

CHAPTER XXVI.

An ACT perpetuating and enlarging the corporate Powers of the Borough of Union-Town, in the County of Fayette.

WHEREAS the inhabitants of the borough of Union, in the county of Fayette, have petitioned for an alteration in the law incorporating said borough, stating, that the existing law has been found, upon experiment, not so conducive to the good order, conveniency and public utility of the borough as was expected: Therefore,

Section 1. 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 Borough
perpetuated.

Its title.

Boundaries.

Union-town aforesaid shall still continue and forever remain a borough, under the name and title of "The Borough of Union-Town;" the extent and bounds of which shall continue as heretofore: *viz.* Beginning at a willow-bush on the lower end of a small island in Jacob Beeson's run; thence south forty-three degrees and three quarters, east sixty-seven perches to a white-oak; thence south seventy-nine degrees and a quarter, east one hundred and five perches and six-tenths to a post; thence north twenty-nine degrees, east sixty-eight perches and five-tenths to a cherry-tree; thence north eighty-seven degrees, east two hundred and thirty-four perches to a white-oak; thence north three degrees, west sixty-two perches to a white-oak; thence north forty-nine and a half degrees, west one hundred and twenty-eight perches to a stone; thence north eighty-seven degrees, west one hundred and thirteen perches to a white-walnut

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on the east side of Redstone creek; thence up said creek to a post opposite the mouth of Jacob Beeson's run; thence up said run, with the several courses and meanders thereof, to the place of beginning.

Sec. 2. *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 six months previously 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 styled the burges of the said borough, and nine reputable citizens to be a town-council; and shall also elect, as aforesaid, one reputable citizen as high-constable; but previously 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 malpractices as by the said law is imposed; and the said judges, inspector and clerks, respectively, before they enter upon the duties of their 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; and in case any two or more candidates should have an equal number of votes, the preference shall be determined by lot, to be drawn by the judges and inspector;

Who may vote for borough officers.

Time & place of electing officers.

Officers to be chosen.

Mode of conducting the election.

Where two or more candidates have an equal number of votes, how a preference is

to be de determined.

Of supplying vacancies occasioned by death, resignation, &c.

whereupon duplicate returns 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, refusal to accept, or neglect or refusal to act after acceptance, of any of the said offices, the burgeses, or in case of his death, absence, or inability to act, or when he neglects or refuses to act, the first named of the town-council shall issue his precept, directed to the high-constable, or when there is no high-constable, or when he refuses or neglects to act, then any one of the members of the town-council shall advertise and hold an election, in manner aforesaid, to supply such vacancy, giving at least ten days notice thereof, by advertisements set up at four of the most public places in the said borough.

The borough officers, and their successors, created a body politic, by the name and style of "The Burgeses and Town-Council of the Borough of Union-town."

Their corporate powers.

Sec. 3. *And be it further enacted by the authority aforesaid,* That from and after the first Monday of 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 Union-Town," and shall have perpetual succession; and the said burgeses and town-council aforesaid, and their successors, shall be capable in law to 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

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.

Sec. 4. *And be it further enacted by the authority aforesaid,* That if any person duly elected as burges, or a member of the town-council, or constable, 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 corporation.

Penalty on persons, duly elected borough officers, refusing or neglecting to serve.

Appropriation of fines & forfeitures incurred under this act.

Sec. 5. *And be it further enacted by the authority aforesaid,* That the burges, 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 said county, to support the constitution of the United States and of this State, and to perform 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 burges, town-council, and high-constable.

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

The town-council authorized, from time to time, to enact bye-laws:

To regulate the market, streets, alleys, &c. To assess and appropriate taxes;

to appoint a town-clerk, &c.

No bye-law, &c. to be repugnant to the constitution or laws of the U. S. or this State, &c.

Limitation in the amount of taxes.

Powers and duties of the burgess:

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 and appropriate such taxes as shall be determined, by a majority of them, necessary for carrying the said bye-laws, rules and regulations, 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 the 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-half 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 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,

act, or by the ordinances or regulations of the corporation, and the same to pay over to the treasurer; and the said burges is hereby authorised to carry into effect all bye-laws enacted by the council, and whatever else shall be enjoined upon 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 bye-laws, regulations and ordinances.

his jurisdiction.

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 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, 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:

To keep the common seal, records of the corporation, &c.

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 his office, and for the safe delivery, into the hands of his successors, of all monies, books and accounts appertaining thereto, upon demand made by the burges for that purpose.

Duties of the State treasurer.

Sec. 10. *And be it further enacted by the authority aforesaid,* That the street-commissioner, treasurer, constable, and clerk of the market, as well as all other officers who may be appointed

The several officers appointed by the corporation, to render shro

accounts annually to the council, for settlement, &c.

ed 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, shewing particularly the amount of taxes laid and collected, and of the expenditures.

The high-constable to give notice of the elections, &c.

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 elections, by setting up advertisements in the market and three other public 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 present burgessees to publish and superintend the election, to be held on the first Monday of May next, as is herein before directed.

Persons feeling themselves aggrieved, &c. may appeal to the court of quarter-sessions.

Sec. 12. *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.

Repeal of a former act.

Sec. 13. *And be it further enacted by the authority aforesaid,* That from and after the first Monday of May next, the act, entitled, "An act to erect Union-town, in the county of Fayette, into a borough," passed on the fourth day of

of April, in the year one thousand seven hundred and ninety-six, be, and the same is hereby repealed.

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

ROBERT WHITEHILL, *Speaker*
of the Senate.

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

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

CHAPTER XXVII.

An ACT vesting in the Heirs of Leonard Stoneburner a Title to a certain Tract of Land.

WHEREAS Jacob Engle and Engle Benfell were, on the tenth day of January, one thousand seven hundred and ninety-three, duly empowered by the devisees of the estate of Paul Engle, deceased, (excepting Levi Engle who was absent) by letter of attorney, bearing date as above, to grant, bargain, sell and convey the real estates which they were entitled to by the will of the said Paul Engle, deceased: And whereas, in pursuance of the said letter of attorney, the said Jacob Engle and Engle Benfell did sell a certain tract of land called Engina, situate on the south side of Crooked creek, formerly in the county of Westmoreland, now
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