

## CHAPTER XXIV.

An ACT to erect the town of Washington, in the county of Washington, 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 Washington, in the county of Washington, shall be, and the same is hereby erected into a borough, which shall be called the borough of Washington, and shall be comprised within the following boundaries: *to wit*, beginning at a post on land of James Ashbrook, thence by land of Robert Anderson, Thomas Officer, and others, south, seventy-seven degrees; west, one hundred and fifty-nine and one half perches, to a post; thence by land of Thomas Jones, William Hoge, and others, south, fourteen and three-fourth degrees, east, one hundred perches, to a post; thence by land of James Ashbrook, William Sherrard and others, south, thirteen degrees, east, sixty-three and one half perches, to a post; thence by land of John Hoge, south, fifty one and one-half degrees, east, twenty-nine perches, to a post; thence by land late of John Simonson, Hugh Workman and others, north, seventy-seven degrees, east, one hundred and twenty perches, to a post thence by land of Thomas McFadden, Daniel Kehr and others, north, four and one-half degrees, west, eighty-four perches, to a post; thence by land of Robert Hazlett, Isaiah Steen and others, north, ten degrees, west, one hundred and two perches, to the place of beginning.

Town of Washington erected into a borough. Bounds thereof.

SECT. II. *And be it further enacted by the authority aforesaid*, That the taxable inhabitants in the said borough of Washington, shall have power on the second Monday of April in every year, between the hours of one and six o'clock in the afternoon, to elect two fit persons to be burgesses of the said borough, who shall be freeholders therein, and that the person having the greatest number of votes shall be styled the chief burgess, and also to elect five suitable persons, assistants or common council men for advising, aiding and assisting the said burgesses in the execution of the powers and authorities hereby given them, and also to elect a high-constable and a town-clerk, who shall be residents in the said borough of Washington: *Provided*, That no person shall be entitled to vote at the election, or to be elected to any of the said offices, unless he shall have been a resident in the said borough of Washington at least one whole year previous to the time of such election.

When the borough officers are to be elected and by whom

Proviso.

SECT. III. *And be it further enacted by the authority aforesaid*, That the election for the officers aforesaid shall be holden at the court-house in the following manner: *to wit*, The constable of

The constable to give notice of the time, &c. for holding the election.

the town of Washington, for the time being, and the high-constable so as aforesaid elected or appointed in the manner hereinafter mentioned, in every succeeding year shall give notice of such election at least six days before the time appointed for holding the same by advertisement, set up at six or more of the most public places within the said borough, and at the election to be holden the present year, the town constable and two respectable citizens to be chosen by the electors of the said borough for that purpose, and at every succeeding election the burgesses and assistants shall hold the said election, receive and count the ballots, and declare the persons duly elected, whereupon duplicate certificates of the persons so elected, shall be signed in the present year by the two citizens chosen as aforesaid; and in every succeeding year by the burgesses, one whereof shall be transmitted to the clerk of the court of quarter sessions of the county, within twenty days after the said election, and the other filed among the records of the corporation; and at any election held as above directed, should the two persons highest in votes for burgesses have an equal number of votes, the next court of quarter sessions shall declare who shall be the chief-burgess: and if it shall at any time so happen through neglect or otherwise, that no election shall be holden on that day, or in the mode herein prescribed, it shall be lawful for the court of quarter sessions, and it is hereby required forthwith to appoint the burgesses, assistants, high-constable and town-clerk aforesaid, who shall thereupon be fully invested with the powers and authorities to their respective offices appertaining; and the burgesses and other officers, so appointed or elected, shall hold their respective offices until the second Monday in April next after their appointment or election, or until others shall be duly elected or appointed in their stead.

Certificates of elections when and where to be filed.

When two are equal in votes, the court of quarter sessions to declare which shall be chief-burgess, Court authorized in certain cases to appoint borough officers.

Powers of the burgesses, &c.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the burgesses and assistants so chosen, or a majority of them, shall have full power and authority to make such ordinances rules and regulations as may be necessary for improving and keeping in order the streets and alleys within the said borough, and removing nuisances or obstructions therefrom, and the same to annul, alter or make anew as occasion may require, and also to assess, levy and collect a tax for the said purposes, and shall have all other powers necessary for the well-ordering and better government of the said borough: *Provided,* That the said ordinances, rules or regulations, shall not be repugnant to the constitution and laws of the United States, or of this commonwealth:

No taxes to exceed a half cent in a dollar, &c.

*And provided also,* That no tax shall be laid by them in any one year to exceed a half cent in the dollar, on the valuation of taxable property, taken from the last assessment, until the same is agreed to by a majority of the electors at the town-meeting

assembled for that purpose, called together by the said burgesses and assistants, or by a request in writing, of at least six of the inhabitants of said borough, duly qualified to elect as aforesaid, to the said burgesses, who shall require the high-constable to give five days notice of such intended town-meeting by advertisements, fixed up in not less than six of the most public places within the said borough, notifying the time, places and objects of the said town-meeting, and all taxes which may be assessed or laid within the said borough, shall as near as the same is practicable, be conformable to the laws for raising county rates and levies.

SECT. V. *And be it further enacted by the authority aforesaid,* That the said burgesses and freemen duly qualified to elect as aforesaid, and their successors for ever hereafter shall be one body politic and corporate, in and by the name of "The Burgesses and Inhabitants of the borough of Washington, in the county of Washington;" shall have perpetual succession, and they and their successors, by the name of the burgesses and inhabitants of the borough of Washington: shall at all times hereafter be persons able and capable in law to have, get, receive and possess lands, tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors in fee simple, or for term of lives, life, years, or otherwise, and also goods and chattels, and other things, of what nature or kind soever, and also to give, grant, let, sell and assign the same lands, tenements, hereditaments, goods and chattels, and to do and execute all other things about the same, by the name aforesaid; and they shall forever hereafter be persons able and capable in law to sue and be sued, plead and be impleaded, and answer and be answered unto, defend and be defended in all or any courts within this commonwealth, in all manner of actions, suits, complaints, pleas, causes and matters whatsoever: And that it shall and may be lawful to and for the said burgesses and inhabitants aforesaid, and their successors forever hereafter to have and use one common seal, and the same from time to time, at their will, to change and alter, and the said burgesses and assistants shall have full power to appoint such other officers within the said borough, as shall be necessary to carry into complete effect the provisions of this act.

SECT. VI. *And be it further enacted by the authority aforesaid,* That if any person, an inhabitant of the said borough, and duly qualified to elect as aforesaid, shall be elected to the office of burgess, and having notice of his election, shall refuse to undertake and execute that office, every person so refusing, shall forfeit and pay a fine of twenty dollars, and if any person duly qualified as aforesaid, shall be duly elected to any other office in the said borough, created by this act, and having notice of his election, shall refuse to undertake and execute the duties of

The bur-  
gesses, &c.  
to be a body  
politic, &c.  
Style and ti-  
tle of.

Powers of.

Penalty on  
any person  
refusing to  
serve, &c.  
when elect-  
ed.

that office, every person so refusing shall forfeit and pay the sum of ten dollars, which fines and forfeitures, and all others in pursuance of this act, or of the by-laws of the said burgesses and inhabitants, shall be recovered before the acting burges or any justice of the peace of that county, for the use of the said corporation, and in such case of refusal, the acting burgesses shall issue their process directed to the high-constable, requiring him to hold an election for the choice of some other fit person or persons in the stead of such as shall refuse: *Provided always*, That if any person or persons shall conceive him or themselves aggrieved by the judgment of the burgesses, or any justice, by virtue of this act, he or they may appeal to the next county court of common pleas, who shall, on the petition of the party, take such order therein as to them shall appear just and reasonable, and the same shall be conclusive to all parties.

Appeal  
granted.

Qualifica-  
tion of the  
borough offi-  
cers, and  
how admin-  
istered.

SECT. VII. *And be it further enacted by the authority aforesaid*, That the chief burges shall take and subscribe, an oath or affirmation, before one of the associate judges or a justice of the peace for the county of Washington, to support the constitution of the United States, and of this state, and an oath or affirmation, well and truly to execute the office of chief-burges of the borough of Washington, and when so qualified he shall administer an oath or affirmation to the other burges, assistants, high-constable and town-clerk, in manner and form aforesaid, before they shall enter on the duties of their respective offices.

JOHN WEBER, *Speaker*

*of the House of Representatives.*

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

APPROVED—the twelfth day of February, one thousand eight hundred and ten.

SIMON SNYDER.

CHAPTER XXV.

A SUPPLEMENT to the Act, entitled "*An act for the improvement of the State.*"

SECTION 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 is hereby authorized and required to draw his warrant on the treasury in favour of the president and managers of the Easton and Wilksbarre Turnpike Road Company; for the payment of seventy shares of the stock of the said company, residue of two hundred and fifty shares of the said stock subscribed, for and in behalf of this commonwealth, in pursuance of the act, entitled "*An act for the improvement of the State.*" passed the twenty-first day of March, in the year of our Lord one thousand eight hundred and eight: And it shall be the duty of the said president and managers on

Payment for  
seventy  
shares of  
stock directed  
to the  
Easton and  
Wilksbarre  
turnpike  
road com-  
pany.