

## CHAPTER CXXXV.

*An ACT to erect the town of Connellsville, in Fayette county, into a borough.*

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 town of Connellsville, and its vicinity in the county of Fayette, shall be, and the same is hereby erected into a borough, which shall be called "The borough of Connellsville," bounded and limited as follows; *that is to say,* Beginning at a place known by the appellation of "Gregg's Butment," on the west side of the Youghiogeny river; thence in a direct line across said river to a sycamore near the mouth of Connell's saw mill run; thence south eighty-five degrees east eighty-six perches to a stump; thence north forty-nine and an half degrees east sixty-four perches; thence north twenty-seven degrees east one hundred and twelve perches; thence north forty-six degrees, west nineteen perches five-tenths; thence south thirty-three degrees west twenty perches; thence north fifty-seven degrees west twenty-six perches; thence south eighty degrees west one hundred and sixty-eight perches to the river; thence following the last said course across the river to low water-mark; thence up said river, following its different meanders to the place of beginning.

Connellsville  
erected into a  
borough;

Its name and  
boundaries.

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 twelve months previously to such election,

Who may vote  
for borough  
officers.

Officers to be chosen.

Mode of conducting the elections.

How vacancies are to be supplied.

to meet at the school-house in said borough, (or at such other place as may hereafter be appointed) on the first Monday in April in every year, and then and there elect by ballot, between the hours of twelve and six o'clock of the same day, one reputable citizen residing therein, who shall be styled "The burgess of the said borough," and seven reputable citizens residing therein, who shall be a town-council, and shall also elect as aforesaid, one reputable citizen as high constable; but previously 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 regulated and conducted 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, inspectors and clerks respectively, before they enter upon the duties of their offices, shall 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 should 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 said judges, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation; 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 or inability to act, or when he neglects or refuses to act, the first named of the town-council shall  
issue

issue his precept, directed to the high constable, or when there is no high constable, or where he refuses or neglects to act, then any of the members of the town-council, shall advertise and hold an election, in 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.

Sec. 3: *And be it further enacted by the authority aforesaid,* That from and after the first Monday in April next, the burghes 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 burghes and town-council of the borough of Connellsville," and shall have perpetual succession, and the said burghes and town-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 and hereditaments, to them and their successors, in fee-simple or otherwise, not exceeding the yearly value of five thousand dollars, and also to give, grant, sell, let, and assign the same lands, tenements, hereditaments, and 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.

The burghes and town-council, created a body politic, with perpetual succession, & c.  
Style of the corporation.

Sec. 4: *And be it further enacted by the authority aforesaid,* That if any person duly elected as burghes, or a member of the town-council, or constable, and having received notice thereof, as aforesaid, shall refuse or neglect to take

Penalty on officers, duly elected refusing to take on them the execution of their respective offices.

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 bye-laws and ordinances of the town-council, shall be for the use of the corporation.

*Burgefs, &c.* *to take the official oath, &c.* *Sec. 5. And be it further enacted by the authority aforesaid,* That the burgefs, town-council and high constable, and each of them before entering upon the duties of their respective offices, shall take an oath or affirmation before any justice of the peace of said county, to support the constitution of the United States and of this State, and to perform the duties of their respective offices with fidelity; and the certificates of such oaths and affirmations shall be filed among the records of the said corporation.

*Town-council empowered to enact bye-laws.* *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, regulations and ordinances, as shall be determined by a majority of them, necessary to promote the peace, good order, benefit and advantage of said borough; particularly of providing for the regulation of the market, streets, alleys and highways therein; they shall have power to assess, apportion and appropriate such taxes as shall be determined by a majority of them, necessary for carrying the said bye-laws, rules and regulations into complete effect, and also to appoint a town clerk, treasurer, two persons to act as street and road commissioners, and a clerk of the market, annually, and such other officers as may be deemed necessary, from  
time

*To assess, apportion and appropriate taxes,*

*To appoint a town clerk, treasurer and street commissioners.*

time to time: *Provided*, That no bye-law, rule or ordinance, of the said corporation, shall be repugnant to the constitution or laws of the United States or of this commonwealth, and that no person shall be punished for the breach of a bye-law or ordinance, made as aforesaid, until three weeks have expired after the promulgation thereof, by at least four advertisements set up in the most public places in the said borough: *And provided also*, 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 shall be thought necessary; in which case, a majority of the freeholders of said borough, by writing under their hands, shall approve of and certify the same to the town-council, who shall proceed to assess the same accordingly.

Byelaws not to be repugnant to the constitutions or laws of the U. S. or this commonwealth.

Taxes not to exceed a given sum.

Sec. 7. *And be it further enacted by the authority aforesaid*, That the burgeses elected and qualified, agreeably to this act, is hereby authorized and empowered to issue his precept, as often as occasion may require, directed to the high constable, commanding him to collect all taxes assessed, and fines and forfeitures imposed by this act, or by the ordinances or regulations of the corporation, and the same to pay over to the treasurer; and the said burgeses is hereby authorized to carry into effect all bye-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 jurisdiction in all disputes between the corporation and individuals arising under the bye-laws, regulations and ordinances.

Powers of the burgeses.

Sec. 8. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the

Duties of the town clerk.

TOWN

town clerk, to attend all the meetings of the town-council, when assembled upon business of the corporation, and perform the duty of clerk thereto, 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 so certified.

his attestation with the seal of the corporation, to be good evidence, &c.

*Sec. 9. 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 monies, books and accounts appertaining thereto upon demand being made by the burghs for that purpose.

The treasurer to give security.

*Sec. 10. And be it further enacted by the authority aforesaid,* That the street-commissioners, treasurer, constable and clerk of the market, as well as all other officers who may be appointed by the corporation or 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 council, shewing particularly the amount of taxes laid and collected and of the expenditures.

All officers appointed by the corporation to render their accounts, annually to the council.

*Sec. 11. 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 in the market and three

The high constable to give notice of elections, &c.

three other public places in the said borough, ten days previously thereto; he shall attend and see that the same is opened at the time, and in the manner directed by this act: *Provided*, That Samuel Trevor, and George Matthiot, esquire, of the said town, or either of them, shall publish and superintend the election to be held on the first Monday of April next, as herein before directed.

Sec. 12. *And be it further enacted by the authority aforesaid*, 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, upon giving security according to law, to prosecute his, her or their appeal with effect, and the court having taken such order therein as shall seem to them just and reasonable, the same shall be conclusive against all parties.

An appeal, to the court of quarter sessions, allowed for supposed grievances under this act.

CHARLES PORTER, *Speaker*

*of the House of Representatives.*

JAMES BRADY, *Speaker*

*of the Senate.*

APPROVED—the first day of March, in the year of our Lord one thousand eight hundred and six.

THOMAS M'KEAN,

CHAP.