

nually exhibit all their books, accounts and vouchers of every kind, to the auditors of the said county of Butler, to be settled and adjusted in the same manner as the accounts of the county commissioners are or shall be by law directed to be settled, adjusted and published, on every third year at the expense of the county aforesaid.

JOHN WEBER, *Speaker*  
*of the House of Representatives.*

P. C. LANE, *Speaker of the Senate.*

APPROVED—the sixth day of February, one thousand eight hundred and eleven.

SIMON SNYDER.

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## CHAPTER XXVII.

*An ACT altering and amending “ An act to erect Lewistown, in the county of Mifflin, into a borough.”*

SECT. I. *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 Lewistown, in the county of Mifflin, shall still continue and forever remain a borough, which shall be called the “Borough of Lewistown,” the extent and bounds of which shall be the same as in the original law, to wit: Beginning at a post on the bank of the river Juniata, thence north, thirty-eight degrees west, forty-one perches to a post; thence north, fifty-two degrees east, one hundred and sixty-one perches to a post; thence south, thirty-eight degrees east, one hundred and forty-three perches to a post, on the south side of Kishacoquillas creek; thence down said creek south, eighty-five degrees west, seventeen perches to a post; thence north, sixty-eight degrees west, fifty perches; thence south, sixty-two degrees west, twenty-two perches; thence south, forty degrees west, forty-six perches to the mouth of the said creek; thence up the said river north, seventy-eight degrees west, forty-five perches, and thence west, thirty-two perches to the place of beginning.

SECT. II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the citizens of said borough, entitled to vote for members of the general assembly, having resided therein at least six months immediately preceding the election, on the Friday next preceding the third Saturday of March next, and on the same day in every year hereafter to meet at the court-house in said borough, and then and there between the hours of one, and six in the afternoon, elect by ballot, one reputable citizen, who shall be styled the “chief

The erection of the town of Lew-is town into a borough perpetuated.

Its boundaries.

Qualifications of electors of bur-gesses, &c.

Times for hold-ing elections, and where.

What officers to be elected.

burgess," one other reputable citizen who shall be styled the "assistant burgess," and five reputable citizens to be a town council, all of whom shall be residents of said borough, and shall have resided therein at least one year next before their election. And shall also at the same time and place elect as aforesaid one reputable citizen as high constable; but previously to the opening of said election, such of the inhabitants as are then present shall elect two reputable citizens to preside as judges, one as inspector, and one as clerk of the said election, which shall be regulated and conducted so far as relates to receiving and counting votes according to the general election law of this commonwealth, and who shall be subject to the same penalties for malpractices as by the said law is imposed, and the said judges, inspector and clerk, before they enter upon the duty of their respective offices, shall take an oath or affirmation before any justice of the peace of said county, to perform the same with fidelity, and after said election shall be closed shall declare the persons having the greatest number of votes to be duly elected; and in case that two or more candidates should have an equal number of votes, the preference shall be determined by lot, to be drawn by the judges in the presence of the inspector and clerk, whereupon duplicate certificates of said election shall be signed by the judges, one of which shall be delivered to the clerk of the court of quarter sessions of the said county, to be filed in his office, and the other shall be filed with the papers belonging to the corporation; and it shall be the duty of the high constable of the preceding year to give notice in writing to each of the persons so elected as aforesaid; and in case of the death, resignation, removal or refusal to accept of any of the said offices, the chief burgess or in case of his absence or inability to act, the assistant burgess shall issue his precept directed to the high constable, to hold an election in manner aforesaid, to supply such vacancy, giving at least six days notice of such election, by at least six advertisements set up in the most public places in said borough.

Who shall be eligible.

Officers to conduct the elections to be appointed.

Oath or affirmation to be administered.

Mode of determining who shall have the preference, &c.

Certificates of election to be delivered, &c.

Notice to be given to the persons elect.

Mode of supplying vacancies.

Burgesses and town council to be a body politic, &c.

Style.

Powers and privileges.

SECT. III. *And be it further enacted by the authority aforesaid,* That the burgesses 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 Burgesses and Town Council of the borough of Lewistown in the county of Mifflin," and shall have perpetual succession; and the said burgesses 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. Common seal,

SECT. IV. *And be it further enacted by the authority aforesaid,* That if any person duly elected as chief burgess, assistant burgess, member of town council, or high constable as aforesaid, and having received notice thereof as directed by this act, shall refuse or neglect to take upon himself the duties of said office, or shall neglect to discharge the same according to law, every person so refusing or neglecting, shall for every such offence forfeit and pay the sum of twenty dollars; *Provided nevertheless,* That no person shall be permitted to serve as high constable more than three years in any term of six years, nor be compelled to serve more than once in every ten years, which fine and all other fines and forfeitures incurred and made payable in pursuance of this act or of any by-laws and ordinances of the town council, shall be for the use of said corporation, and shall be recovered before the chief burgess, or in his absence or inability to act, before the assistant burgess in the same manner that debts not exceeding one hundred dollars are recoverable before a justice of the peace by the laws of this commonwealth; and when so recovered shall be forthwith paid to the treasurer of said borough; and it shall be the duty of the officers of said borough, on receiving any money belonging to said corporation, to pay the same to the treasurer of said borough forthwith. Officer refusing to serve, or neglecting to discharge his duty fined 20 dollars.  
High constable not to serve more than three years out of six, nor compelled to serve more than once in ten years.  
Mode of recovering the fine.  
To be paid, &c.

SECT. V. *And be it further enacted by the authority aforesaid,* That the chief burgess, assistant burgess, town council, and high constable, and each of them before entering upon the duties of their respective offices, shall take and subscribe an oath or affirmation before any justice of the peace of said county to support the constitution and laws of the United States, and of this state, and to execute the duties of their respective offices with fidelity; and the certificate of such oaths and affirmations shall be filed among the records of the said corporation. Oath or affirmation to be taken by the officers.  
Certificate of the same to be filed.

SECT. VI. *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 repeal, revive, amend 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 the said borough, particularly of providing for the regulation of the market, streets, alleys and highways therein, shall have power to assess, apportion and appropriate such taxes as a majority of them shall determine to be necessary for carrying the said rules and ordinances from time to time into complete effect; and also Power to make rep. al laws, &c.  
Assess and apportion taxes.

And appoint a treasurer and other officers, and to remove them. Meetings of the town council to be held at the court house.  
Proviso.

to appoint a treasurer, town clerk, and such other officers as they or a majority of them shall deem necessary, and also to remove at any time such officer or officers for misdemeanor or neglect of duty in office, which meetings of the said town council shall be held at the court house in said borough until otherwise provided for by a law of said borough; *Provided*, That no by-law, rule, regulation or ordinance of said corporation shall be repugnant to, or inconsistent with the constitution or laws of the United States or of this commonwealth, and that no person be punished for a breach of a by-law or ordinance of said corporation until ten days have expired after promulgation thereof, in at least six handbills set up in the most public places in said borough; *And provided also*, That in assessing taxes strict regard shall be had to the valuation of taxable property taken next before such assessment for the purpose of raising county rates and levies, and so that the said tax shall not in any one year exceed the amount of the county tax for that year assessed, unless some object of general utility shall be thought necessary, in which case it shall be determined and approved by a majority of the taxable inhabitants of said borough assembled in town meeting, eight days notice of which shall be given by advertisements signed by the burgesses or a majority of the town council, and affixed in at least six of the most public places, therein notifying the time, place, and object of the said town meeting.

Second proviso.

Chief burgess or assistant authorized to issue precepts, for collecting taxes;

SECT. VII. *And be it further enacted by the authority aforesaid*, That the chief burgess elected and qualified agreeably to this act, or in his absence or inability to act, the assistant burgess is hereby authorized to issue his precept as often as occasion may require, directed to the collector commanding him to collect all taxes so assessed, and the same to pay over to the treasurer. And the said chief burgess, or in his absence or inability to act, the assistant burgess is hereby authorized to carry into effect all by-laws and ordinances enacted by the town council, and whatsoever else shall be enjoined upon him or them for the well ordering and governing of said borough, and the said chief burgess, or in his absence or inability the assistant burgess, shall have jurisdiction in all cases of dispute that may arise between the corporation and individuals, in what relates to the imposing and collecting the borough tax, and appointments made by the said town council. And shall also have power to mitigate or remit fines and forfeitures where it shall appear that the person or persons so fined did not offend intentionally, or on their having some other just and reasonable excuse to plead in his or their behalf, which excuse shall be satisfactorily proven to the chief burgess, or assistant burgess, as the case may be; *Provided nevertheless*, That it shall and may be lawful to and for the justice of the peace of the said borough, and all and every of the said justice or justices of the peace aforesaid, residing or being in

and to carry into effect the by-laws of the corporation.

Jurisdiction in cases of dispute, &c

To remit or mitigate fines and forfeitures in certain cases,

Proviso.

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.

SECT. VIII. *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 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 enjoined upon him by 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. Duties of the town clerk.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the treasurer shall give sufficient security for the faithful discharge of the duties of his office, for the safe delivery of all monies, books and accounts appertaining thereto, into the hands of his successor upon demand made for that purpose. Treasurer to give security.

SECT. X. *And be it further enacted by the authority aforesaid,* That the treasurer, high constable, collector, and all other officers which may be appointed by the town council, shall at the meeting of the town council in the month of May, yearly, render their accounts to the said council for settlement; and the said accounts being adjusted and settled by the said council shall be forthwith published by the said council, shewing particularly the amount of the taxes laid and collected, and of the expenditures. Treasurer, high constable, collector, &c. to exhibit their accounts annually.

SECT. XI. *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, held in pursuance of this act, by setting up advertisements in at least six public places within the said borough, at least ten days previous thereto, and 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 high constable to publish and superintend in like manner the election to be held in the month of March next; *And provided also,* That in case of the death, absence or inability of the high constable to act, the town council shall have power to appoint a temporary high constable. Duty of high constable. Proviso. Further proviso.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the town council shall from time to time affix the salaries of the high constable, town clerk, treasurer, and all other officers which may be appointed under this act or any by-law of said corporation; which salaries shall be paid out of the borough treasury by orders drawn thereon by the president of the council, which salaries shall not be increased or diminished during the time for which the said officers were appointed respectively; Salaries of officers to be fixed by the council, and be paid out of the borough treasury. &c.

revison

*Provided*, That if any person appointed by the town council as aforesaid, shall neglect or refuse to take upon himself the duties of the office to which he shall be so appointed, shall forfeit and pay for the use of the corporation, the sum of five dollars, unless he can render to said council a satisfactory reason why he should be excused from such service.

What officers shall constitute a Board of appeal.

Duties of the collector.

Proviso.

Further proviso.

SECT. XIII. *And be it further enacted by the authority aforesaid*, That the chief burgess, assistant burgess and town council, or a majority of them shall constitute a court of appeal, and prior to the collection of any borough tax, the collector shall inform each inhabitant of the amount of his tax and of the time and place of appeal; *Provided*, That the said court of appeal shall have no other power as such than to determine the justness of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same; *Provided also*, 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 of the peace, to be held for Mifflin county on giving security agreeably to law to prosecute his, her or their appeal with effect; which court shall take such order therein as they shall think just and reasonable, which order or judgment shall be conclusive against all parties.

Time when this act to come into operation.

Repeal of former law.

SECT. XIV. *And be it further enacted by the authority aforesaid*, That from and after the sixteenth day of March next, the corporation hereby established shall be in force and fully substituted in the place and stead of the corporation created by an act entitled "An act erecting Lewistown in the county of Mifflin, into a borough," passed the eleventh day of April, one thousand seven hundred and ninety-five, which said act, from and after the sixteenth day of March aforesaid, be and the same is hereby repealed.

JOHN WEBER, *Speaker*  
of the House of Representatives.

P. C. LANE, *Speaker of the Senate*.

APPROVED—the sixth day of February, one thousand eight hundred and eleven.

SIMON SNYDER.

## CHAPTER XXVIII.

*An ACT authorizing a loan of money from the State to William Eichbaum, to enable him to carry on a Manufactory of Wire.*

WHEREAS it appears to the legislature that William Eichbaum of Pittsburg has erected works, and procured a part of the machinery necessary for the manufacturing of wire, but not-