousand and sixty-six and two thousand and sixty-seven, are hereby granted to George Buchlar and Judeth Colt, their heirs and assigns, in trust nevertheless and to and for the use of the said borough, for the purpose of erecting a church or churches thereon, and to the inhabitants of the said borough forever for a place of burial: *Provided, nevertheless,* That the right of private property shall not be affected or impaired by any of the grants aforesaid, without the consent of the owner or owners first had for that purpose.

Certain lots granted for churches and burial grounds.

Sec. 10. *And be it further enacted by the authority aforesaid,* That the following shall hereafter be the northern boundary of Front-street of the said town; *to wit,* Commencing at the west side of Parade-street, two hundred and ninety feet from the north-east corner of lot number three thousand two hundred and seventy-eight; thence south fifty-nine degrees west three thousand three hundred and ten feet to a post at the mouth of Lee's run; thence north eighty-six degrees west seven hundred and forty

Northern boundary of Front-street defined.

Power of the  
burgess and  
town-council  
to lay out lots,  
&c. on the  
north side of  
Front-street;

ty feet to a post; thence south sixty-six degrees west four hundred and eighty five feet to a post on the west side of Myrtle-street; thence south forty three degrees west seven hundred feet to the east side of Chestnut-street; and that the burgess, and town-council, or a majority of them for the time being, shall have power to lay out a row of lots adjoining the said line, on the north side thereof, opposite to the several squares of said town, of the length of sixty feet and not less than thirty, nor more than fifty feet in breadth, and to lay out a street along the north side of the said row of lots of the breadth of forty feet, to be called Water-street, and to extend as far into the Bay of Presqu'isle as they may judge expedient, all the streets which have heretofore terminated at the shore of the Bay aforesaid: *Provided*, That Water-street aforesaid shall be raised not less than six feet above the surface of the water of the Bay, and the north side of Front-street aforesaid shall be raised at least fourteen feet above the surface of the water aforesaid, and the burgess and town-council, for the time being, or a majority of them, shall have power at such time and times, in such manner and on such terms as to them shall appear most advantageous, to sell, at public auction, and by indenture duly executed under their hands and seals, or under the hands and seals of a majority of them, to grant and convey in fee-simple, to the highest and best bidders respectively, all or any of the lots to be laid out as aforesaid, with authority to the said purchasers respectively to erect such wharves opposite to such lots as the said burgess and town-council shall think expedient, and to extend the same, from time to time, to such distance into the Bay as the borough laws shall permit, and the monies arising from the sale of  
the

and sell the  
same at public  
auction.

the said lots shall be laid out and appropriated in the same manner, and subject to the same regulations and restrictions as the monies to be raised by virtue of the sixth section of this act: *Provided always*, That no building shall be erected on any of the lots so to be laid out and sold as aforesaid, higher, including the roof, than forty feet above the surface of the water aforesaid, nor shall any building whatever be erected on the north side of Water-street aforesaid.

Appropriation  
of the pro-  
ceeds.

SIMON SNYDER, *Speaker*  
*of the House of Representatives.*  
ROBERT WHITEHILL, *Speaker*  
*of the Senate.*

APPROVED—the twenty-ninth day of March, in the year of our Lord one thousand eight hundred and five.

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

## CHAPTER LXV.

*An ACT directing the Mode of selecting and returning Jurors.*

Section 1. **B**E 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, in each county of this Commonwealth, the sheriff and county commissioners, or any two of said commissioners with the sheriff, shall meet at the seat of justice at least thirty days previously to the first court of common-pleas to be holden in each and every year,

Jurors to be  
selected annu-  
ally by the  
county com-  
missioners &  
sheriff of the  
respective  
counties.