

person or persons to insure, for or against the drawing of any such ticket or tickets; or shall receive any money or goods whatsoever, in consideration of any agreement, or promise to repay any sum or sums of money, or to deliver the same, or any other goods whatsoever, if any such ticket shall prove fortunate or unfortunate, or upon any other chance or chances, event or events, contingency or contingencies, relative or applicable to the drawing of any such ticket or tickets, whether as to the time of their being drawn, or otherwise howsoever, upon being thereof convicted, shall forfeit and pay for each and every such offense, a sum not less than twenty nor exceeding one hundred dollars, to be recovered, as debts are by law recoverable; the one moiety thereof to go to the use of the poor of any city or county (as the case may be) in which such offense was committed; and the other moiety thereof to the person or persons who shall prosecute for the same.⁽¹⁾

Approved March 2, 1805. Recorded in L. B. No. 10, p. 69.

Note (1). See also Chapter 1603; 14 Statutes at Large, 198, and Chapter 478; 6 Statutes at Large, p. 184, and notes.

CHAPTER MMDL.

AN ACT PERPETUATING AND ENLARGING THE CORPORATE POWERS OF THE BOROUGH OF UNIONTOWN, IN THE COUNTY OF FAYETTE.

Whereas the inhabitants of the borough of Union, in the county of Fayette, have petitioned for an alteration in the law incorporating said borough, stating, that the existing law has been found upon experiment, not so conducive to the good order, conveniency and public utility of the borough as was expected: Therefore,

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 Uniontown aforesaid shall still continue and for ever remain a borough under the name and title of "The borough of Uniontown;" the extent and bounds of which shall continue as heretofore: viz. Beginning

at a willow-bush on the lower end of a small island in Jacob Beeson's run; thence south forty-three degrees and three quarters, east sixty-seven perches to a white oak; thence south seventy-nine degrees and a quarter, east one hundred and five perches and six-tenths to a post; thence north twenty-nine degrees, east sixty-eight perches and five-tenths to a cherry tree; thence north eighty-seven degrees, east two hundred and thirty-four perches to a white oak; thence north three degrees, west sixty-two perches to a white oak; thence north forty-nine and a half degrees, west one hundred and twenty-eight perches to a stone; thence north eighty-seven degrees, west one hundred and thirteen perches to a white walnut on the east side of Redstone creek; thence up said creek to a post opposite the mouth of Jacob Beeson's run; thence up said run, with the several courses and meanders thereof, 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 six months previously to such election, to meet at the court house 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 nine reputable citizens to 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 malpractices as by the said law is imposed; and the said judges, inspector 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 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; 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 offices, 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 his precept, directed to the high constable, or when there is no high constable, or when he refuses or neglects to act, then any one 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.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That from and after the first Monday of 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 Uniontown," and shall have perpetual succession; and the said burgess 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.

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, 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 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 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.

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 markets, 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 by-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 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 the 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-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.

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 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 by-laws, regulations and ordinances.

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 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 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 se-

curity for the faithful discharge of the duties of his office, and for the safe delivery, into the hands of his successor, of all monies, books and accounts appertaining thereto, upon demand made by the burgess for that purpose.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That the street commissioner, 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 elections, by setting up advertisements in the market and 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 it shall be the duty of the present burgesses to publish and superintend the election, to be held on the first Monday of May next, as is herein before directed.

Section XII. (Section XII, P. L.) 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.

Section XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That from and after the first Monday of May next, the act, entitled, "An act to erect Uniontown, in the county of Fayette, into a borough," passed

on the fourth day of April, in the year one thousand seven hundred and ninety-six,⁽¹⁾ be, and the same is hereby repealed.

Approved March 2, 1805. Recorded in L. B. No. 10, p. 70.
Note (1). Chapter 1910; 15 Statutes at Large, p. 469.

CHAPTER MMDLI.

AN ACT VESTING IN THE HEIRS OF LEONARD STONEBURNER A TITLE TO A CERTAIN TRACT OF LAND.

Whereas Jacob Engle and Engle Bensell were, on the tenth day of January, one thousand seven hundred and ninety-three, duly empowered by the devisees of the estate of Paul Engle, deceased, (excepting Levi Engle who was absent) by letter of attorney, bearing date above, to grant, bargain, sell and convey the real estates which they were entitled to by the will of the said Paul Engle, deceased: And whereas, in pursuance of the said letter of attorney, the said Jacob Engle and Engle Bensell did sell a certain tract of land called Engina, situate on the south side of Crooked creek, formerly in the county of Westmoreland, now in the county of Armstrong, bounded by lands surveyed in the names of Thomas York and Thomas Burd, containing three hundred and fifty-seven acres and three quarters of an acre with allowance, to Leonard Stoneburner: And whereas it appears by the settlement of the said attorneys accounts with the devises aforesaid, that the price of fifty pounds was paid by Leonard Stoneburner aforesaid, for the said tract of land, and who has since died intestate, leaving issue four children, viz. Sarah Paris, Hester Woodrow, Mary Ruth and Ann Stoneburner, and that the said Sarah Paris has since deceased, having first, by her last will and testament, devised all her real estate unto George S. Bensell: And whereas no conveyance of the above tract of land was executed by the attorneys aforesaid to the said Leonard Stoneburner, and one of them, viz. Jacob Engle is now deceased, and the other, viz. Engle Bensell, in consequence of indisposition of mind, is disqualified to execute the same: Therefore,