

not otherwise. That the volunteer companies that now are, or hereafter may be, raised in the city of Philadelphia, the township of the Northern Liberties and the district of Southwark, shall muster with the regiment to which they have attached themselves, and shall not be subject to fines for nonattendance on days of regimental musters within the bounds of the regiment in which they reside, unless such corps shall have attached themselves to such regiment; and that the said volunteer companies shall have the right to vote for the field officers of the regiment, to which they are attached, they claiming no right to vote for field officers elsewhere, any law to the contrary notwithstanding.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the operation of the fifth section of an act, entitled "An act for the regulation of the militia of the commonwealth of Pennsylvania," passed April sixth, one thousand eight hundred and two,<sup>(1)</sup> shall be suspended for three years so far as relates to the uniform of companies who had uniformed themselves previous to the passing of said act, unless called into actual service before the expiration thereof.

Approved March 21, 1803. Recorded L. B. No. 9, p. 9-10.  
Note (\*). Chapter 2302; Supra this volume, p. 174.

---

## CHAPTER MMCCCL.

---

### AN ACT TO ERECT THE TOWN OF CHAMBERSBURG, IN THE COUNTY OF FRANKLIN, 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 Chambersburg, in the county of Franklin and its vicinity, shall be, and the same is hereby erected into a borough, which shall be called the borough of Chambersburg, bounded and limited as fol-

lows; that is to say, Beginning at a corner of James Welsh and John Kerr's land, near the brick meetinghouse, and thence running south forty-five degrees east, forty-three perches to the corner of an alley west of Front street; thence south fifty-one degrees east, fifty-nine perches, to the east side of Second street; thence with said street north nine degrees east, about thirty-five perches to a post on the east side of said street; thence south eighty-one degrees east, fifteen and one half perches to Frederick Reamer's land; thence north nine degrees east, seventy-six perches to the north side of an alley; thence with lots of D. Madeira, south eighty-one degrees east thirty-six perches to Edward Crawford's land; thence north nine degrees east, forty-nine perches to the road leading to Black's Gap; thence north fifty-eight degrees west, eighteen perches to Third street; thence with said street north nine degrees east, seventy-two perches to Benjamin Chamber's meadow; thence north eighty-one degrees west, sixteen and one half perches to the west side of an alley; thence north nine degrees east, fifty-eight perches to Joseph Chambers's land; thence north eighty-one degrees west, fifteen and one half perches to Second street; thence with said street north nine degrees east, twenty-two perches to the junction of Second street and the Great road; thence along the east side of the aforesaid road south forty-two degrees west, sixty-six perches to a corner; thence by land of Nicholas Clopper north eighty-two degrees west, twenty-eight perches to Conecocheague creek; thence with said creek crossing the same south twenty-eight degrees west forty perches to the north side of King street; thence with said street north eighty-one degrees west thirty-four and one half perches to the east side of Strasburg road; thence south eight degrees west, seventeen perches to a corner (opposite) Patterson's stable; thence north eighty-one degrees west, thirty-five perches to the west side of John Shryock's lots; thence south nine degrees east, fifteen and one half perches to Market street; thence with said street south eighty-one degrees east, eighteen perches to a post on the north side of said road; thence south nine degrees east, seventy-six perches to the creek at Washington street;

thence by the south side of the aforesaid street south eighty-one degrees east, twenty perches to the corner of the Reverend Mr. Stock's lot; thence south nine degrees west, fifteen and one half perches to the south end of said lot; thence south eighty-one degrees east, nineteen perches to an alley; thence with said alley south nine degrees west, forty-eight perches to the place of beginning.

Section II. (Section II, P. L.) 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 previous to such election, to meet at the courthouse in the said borough on the first Monday in May 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 five reputable citizens to be a town council, and shall also elect as aforesaid, one reputable citizen as high constable; 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 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 malpractices as by the said law is imposed. And the said judges, inspectors and clerks, before they enter upon the duties of their respective offices, shall take an oath or affirmation before any justice of the peace of the said county, to perform the same with fidelity, and after the said election shall be closed, shall declare the persons having the greatest number of votes to be duly elected; whereupon duplicate certificates 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 cases of death, resignation, removal, or refusal to accept of any of the said offices, the burgess, 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 in manner afore-

said to supply such vacancy, giving at least ten days notice by advertisements, set up at four of the most public places in the said borough.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That from and after the first Monday 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 town council of the borough of Chambersburg," and shall have perpetual succession. And the said burgess and town council aforesaid, and their successors, shall be capable in law, to have, get, 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. Until it shall be otherwise directed by law, the inhabitants of the said borough may hold two fairs every year hereafter, to continue two days each, commencing on the first Thursday in June, and upon the first Thursday in October.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any person duly elected as burgess, or a member of the town council, or constable as aforesaid, and having received notice thereof as aforesaid, shall refuse or neglect to 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 by-laws and ordinances of the town council, shall be for the use of the said corporation.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the burgess, 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 the said county, to support the constitution of the United States and of this state, and to execute 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.

Section VI. (Section VI, P. L.) 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 by-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; and 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 rules and ordinances from time to time 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 time. Provided, that no by-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 a breach of a by-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 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.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the burgess 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 burgess is hereby authorized to carry into effect, all by-laws enacted by the council, and whatever else shall be enjoined on 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 by-laws.

Section VIII. (Section VIII, P. L.) 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 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, whose attestation with the seal of the corporation, shall be good evidence of the act or thing so certified.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the treasurer shall give security for the faithful discharge of the duties of the office, and for the safe delivery of all moneys, books and accounts appertaining thereto, into the hands of his successor, upon demand made for that purpose.

Section X. (Section X, P. L.) 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, showing particularly the amount of taxes laid and collected, and of the expenditures.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the high constable to give notice of the annual elections of the said borough, by setting up advertisements in the market and three other public places in the said borough, ten days previous thereto; he shall attend and see that the same is opened at the time, and in the manner directed by this act. Provided, that it shall be the duty of the constable residing therein for the time being to publish and superintend the election to be held on the first Monday in May next, as is hereinbefore directed.

Section XII. (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the waters of the Falling Spring and Conecocheague creek, passing through the said borough, shall not in the least be obstructed or diverted by the said corporation, but the same shall remain as heretofore.

Section XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall think him or themselves aggrieved by anything 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.

Approved March 21, 1803. Recorded L. B. No. 9, p. 11.

---

## CHAPTER MMCCCLI.

---

### AN ACT ERECTING CERTAIN ELECTION DISTRICTS IN CUMBERLAND COUNTY.

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 from and after the passing of