

CHAPTER CXXXVII.

An ACT to erect the town of Chambersburgh, in the county of Franklin, into a borough.

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, of the same, That the town of Cham-

bersburg, in the county of Franklin, and its vicinity, shall be, and the same is hereby erect-

ed into a borough, which shall be called the borough of Chambersburg, bounded and lim-

ited as follows; that is to say, Beginning at a corner of James Welsh and John Kerr's land,

near the brick meeting-house, and thence running south forty-five degrees east, forty-three

perches to the corner of an alley west of Front-street; thence south fifty-one degrees

east, fifty-nine perches, to the east side of Second-street; thence with said street north

nine degrees east, about thirty-five perches to a post on the east, side of said street; thence

south eighty-one degrees east, fifteen and one half perches to Frederick Reamer's land;

thence north nine degrees east, seventy-six perches to the north side of an alley; thence

with lots of D. Madeira, south eighty-one degrees east, thirty-six perches to Edward

Crawford's land; thence north nine degrees east, forty-nine perches to the road leading to

Black's gap; thence north fifty-eight degrees west, eighteen perches to Third-street; thence

with said street north nine degrees east, seventy-two perches to Benjamin Chambers's mea-

dow; thence north eighty-one degrees west, sixteen and one half perches to the west side

The town of Chambersburg erected into a borough;

its boundaries described.

of

of an alley; thence north nine degrees east, fifty-eight perches to Joseph Chambers's land; thence north eighty-one degrees west, fifteen and one half perches to Second-street; thence with said street north nine degrees east, twenty-two perches to the junction of Second-street and the great road; thence along the east side of the aforesaid road south forty-two degrees west, sixty-six perches to a corner; thence by land of Nicholas Clopper north eighty-two degrees west, twenty-eight perches to Conococheague creek; thence with said creeck crossing the same south twenty-eight degrees west forty perches to the north side of King-street; thence with said street north eighty-one degrees west thirty-four and one half perches to the east side of Strasburg road; thence south eight degrees west, seventeen perches to a corner (opposite) Patterson's stable; thence north eighty-one degrees west, thirty-five perches to the west side of John Shryock's lots; thence south nine degrees east, fifteen and one half perches to Market-street; thence with said street south eighty-one degrees east, eighteen perches to a post on the north side of said road; thence south nine degrees east, seventy-six perches to the creek at Washington-street; thence by the south side of the aforesaid street south eighty-one degrees east, twenty perches to the corner of the reverend Mr. Stock's lot; thence south nine degrees west, fifteen and one half perches to the south end of said lot; thence south eighty-one degrees east, nineteen perches to an alley; thence with said alley south nine degrees west, forty-eight perches to the place of beginning.

Sec. 2. And be it further enacted by the au-
thority aforesaid, That it shall and may be lawful for all persons entitled to vote for members for the legislature, who have resided in said borough twelve months previous to such election, to meet at the court-house in the said borough on the first Monday in May in every year, and then and there elect by ballot, between the hours of twelve and six o'clock of the same day, one reputable citizen residing therein, who shall be stiled 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 previous to such election the inhabitants shall elect two reputable citizens as judges, one as inspector and two as clerks of the 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 mal-practices as by the said law is imposed: 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 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; 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 burgess or in his absence or inability to act, the first

Of choosing
 borough officers; when to
 be chosen and
 manner of
 choosing
 them.

named

named of the town council shall issue his precept directed to the high constable, requiring him to hold an election in manner aforesaid, to supply such vacancy, giving at least ten days notice by advertisements, set up at four of the most public places in the said borough.

The burgess & town council created a body politic, with the usual corporate powers.

The inhabitants of Chambersburgh authorised to hold two fairs annually.

Sec. 3. *And be it further enacted by the authority aforesaid,* That from and after the first Monday in May next, the burgess 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 burgess and town council of the borough of Chambersburg," and shall have perpetual succession: And the said burgess and town council aforesaid, and their successors, shall be capable in law, to have, get, 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 five 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: Until it shall be otherwise directed by law, the inhabitants of the said borough may hold two fairs every year hereafter, to continue two days each, commencing on the first Thursday in June, and upon the first Thursday in October.

Sec. 4.

Sec. 4. *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 bye-laws and ordinances of the town council, shall be for the use of the said corporation.

Penalty for refusing to act as a borough officer, to be applied to the use of the corporation.

Sec. 5. *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 the 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.

Qualifications of the borough officers.

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 said borough, particularly of providing for the regulation of the market, streets, alleys and highways therein; they shall have power to assess, apportion

The town council empowered to make the necessary bye-laws, &c.

to assess taxes,

to appoint a town clerk, treasurer, &c.

Proviso, that no bye-laws &c. shall be repugnant to the constitution or laws of the U. S. or this state.

Annual taxes limited as to amount.

How taxes are to be collected and to whom paid.

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 may be deemed necessary from time to time: *Provided*, That no bye-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 a breach of a bye-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 the 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.

Sec. 7. *And be it further enacted by the authority aforesaid*, That the burgess elected and qualified agreeably to this act, is hereby authorised 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 authorised to carry into effect, all bye-laws enacted

enacted by the council, and whatever else shall be enjoined on 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 byelaws.

Sec. 8. *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 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 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.

Duties and accountability of the town clerk.

Sec. 9. *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.

The treasurer to give security, &c.

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 accounts to the council once in every year for settlement, and the said accounts being adjusted and settled ac-

The officers appointed by the corporation to render their accounts annually for settlement.

ordingly, 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, the annual elections of the said borough, by setting up advertisements in the Market and three other 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 residing therein for the time being, to publish and superintend the election to be held on the first Monday in May next, as is herein before directed.

The waters of Conococheague creek not to be obstructed or diverted.

Sec. 12. *And be it further enacted by the authority aforesaid,* That the waters of the Falling Spring and Conococheague creek, passing through the said borough, shall not in the least be obstructed or diverted by the said corporation, but the same shall remain as heretofore.

Appeal allowed to persons feeling themselves aggrieved by any thing done in pursuance of this act.

Sec. 13. *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,

sonable, the same shall be conclusive against all parties.

SIMON SNYDER, *Speaker*
of the House of Representatives.

ROBERT WHITEHILL, *Speaker*
of the Senate.

APPROVED—March the twenty-first, 1803 :

THOMAS M'KEAN, *Governor*
of the Commonwealth of Pennsylvania.

CHAPTER CXXXVIII.

An ACT erecting certain election districts in Cumberland county.

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 of the same. That from and after the passing of this act, the township of Tyrone, in Cumberland county, shall be a separate election district, and the electors thereof shall hold their general elections at the school-house in the town of Landisburgh, any former law or laws to the contrary notwithstanding.

Tyrone township in Cumberland county erected into an election district, and place of holding elections.

Sec. 2. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the township of Teboyne, in Cumberland county, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Henry Simmerman in said township.

Teboyne township similiter.