

warranted to and exercised by the judges in other counties within this State, and all process from said court of common pleas or quarter sessions of the peace, which shall issue and be made returnable to the first term as herein mentioned, shall bear test on the first Tuesday of November next.

Sec. 11. *And be it further enacted by the authority aforesaid,* That every law, or part of any law, which is by this act altered or supplied, shall so far and no further be repealed and made void. <sup>Repealing clause.</sup>

CHARLES PORTER, *Speaker*  
*of the House of Representatives.*

JAMES BRADY, *Speaker.*  
*of the Senate.*

APPROVED—the tenth day of March, in the year of our Lord one thousand eight hundred and six.

THOMAS M'KEAN.

## CHAPTER CXLII.

*An ACT to incorporate the town of Gettysburg, in the county of Adams.*

Section 1. **B**E 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

The town of  
Gettysburg  
incorporated.

Name and  
limits of the  
corporation.

*rity of the same*, That the town of Gettysburg, in the county of Adams, shall be, and the same is hereby erected into a borough, which shall be called "The Borough of Gettysburg," bounded and limited as follows; *to wit*, Beginning at the mouth of Culp's run and running from thence a straight line to the south east corner of Thomas Bradon's out-lot; thence a straight line to the south east corner of lot number twenty of the reverend Alexander Dobbin's small lots; thence to the south west corner of the same; thence across the Emmitsburg road to the south east corner of the said reverend Alexander Dobbin's spring lots; thence (so as to include the said spring lots) to the south west corner of William Buchanan's tanyard-lot; thence a straight line to the south east corner of Newcomer's and Hutchinson's out-lot, being number two in the plan of Alexander Cobean's out-lots; thence along the different courses on the line between the reverend Alexander Dobbin's land and the said out-lots to a line of James Scott's land; thence by the outside lines of the said out-lots to the Hagerstown road; thence by lands of Alexander Boyd and others along the line of Alexander Cobean's land to the north west corner thereof; thence a straight line to the junction of the Chambersburg and Carlisle roads; thence to the mouth of Henry Weaver's spring run, and from thence down Rock Creek to the place of beginning.

Who may vote  
for borough  
officers.

Sec. 2. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the freeholders resident in said borough and householders renting property of the yearly value of thirteen dollars and thirty-three cents, who have resided within the said borough for one whole year immediately preceding being citizens

citizens of this commonwealth, to meet at the court-house in the said borough, on the first Tuesday in May in each and every year, and then and there elect by ballot, between the hours of twelve and six of the clock in the same day, one reputable freeholder, who shall be entitled to vote as aforesaid, who shall be styled "The burgeses of said borough;" and five reputable freeholders who shall be entitled to vote as aforesaid to be a town-council, one reputable freeholder as high constable, and two reputable freeholders to act as street and road commissioners; but previously to such election, the electors shall choose by ballot two reputable citizens to be judges, one inspector and two clerks of said election, which said election of judges, inspectors and clerks, shall be held by the high constable of said borough, and two reputable citizens of said borough, whom he shall choose as assistants between the hours of nine and eleven o'clock of the day appointed for the election of the burgeses, &c.; 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 for 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 case of death, resignation, removal or refusal to accept of any of the said offices, the town-council shall appoint a reputable freeholder qualified as aforesaid to supply such vacancy.

Time of election and officers to be chosen.

Manner of conducting the elections.

How vacancies are to be supplied.

*Sec. 3. And be it further enacted by the authority aforesaid,* That from and after the first Tuesday in May next, the burgeses 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 Burgeses and Town-Council of the Borough of Gettysburg," and shall have perpetual succession, and the said burgeses and town-council and their successors shall be capable in law to have, get, receive, purchase, 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, 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 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.

The burgeses and town-council, created a body politic,

Style and powers thereof.

*Sec. 4. And be it further enacted by the authority aforesaid,* That if any person duly elected as burgeses, member of the town-council, high constable or street and road commissioner 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 the bye-laws and ordinances of the town-council, shall be for the use of said corporation.

Penalty on borough officers, duly elected refusing to serve.

Sec. 5. *And be it further enacted by the authority aforesaid,* That the burgeses, town-council, high constable, and street and road commissioners, 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 or affirmations shall be filed among the records of said corporation.

The burgeses, &c. to take the oath of office.

Sec. 6. *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 bye-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 the said borough; particularly of providing for the regulation of the market, streets, alleys and highways within the same; they shall have power to assess, apportion and appropriate such taxes as shall be determined by a majority of them, necessary for carrying the rules and ordinances of said borough, from time to time into complete effect, and also to appoint a town clerk, treasurer and clerk of the market, annually, and such other officers as may be deemed necessary, from time to time, for the purposes aforesaid: *Provided,* That no bye-law, rule or ordinance, of 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 bye-law or ordinance, made as aforesaid, until three weeks have expired after the promulgation thereof, by at least four advertise-

The town-council to meet for the purpose of enacting bye-laws, &c.

Regulating the markets, &c.

Appointing town-clerk, treasurer, &c.

Bye-laws not to be repugnant to the constitutions and laws, &c.

Taxes limited. **ments set up in the most public places in the said borough, and 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 resident in said borough, by writing under their hands, shall approve of the same, in which case, the town-council shall proceed to assess such sum as may be necessary for the object aforesaid: *Provided*, That the lands included within the limits of said borough, other than town-lots, shall not be liable to be assessed for any other purpose than the support of the poor and the ordinary improvement of the highways within the said borough.**

How taxes are to be collected. **Sec. 7. *And be it further enacted by the authority aforesaid*, That the burghers 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, or in case of his inability to act, to some other fit person, commanding him to collect all taxes assessed, and fines and forfeitures imposed by this act, or by the ordinances and regulations of the corporation, and to cause the same to be paid over to the treasurer; and the said burghers is hereby authorized to carry into effect all bye-laws enacted by the said town-council, he shall have jurisdiction in all disputes between the corporation and individuals arising under the bye-laws, he shall be a conservator of the peace within the borough, and have power to arrest or bind to good behaviour, imprison rioters and other breakers of the peace, award process, to commit to prison, and make calendars of the prisoners by him committed, and the same to return together with such recognizances and**  
 Powers of the burghers. **exami-**

examinations by him taken, to the next court of quarter sessions for the county of Adams, there to be proceeded on as the case may require, and whatever else may be necessary for the well-ordering and governing of said borough: *Provided*, That all precepts issued for the collection of taxes, fines or forfeitures, shall be of equal force and effect with executions issued by justices of the peace, but of no other force or effect.

Sec. 8. *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 on business of the corporation, and perform the duty of a 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 the duties which may be enjoined upon him by virtue of this act, or of the bye-laws, rules and regulations of the corporation, whose attestation, with the seal of the corporation, shall be good evidence of the act or thing so certified.

Duties of the town-clerk.

Sec. 9. *And be it further enacted by the authority aforesaid*, That the treasurer shall give his bond with approved security, conditioned 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.

Treasurer to give security.

Sec. 10. *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

All officers appointed by the corporation to render their accounts, annually to the town-council.

accounts

accounts to the town-council once in every year, for settlement; and the said accounts being settled and adjusted accordingly, shall be forthwith published by the said council, shewing particularly the amount of taxes laid and collected and of the expenditures.

Duties of the high constable.

Sec. 11. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the high constable to give notice of annual elections of the said borough, by setting up advertisements in four of the most public places within the same, at least 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 Cumberland township, to publish and superintend the elections to be held on the first Tuesday in May next, as is herein before directed.

Who shall be competent witnesses, in actions arising under this act.

Sec. 12. *And be it further enacted by the authority aforesaid,* That the inhabitants of said borough, and all persons holding property therein, (paupers supported by the said borough only excepted), shall be competent witnesses in all actions arising under this act or the bye-laws and ordinances of said corporation.

Of other officers to be elected within the borough.

Sec. 13. *And be it further enacted by the authority aforesaid,* That the inhabitants of said borough shall elect a petit constable, two overseers of the poor, an inspector for the general election, assessor, and assistant assessors of county taxes, for the said borough, at such times and under like regulations as are directed by law in other townships within this commonwealth, which said petit constable, overseers of the poor, inspector, assessor, and assistant assessors so elected,



ed, shall, have, use and exercise all and every the powers, rights and privileges, and be subject to the same penalties and forfeitures within the said borough respectively, which are lawfully used, had, exercised, and which are to be suffered by and imposed on the like officers of the several townships aforesaid.

Sec. 14. *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.

Of appeals  
from proceed-  
ings under this  
act.

CHARLES PORTER, *Speaker*

*of the House of Representatives.*

JAMES BRADY, *Speaker*

*of the Senate.*

APPROVED—the tenth day of March, in the year of our Lord one thousand eight hundred and six.

THOMAS M'KEAN.

CHAP.

\* "taken" omitted in the original.