

CHAPTER LI.

An ACT to erect the town of Bridgeport in the county of Fayette 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 Bridgeport in the county of Fayette, shall be and the same is hereby erected into a borough, which shall be called the borough of Bridgeport; which borough shall be comprised within the following boundaries, to wit: beginning at the mouth of Dunlap's creek, thence up the Monongahela river with the several meanders thereof, one hundred and forty eight perches, thence leaving the river south two degrees east seventy perches, south eighty-six degrees and a half, east forty-four perches, south fifty degrees, east forty-seven perches, north forty degrees, east forty-eight perches, north fifty-six degrees, east nineteen perches, north seventy degrees and a half, east sixty-one perches, south seventy-eight degrees, east forty-six perches, and south seventy degrees, east sixteen perches, to the north abutment of Jonah Cadwallader's mill dam; thence down the meanders of Dunlap's creek to the place of beginning.

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 the said borough six months previously to such election, to meet at the school house in Second-street in said borough (or at such other place as may hereafter be appointed) on the second Tuesday 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 Burgess of said borough," and nine citizens residing therein, who shall be a town council; and shall also elect as aforesaid one citizen as high constable, but previously to such election, the electors present shall elect two reputable citizens as judges, one as inspector, and two as clerks of 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 offices, shall each take an oath or affirmation before any justice of the peace of said county, to perform the same with fidelity, and after the said election shall be closed, shall declare the person having the greatest number of votes to be duly elected; and in case any two or more candidates shall have an equal number of votes, the preference shall be determined by lot to be drawn by one of the judges in the presence of the inspector, 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

Bridgeport erected into a borough.

Boundaries of.

When and where burgesses shall be elected, &c.

Judges, &c. of election.

Who shall take an oath &c.

When two or more are equal, elections decided by lot.

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 burgess, 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 where he refuses or neglects to act, then any 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.

Vacancies how filled.

SECT. III. *And be it further enacted by the authority aforesaid,* That from and after the second Tuesday 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 Bridgeport," and shall have perpetual succession; and the said burgess 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 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.

Burgess and town council a body politic.

Name and style of.

Powers of.

SECT. IV. *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 ten dollars; and if any other 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 that office, every person so refusing shall forfeit and pay a fine of five dollars; which fines and forfeitures, and all others in pursuance of this act, or of the by-laws of the said town council, shall be recoverable before any justice of the peace of said county, for the use of the said corporation: *provided,* that no person shall be compelled to serve more than one year in any term of four years; and that if any person or persons shall conceive himself or themselves aggrieved by the judgment of any justice of the peace by virtue of this act, he or they may appeal to the next county court of common pleas, upon giving security according to law, to prosecute his, her or their appeal with effect; who

Penalties of officers refusing to serve.

Proviso.

Bremedy for Grievances.

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.

Oaths of office to be taken.

SECT. V. *And be it further enacted by the authority aforesaid,* That the burgess shall take and subscribe an oath or affirmation before one of the associate judges or a justice of the peace for the county of Fayette, 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 burgess of the borough of Bridgeport; and when so qualified, he shall administer an oath or affirmation to the town council, high constable, and town clerk in manner and form aforesaid, before they shall enter on the duties of their respective offices, the certificates of which oaths and affirmations shall be filed among the records of the said corporation.

Burgess, &c. may make by laws, &c.

Other duties of.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the burgess and town council so chosen, or a majority of them shall have full power and authority to make and enact such ordinances, rules and regulations as may be necessary for regulating the markets, improving and keeping in order the streets, lanes and alleys, and making permanent rules, relative to the foundations of buildings, party walls, and fences 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 and levy a tax agreeably to the provisions of this act, for the said purpose, and to issue their precept to the high constable, commanding him to collect the same, who shall pay it into the treasury of said borough; and also annually to appoint a town clerk, treasurer and such other officers as may be deemed necessary, 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 or laws of the United States or of this commonwealth; *and provided also,* that no tax shall be laid by them in any one year, to exceed one half of a cent in the dollar, on the valuation of taxable property taken from the last assessment, unless some object of general utility shall be thought necessary; in which case a majority of the taxable inhabitants of said borough, provided they have resided therein six months previous thereto, by writing under their hands shall approve and certify the same to the town council, who shall proceed to assess the same accordingly; and all taxes which may be assessed or laid within the said borough, shall as nearly as the same may be practicable, be assessed and collected conformably to the laws for raising county rates and levies.

Proviso

Town clerk.... his duties.

SECT. VI. *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 on 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 answer-

able 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 thing or act so certified.

SECT. VIII. *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 successor of all monies, books and accounts appertaining thereto, upon demand being made by the burgess for that purpose. Treasurer to give security, &c.

SECT. IX. *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 who 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 accordingly, shall be forthwith published by the said council, shewing particularly the amount of taxes laid and collected, and of the expenditures. Accounts, &c. to be rendered annually to the council.

SECT. X. *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 Morris Truman and Samuel Jones of the said town, or either of them, shall publish and superintend the election to be held on the second Tuesday of May next, as herein before directed. Constable to give notice of elections, &c.
Proviso.

JOHN ST. CLAIR, *Speaker*
of the House of Representatives.

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

APPROVED—the ninth day of March, one thousand eight hundred and fourteen.

SIMON SNYDER.

CHAPTER LI.

An ACT vesting a certain escheated estate, late the property of Jabez Bailey, of Chester county, deceased.

WHEREAS it appears to the legislature, that a certain Jabez Bailey, late of the county of Chester, died by casualty, intestate, unmarried, and without issue, seized and possessed of a message and tract of land containing about one hundred acres, situate in the township of East Marlborough in said county, that the said Jabez Bailey, was the reputed and acknowledged son of Isaac Bailey, but the said Jabez, having been born some short