

his wife Eugenia Moreau, and his daughter Isabella Moreau, yet in her minority : and it is further represented, that the said Eugenia and Isabella reside in France, and it would be for their interest that the said real estate should be sold, which, for want of sufficient authority in the said last will and testament, cannot be effected without the aid of the legislature : Therefore,

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* John S. Roulet, executor of the last will and testament of Jean Victor Marie Moreau, be, and he is hereby authorised to sell, at public sale, to the best and highest bidder, giving at least thirty days previous notice of the time and place of sale, in one or more of the daily newspapers of Philadelphia and New York, and also in the newspapers published in Bucks county, the whole or any part of the real estate lying in the county of Bucks within this commonwealth, of which the said Jean Victor Marie Moreau dièd seized, and to execute good and sufficient deeds, in fee simple, for the same or any part thereof, he being responsible to Eugenia Moreau, as well in her own name as in her capacity of guardian to her infant daughter, Isabella Moreau, for the due and faithful execution of the authority with which he is hereby invested : *Provided, That nothing in this act shall be construed to affect or impair the rights of any other individual or body politic or corporate whatsoever.*

REES HILL, *Speaker*  
of the *House of Representatives.*

JOHN TOD, *Speaker of the Senate.*

APPROVED—the fifth day of March, one thousand eight hundred and sixteen.

SIMON SNYDER.

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#### CHAPTER LXXIV.

AN ACT to erect the town of Indiana, in the county of Indiana, 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* the town of Indiana, in the county of Indiana, comprised within the following limits, to wit: Beginning at the west end and on the north side of Oak street, thence east along said street to its intersection with Cherry street, thence south along Cherry street to the southern boundary line of the in-lots of said town, thence west along said line to Mahoning street, thence south along Mahoning street to the southern line of out-lot "number twelve," thence west along the boundary line of the out-lots to the west end of the town, and thence north along the boundary line of

Limits of the  
borough.

said town to the place of beginning, including the streets along which the said lines run, shall be, and the same is hereby erected into a borough, which shall be called "The Borough of Indiana."

SECT. II. *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 for twelve months previously to such election, to meet at the court-house in the town of Indiana, on the first Monday in May in each year, and then and there, between the hours of ten in the forenoon and six in the afternoon, to elect, by ballot, one reputable citizen residing therein, who shall be styled the burgess of said borough, and five reputable citizens residing therein, to be a town council, and also shall elect as aforesaid a high constable; but previously to any such election, the inhabitants entitled to vote as aforesaid, shall elect three reputable citizens, one of whom shall preside as judge, one as inspector, and the other discharge the duty of clerk, according to the general election law of this commonwealth, so far as relates to receiving and counting the votes, and subject to the same penalties for mal-practices as by the said election law are now or may hereafter be imposed, and the said judge, inspector and clerk, before they enter upon the duties of their respective offices, shall take an oath or affirmation, before any justice of the peace of the county of Indiana, to perform the same with fidelity, and shall hold said elections from time to time as occasion may require, and 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 said persons elected, and the other filed amongst the records of the corporation for safe-keeping, and in case of vacancy, by death, resignation or otherwise, 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 notice by advertisements set up at four of the most public places in said borough.

SECT. III. *And be it further enacted by the authority aforesaid,* That the burgess and town council, duly elected as aforesaid, and their successors for ever, shall be one body politic and corporate, in law, by the name of "The Burgess and Town Council of the Borough of Indiana, in the county of Indiana," and shall have perpetual succession; and the said burgess and town council aforesaid and their successors for ever, shall be capable in law to take by purchase or devise, hold and possess lands, tenements, rents, liberties, franchises and hereditaments, to them and their successors, in fee simple or otherwise, also goods, chattels and other things, of what nature and kind soever, not exceeding the yearly value of five thousand dollars, and also to give, rent, let, sell and assign the same lands, tenements, hereditaments, rents, goods and chattels, and by the name aforesaid

Qualification  
of electors.

Time and  
manner of  
elections.

What officers  
to be chosen.

Judges of  
election.

Of conduct-  
ing the elec-  
tions.

Official oaths  
to be taken.

Duties of  
judges and  
clerks.

Style of  
corporation.

Powers and  
privileges.

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: *Provided*, That no misnomer nor failure of the election of officers on the day appointed, shall discontinue or dissolve the said corporation, but the officers respectively for the time being, shall continue in office until a new election shall be made, at such time as the said council may direct.

Proviso.

Penalty on officers refusing to serve.

SECT. IV. *And be it further enacted by the authority aforesaid*, That if any person duly elected, whether burgess or member of the town council as aforesaid, having been notified as before directed, shall refuse 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 said corporation: *Provided*, That no person elected as aforesaid, shall be liable to a fine for refusing or neglecting to serve more than two years in any term of six years.

Proviso.

Burgess to take oath, and have right to administer oaths.

SECT. V. *And be it further enacted by the authority aforesaid*, That the burgess 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 well and truly to discharge the duties of his office, before he enters on the execution thereof, and the said burgess shall thereupon administer a similar oath or affirmation to each member of the town council, and to the high constable; and the certificate of such oaths or affirmations shall be recorded in the books of the corporation, and the said burgess shall further have power and authority to administer oaths and affirmations, when the same be necessary, on the investigation of any matter within the cognizance of the said corporation.

Town council may make by-laws, levy and collect taxes, appoint officers.

Laws to be published.

SECT. VI. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the town council, of whom a majority shall form a quorum, to meet as often as occasion may require, and enact such by-laws, and make such rules, ordinances and regulations, assess, apportion and appropriate such taxes as shall be determined by a majority of the town council necessary to promote the peace, good order, benefit or advantage of the said borough, and also to appoint a town clerk, treasurer, street commissioner and such other officers as may be deemed necessary by a majority of the town council; but no by-law, rule or ordinance enacted as aforesaid, shall be repugnant to the constitution or laws of the United States or of this state, and no person shall be punished for the breach of any by-law or ordinance enacted for the regulation of the said borough of Indiana, unless a true copy of such by-law or ordinance be published for three weeks successively in a newspaper printed and published in said borough, but if there should be no newspaper so printed and published, then by a true copy set up in three of the most public places in said borough, and no by-law

or ordinance shall be carried into operation in less than three weeks after the commencement of such publication: *Provided* <sup>Proviso.</sup> *nevertheless*, That no tax shall be laid in any one year, on the valuation of taxable property in said borough, exceeding one cent in the dollar, unless some object of general utility should be thought necessary, in which case a majority of taxable inhabitants of said borough, by writing under their hands, shall certify the same to the town council, who shall proceed to assess the same as aforesaid.

SECT. VII. *And be it further enacted by the authority aforesaid*, That the burgess elected agreeably to this act, is hereby authorised and empowered to issue his precept, directed to the high constable, commanding him to collect all taxes assessed from time to time as aforesaid, and all fines and forfeitures that may become due by virtue of this act, or by the ordinances or regulations of the corporation, and the same to pay over to the treasurer, to be appointed by the town council, and to carry into effect whatsoever is enjoined upon him for the well ordering and governing of the said borough. <sup>Burgess to issue precept to collect taxes.</sup>

SECT. VIII. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the treasurer, constable, town clerk and other officers appointed by the town council to render their accounts to the said council once in every year, which being settled and adjusted by the said council, shall be published, showing particularly the amount of taxes levied, and of all expenditures which shall have been made. <sup>Treasurer, clerk and constable to render annual accounts.</sup>

SECT. IX. *And be it further enacted by the authority aforesaid*, That the burgess shall be, and he is hereby required to cause the by-laws, rules and ordinances made as aforesaid, to be recorded in a book to be kept for that purpose, and he shall cause the same to be carried into full execution without delay, after the publication thereof as is directed by this act; and 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 duty of clerk thereto, and keep and preserve the common seal, records, books, papers and documents relating to the said corporation; the treasurer to be appointed pursuant to this act, shall give such security for the faithful discharge of the duties of his office, as a majority of the said council may deem reasonable and necessary; and the high constable shall give bond and security to the said corporation, in such sum as the said council, or a majority thereof, shall deem necessary, conditioned for the faithful performance of all and singular the duties enjoined upon him either by this act or by the by-laws and ordinances of the said council: *Provided*, That if the said treasurer, high constable, and town clerk, or either of them, shall make default in performing the duties enjoined upon them respectively, they, or either of them, may be removed from office by the burgess, on complaint of a majority of the said council: *And provided also*, That if any person 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 to prose- <sup>Laws, &c. to be recorded.</sup> <sup>Duties of clerk.</sup> <sup>Treasurer to give security,</sup> <sup>and high constable.</sup> <sup>Proviso.</sup> <sup>2d proviso.</sup>

cute his, her or their appeal with effect, which court shall make such order therein as may be just and reasonable, and the order or judgment so made shall be final and conclusive upon the parties.

REES HILL, *Speaker*  
of the House of Representatives.

JOHN TOD, *Speaker of the Senate.*

APPROVED—the eleventh day of March, one thousand eight hundred and sixteen.

SIMON SNYDER.

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CHAPTER LXXV.

An additional SUPPLEMENT to an act, entitled “ An act authorising the governor to incorporate a company for making an artificial road from the bank of the river Susquehanna opposite Harrisburg to Pittsburg.”

WHEREAS, the president and managers of the Stoystown and Greensburg road company, have located the said road, and have entered into contracts for the completion of a large portion thereof before the first day of November next, but by reason of the numerous hills and mountains over which it passes, the thinly inhabited state of the country, and the burthen of making the road being imposed upon a few stockholders, it is expedient that the money subscribed on the part of the state should be progressively advanced to facilitate and ensure the completion of said road: Therefore,

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 the governor be, and he hereby is authorised and required, on the first day of May next, or at any time thereafter, upon the application of the president of said company, to draw his warrant upon the state treasurer in favor of the president and managers of the Stoystown and Greensburg turnpike road company, for such part of the subscription made on behalf of the commonwealth to the stock of said company, as would be payable under the ninth and tenth sections of the act of assembly, passed the ninth day of March, one thousand eight hundred and fourteen, if five miles of said road were completed and approved of, and when five miles of said road shall be completed, for a further half proportional part of said subscription, in proportion to the distance progressively in advance, and so on in advance on the completion of said section, and of every subsequent section of five miles: *Provided,* That on any such payment being made, the president of said company, on behalf of said company, shall execute and deliver to the treasurer, for the use of the commonwealth, a bond with sufficient surety in the penalty of twenty thousand dollars, conditioned for the faithful application of such

Governor to draw his warrant in favor of the Stoystown and Greensburg turnpike company.

Proviso.