

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 1, 1806. Recorded in L. B. No. 10, p. 253.

CHAPTER MMDCLX.

AN ACT TO ERECT THE TOWN OF WILLIAMSPORT, IN THE COUNTY OF LYCOMING, 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 Williamsport, in the county of Lycoming, shall be, and the same is hereby erected into a borough, which shall be called "The Borough of Williamsport" and shall be comprised within the following bounds; to wit, Beginning at the west branch of the river Susquehanna, thence north thirty-one degrees west one hundred and fifty feet to the north-east corner of East and Front streets; thence along East street, including the same, north thirty-one degrees west one thousand nine hundred and ninety-four feet to a post on Michael Ross's land; thence south fifty-nine degrees west five hundred and fifty-six feet to the north-west corner of Mulberry and North streets; thence along North street, including the same, south fifty-nine degrees west one thousand four hundred and forty-eight feet to the north-east corner of William and North streets; thence south fifty-nine degrees west five hundred and fifty-six feet to a post on James Hepburn's land; thence south thirty-one degrees east one thousand and sixty-two feet to the south-west corner of West and Third (or Main) streets; thence along West street, including the same, south thirty-one degrees east nine hundred and thirty-two feet to the north-west corner of West and Front streets; thence south thirty-one degrees east two hundred and forty feet to the river; thence down the same the different courses and distances 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 having resided within the said borough six months next preceding the election, and being entitled to vote for members of the general assembly, on the first Monday of May, in each and every year hereafter, to meet in the courthouse in said borough, and then and there elect by ballot between the hours of twelve and six o'clock in the evening, one reputable citizen residing therein, who shall be styled "The Burgess of the Borough," and five reputable citizens to be a town council, and shall also elect a high constable; but previously to the opening of any such election, the said inhabitants shall elect three reputable citizens, one of whom shall preside as judge, one to act as inspector, and the other to perform the duty of clerk according to the directions of the general election law of this commonwealth, so far as relates to receiving and counting votes, and shall be subject to the same penalties for malpractices as by the said election laws are imposed; and the said judge, inspector and clerk, before they enter on the exercise of their respective duties, shall take an oath or affirmation before any justice of the peace of the county of Lycoming, to perform the same with fidelity; and shall hold the said election from time to time as occasion shall require; receive, and count the ballots and declare the persons having the greatest number of votes to be duly elected; whereupon duplicate certificates thereof, shall be signed by the said judge, inspector and clerk, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation for their safe keeping; and in case of vacancy by death, resignation, refusal to accept or removal from the said borough of any of the said officers, 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 to fill such vacancy, he giving at least ten days previous notice by advertisements set up at four of the most public places within the said borough.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the burgess and town council

duly elected as aforesaid, and their successors forever hereafter, shall be one body politic and corporate in law, by the name of "The Burgess and Town Council of the Borough of Williamsport, in the county of Lycoming;" and shall have perpetual succession; and the said burgess and town council aforesaid, and their successors forever hereafter, shall be capable in law, to have, get, receive, hold and possess lands, tenements, rents, liberties, jurisdictions, franchises, and hereditaments to them and their successors, in fee simple or otherwise, also goods, chattels and other things of what nature or kind soever, not exceeding the yearly value of three thousand dollars; and also to give, grant, let, sell and assign the same lands, tenements, hereditaments, rents, goods and chattels; and by the name aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded, in any of the courts of this commonwealth, in all manner of actions whatsoever; and to have and 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 qualified to elect and be elected, whether the burgess or members of the town council as aforesaid, having been notified as before directed, 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 by the bylaws 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 and town council and high constable, and each of them, shall take an oath or affirmation, before any one of the judges or justices of the peace for the county of Lycoming, to support the constitution of the United States and of this state, and well and truly to execute the duties of their respective offices in the borough of Williamsport, before they shall enter on the execution thereof; and the certificate of such oath or affirmation, shall be recorded in the books 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 bylaws 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 the said borough; particularly of providing for 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 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 shall be deemed necessary, from time to time: Provided, that no bylaw, 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 bylaw 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 bylaws enacted by the council, and whatever else shall be enjoined on him

for the well ordering and governing of the said borough; he shall have jurisdiction in all disputes between the corporation and individuals arising under the bylaws: Provided nevertheless, that it shall and may be lawful to and for the justices of the peace of the said borough, and all and every of the justice or justices of the peace aforesaid, residing or being in the said borough, to do and execute every act or acts as pertaining to their office, agreeably to the powers conferred on them by the constitution and laws of this commonwealth.

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 town council, when assembled on business of the corporation, and perform the duties 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 duties which may be enjoined on 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 monies, 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 which 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 four of the most pub-

lic 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 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 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 1, 1806. Recorded in L. B. No. 10, p. 257.

CHAPTER MMDCLXI.

AN ACT TO ASCERTAIN PART OF THE BOUNDARY LINE OF WESTMORELAND AND FAYETTE COUNTIES.

Whereas doubts have arisen concerning that part of the boundary line between the counties of Westmoreland and Fayette, viz. From Cherry's, now Lobengier's mill, to where it intersects the line of Bedford, now Somerset county, as described by an act passed the seventeenth day of February, one thousand seven hundred and eighty-four,⁽¹⁾ for annexing part of Westmoreland county to the county of Fayette: For remedy whereof,

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 governor be, and he is hereby authorized and required to appoint three commissioners, one of whom shall be a practical surveyor, for the purpose of running, marking and ascertaining part of the boundary line of the counties of Westmoreland and Fayette, ac-