

vey to the said purchaser or purchasers all the right, title and interest which the said Esther hath in the said one fourth part of the one-fifth part of the same estate: Provided, that the said John Keen, before he proceeds to sell or convey the same, shall give bond with one sufficient surety, to be approved by the judges of the orphan's court, in a penal sum double the amount of the value of the said one-fourth part of the said one-fifth part of the said estate, conditioned that the said John Keen do well and faithfully account to the said Esther, her heirs, executors and administrators, for the purchase-money; which bond shall be filed in the orphan's court of the county of Philadelphia.

Approved March 25, 1805. Recorded in L. B. No. 10, p. 112.

CHAPTER MMDLXXV.

AN ACT TO ERECT THE TOWN OF GREENCASTLE, IN THE COUNTY OF FRANKLIN, INTO A BOROUGH.

Whereas the inhabitants in the town of Greencastle, in Franklin county, have set forth in their petition to the legislature, that they experience many inconveniences which the existing laws of the commonwealth are inadequate to remedy, and for remedy have prayed that the said town may be incorporated: 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 the town of Greencastle aforesaid shall be, and the same is hereby erected into a borough, which shall be called the borough of Greencastle; which borough shall be comprised within the following boundaries; to wit, Beginning at a post on the west side of Carlisle street and opposite David Ranken's meadow; thence south fifty degrees east ninety-three perches along said Ranken's line to a white oak sapling; thence south forty-one degrees west one hundred and thirty-eight perches to a post; thence north fifty-nine degrees west thirty perches to a post; thence south eighty-

seven degrees west twenty perches to a post; thence north forty-one degrees west ninety-three perches to a post; thence north forty degrees east forty perches to a post; thence north fifty-one degrees east sixty-two perches to a post; thence south seventy-two degrees east sixty-two perches to a post; thence north eighteen degrees east twenty-two perches to a post; thence south seventy-five degrees east sixteen perches to the place of beginning.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall be lawful for all persons entitled to vote for members of the legislature, who have resided in said borough twelve months previous to any election of borough officers, to meet at the house of John Nigh, or at such other place in said borough as may be fixed by the by-laws of the corporation, on the first Tuesday of May in every year, and then and there elect by ballot, between the hours of one and seven o'clock in the afternoon 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 previously to such election, the inhabitants shall elect two reputable citizens as judges, one as inspector, and the judges shall appoint two persons to act as clerks of 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 judges, inspector 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; and in case that 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 per-

sons 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 neglects or refuses, or refuses to act, then to the constable of Antrim township in the said county, requiring him to 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 after the first election held in pursuance of this act, the burgess and town council duly elected, as before directed, 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 Greencastle," and shall have perpetual succession, and the said burgess and town council aforesaid, and their successors, shall be capable in law to have, 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 four 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, 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 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 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 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, highways and water courses 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 clerk, treasurer, two persons to act as street 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 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 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 the acts of the corporation, whose attestation with the seal of the corporation, shall be good evidence of the act or the 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 monies, books and accounts appertaining thereto into the hands of his successor, 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 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 at four of the most 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 of Antrim township, in the said county, to publish and superintend the election to be held on the first Tuesday 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 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.

Approved March 25, 1805. Recorded in L. B. No. 10, p. 113.

CHAPTER MMDLXXVI.

AN ACT TO RAISE, BY WAY OF LOTTERY, A SUM OF MONEY TO DEFRAY THE EXPENSE OF BUILDING A PRESBYTERIAN CHURCH IN THE VILLAGE OF MAYTOWN, IN THE COUNTY OF LANCASTER.

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 George Hollinger, John Haldeman, Jacob Long, Philip Gerner, James Eagen and Fred-