

from such sale in the funds of "The Trustees of the Baptist Association of Philadelphia," whose acquittance, under their common seal, shall be a sufficient discharge to the said commissioners. Provided always, That nothing herein contained shall be deemed or construed to bar or defeat any other person or persons, bodies politic or corporate, of any right, title, interest, claim or demand, which they may have in or to the said lots of ground, or any part thereof.

Passed March 28, 1799. Recorded L. B. No. 6, p. 368, etc.

CHAPTER MMXLIV.

AN ACT TO INCORPORATE THE TOWN OF WEST CHESTER, IN THE COUNTY OF CHESTER, 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 West Chester, in the county of Chester, shall be, and the same is hereby, erected into a borough, which shall be called the borough of West Chester, and shall be comprised within the boundaries following, viz: Beginning at the line which divides the townships of East Bradford and Goshen, at the corner of the lands of Richard Jacobs and John Darlington; thence along the lines of the said Richard Jacobs, and the lands of Amos Darlington and Joseph M'Clellan, to the lands of George Matlack; thence along the lines of the said Matlack, Joseph M'Clellan, Jonathan Matlack, and of the late John Patton, to a line of the land of Doctor Joseph Moore; thence to the line of the land of Jesse Matlack; thence along the lines of the said Jesse Matlack's lands, and of the lands of John Biddle and Abner Hoops, to the road called the Goshen Street; thence along the said street to the land of

Benaniel Ogden, being the line which divided the township of East Bradford from the township of Goshen; and from thence 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 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 succeeding year, meet together at the court-house in the said borough, and then and there choose, by ballot, two reputable freeholders, who shall be citizens of this state and inhabitants of the said borough, to be burgesses, and five reputable persons to serve as assistants, for advising, aiding and assisting the said burgesses in the execution of the power and authority hereby given them, and also to elect a high constable and town clerk, all and every of which persons shall be resident in the said borough, and shall be duly qualified to elect as aforesaid; and the person who shall have the greatest number of votes 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, to wit: The constable of the town of West Chester, 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 in six of the most public places within the said borough, and at the election to be holden the present year, and at every succeeding election, there shall be two reputable citizens chosen by the electors of the said borough, for the purpose of holding the said election, receiving and counting the ballots and declaring the persons duly elected; whereupon duplicate certificates of the persons so elected shall be signed by the two citizens chosen as aforesaid, one whereof shall be transmitted to the prothonotary of the court of quarter sessions of the county of Chester, within twenty days after the said election, and the other filed among the records of this corporation; and if, on the first election that shall take place, the two persons highest in vote for burgesses

shall have an equal number of votes, the two citizens chosen as aforesaid shall declare who shall be the chief burgess, but if, at any succeeding election, two persons shall have an equal number of votes for burgesses, a majority of the assistants shall declare who shall be the chief burgess; and if it shall at any time happen, through the neglect of the constable, by not notifying the voters aforesaid by advertisement, and no election shall be holden on that day, or in the mode herein prescribed, the burgesses, assistants, high constable and town clerk of the preceding year, shall be duly qualified to act in their respective offices, until the next time of election appointed by law, and until others shall be duly elected 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 to remove nuisances and 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 well ordering and better government of the said borough. Provided, That the said ordinances, rules and regulations shall not be repugnant to the constitution and laws of this commonwealth. And provided also, That no tax or taxes shall be laid by them in any one year to exceed one-half 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 a 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 of this commonwealth for raising county rates and levies.

[Section V.] (Section V, 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 West Chester, in the county of Chester," and shall have perpetual succession, and they and their successors, by the name of the burgesses and inhabitants of the borough of West Chester 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, for term of life, lives, years or otherwise; and also goods and chattels, and other things, of what nature or kind soever, and also to give, grant, 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 ever 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 whatsoever; 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 use one common seal, for sealing 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 VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said burgesses and assistants to purchase, or otherwise legally procure and lay off, a portion or piece of ground, for the purpose of erecting a market-house, in such part or place within the said borough as they shall judge the most convenient and

advantageous to the said inhabitants; and it shall and may be lawful for the burgesses and assistants aforesaid to appoint the days and times for holding market within the said market-house.

[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 a fine 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 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, her or themselves aggrieved by the judgment of the burgesses, or any justice, by virtue of this act, he, she or they may appeal, within three weeks, and not afterwards, to the court of common pleas, who shall take such order therein as to them shall appear just and reasonable, and the same shall be conclusive to all parties; and, on demand, it shall be the duty of the burgess or justice, or either of them, that hath given judgment, to send a transport of the judgment on his docket to the office of the prothonotary of the court of common pleas, to be filed among the records.

[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 one of the associate judges, or a justice of the peace for the county of Chester, 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 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.

CHAPTER MMXLV.

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.