

riages, muskets and apparatus are delivered, or when adequate security shall be given by the said Joseph G. Chambers, for the due execution of his contract.

JACOB HOLGATE, *Speaker*
of the *House of Representatives*.

JOHN TOD, *Speaker of the Senate*.

APPROVED—the second day of January, one thousand eight hundred and fifteen.

SIMON SNYDER.

CHAPTER VIII.

An ACT to incorporate the town of *Brownsville*, in the county of *Fayette*.

Brownsville
erected into
a borough.

Its bound-
aries.

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 *Brownsville*, in the county of *Fayette*, shall be, and the same is hereby erected into a borough, which shall be called "The borough of *Brownsville*," bounded and limited as follows: Beginning at the east abutment of *Jonah Cadwalader's* mill dam, running south sixty-seven degrees, east forty-six perches to *William Hogg's* corner, thence with his line north fifty-three degrees, east twenty-four perches to the old *Uniontown* road, thence south fifty-two degrees, east eleven perches to the corner of *Adam Jacobs's* lot, thence north seventy-five degrees, east fifty-nine perches to the middle of the new *Uniontown* road, thence north fourteen degrees, west eighteen perches, thence north forty-six degrees, west fifty-one perches, thence north twenty-four degrees, east fifty-four perches to *Stephenson's* corner, thence north ten degrees, east sixteen perches, thence north nine degrees, west thirty-six perches to a stake in *Bowman's* lot, thence north fifty degrees, west thirty-two perches, thence north forty-one and an half degrees, east twenty-six perches to the corner of *Fletcher's* and *M'Caddon's* lots, thence north fifty-three and one-fourth degrees, west sixty perches to low water mark of the *Monongahela* river, thence up said river south forty-eight degrees, west two hundred and four perches to a stone in the middle of *Dunlap's* creek, thence up said creek with the meanders thereof, to the place of beginning.

Qualifica-
tions of elec-
tors.

Elections,
when and
where to be
holden.

SECT. II. *And* be it further enacted by the authority aforesaid, That the inhabitants of the said borough, entitled to vote for members of the general assembly, having resided within the said borough at least six months immediately preceding the election, and who have paid, within one year immediately preceding said election, a borough tax, shall have power, on the first Tuesday of April next, and on the first Tuesday in April in every year thereafter, to meet at the house of *Jacob Coplan*, in said borough, (or at such other place as may hereafter be appointed) and then and there, between the hours of one and six in the afternoon, elect, by ballot, one

citizen residing therein, who shall be styled the chief burgess, one other citizen who shall be styled the assistant burgess, and seven citizens to be a town council, and shall also elect as aforesaid one citizen as high constable; all of whom shall be resident within said borough; but previous to the opening of said election, such of the inhabitants as are present at the said house of Jacob Copland, or at such other place as may hereafter be appointed, shall elect two citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated and conducted throughout according to the general election laws of this commonwealth, 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 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 that any two or more candidates should have an equal number of votes, the preference shall be determined by lot, to be drawn by the two judges in the presence of the inspector and clerks, whereupon duplicate certificates of said election 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 it shall be the duty of the high constable for the preceding year, to give notice in writing, to each of the persons so elected as aforesaid; and in case of the death, resignation, removal or refusal to accept of any of the said offices, the chief burgess, or in his absence or inability to act, the assistant burgess shall issue his precept, directed to the high constable, to hold an election in manner aforesaid, to supply such vacancy, giving at least eight day's notice, by six advertisements set up in the most public places in said borough: *Provided*, That the citizens of the borough of Brownsville aforesaid, shall be entitled to vote at the first election (which is to be held on the first Tuesday in April, one thousand eight hundred and fifteen) although they shall have paid no borough tax.

What officers to be elected.

Mode of conducting the elections.

Duty of high constable.

Vacancies, how to be supplied.

SECT. III. *And be it further enacted by the authority aforesaid*, That from and after the first Tuesday in April next, the chief burgess, assistant burgess and town council, duly elected as aforesaid, and their successors, shall be one body politic and corporate, by the name and style of "The chief burgess, assistant burgess and town council of the borough of Brownsville," and shall have perpetual succession; and the said chief burgess, assistant burgess and town council, and their successors, shall be capable in law, to have, get, receive, hold and possess goods, chattels, lands, tenements, rents and hereditaments, to them and their successors, in fee simple or otherwise, not exceeding the yearly value of five thousand dollars; and also to 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 of 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.

Style of corporation.

Powers and privileges.

SECT. IV. *And be it further enacted by the authority aforesaid,*

Penalties for refusing to serve.

That if any person duly elected as chief burgess, assistant burgess, member of the town council, or high constable as aforesaid, and having received notice thereof, as directed by this act, shall refuse or neglect to take upon himself the execution of the said office to which he shall have been elected, or having taken upon himself the duties of said office, shall neglect to discharge the same according to law, every person so refusing or neglecting shall, for every such offence, forfeit and pay the sum of ten dollars; which fine, and all other fines and forfeitures incurred and made payable in pursuance of this act, or of any of the by-laws and ordinances of the town council, shall be for the use of the said corporation, and shall be recoverable before any justice of the peace of the said county, in the same manner that debts not exceeding one hundred dollars are by law recoverable; and when so recovered, shall be forthwith paid to the treasurer of the borough: And it shall be the duty of the officers of said borough, on receiving any money belonging to the corporation, to pay the same to the treasurer forthwith: *Provided*, That no person elected as aforesaid, shall be liable to a fine for refusing or neglecting to serve more than once in four years.

Fines, how to be collected and appropriated.

SECT. V. *And be it further enacted by the authority aforesaid,*

Officers to be sworn or affirmed.

That the chief burgess, assistant burgess, town council and high constable, and each of them, before entering upon the duties of their respective offices, shall take and subscribe 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 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.

Number constituting a quorum.

SECT. VI. *And be it further enacted by the authority aforesaid,*

When meetings to be held.

That it shall be the duty of the said town council, five of whom shall be a quorum, to hold meetings on the third Saturday in April, July, October and January in each year, and oftener if occasion requires, at which meetings they may pass ordinances, enact by-laws and revise, repeal or amend all by-laws and ordinances, and make

Make by-laws.

such other rules and regulations as shall be determined by a majority of them necessary to promote the peace, good order, benefit and advantages of the said borough, particularly of providing for the regulation of the markets, improving, repairing and keeping in

Regulate streets, alleys, &c.

order the streets, lanes, alleys and highways, ascertaining the depth of vaults, sinks, pits for necessary houses, and making permanent rules relative to the foundations of buildings, party-walls and fences; they shall have power to assess, apportion and appropriate such

Appoint town clerk & treasurer.

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 supervisors, a clerk of the market and a collector annually, and such other officers as may be deemed

Proviso.

necessary from time to time, and the same to remove for neglect or misdemeanor in office; which meetings of the said town council shall be held at such convenient place as a majority of them shall think proper in said borough, until a town-house shall be erected: *Provided*, That no by-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 by-law or ordinance made as aforesaid, until ten days have expired after the promulgation thereof, by at least four advertisements set up in the most public places in said borough: *And provided also*, That in assessing such tax, due regard shall be had to the valuation of taxable property, taken for the purpose of raising county rates and levies, so that the said tax shall not in any one year exceed one-half cent in the dollar of such valuation, unless some object of general utility shall be thought necessary, in which case a majority of the taxable inhabitants of said borough shall approve of and certify the same in writing, under their hands, to the town council, who shall proceed to assess the same accordingly.

Proviso as to amount of assessments.

SECT. VII. *And be it further enacted by the authority aforesaid*, That the chief burgess, elected and qualified agreeably to this act, or in his absence or inability to act, the assistant burgess, is hereby authorized to issue his precept as often as occasion may require, directed to the collector, commanding him to collect all taxes so assessed, and the same to pay over to the treasurer.

By whom precept to issue for collecting taxes.

SECT. VIII. *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 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 of town clerk.

SECT. IX. *And be it further enacted by the authority aforesaid*, That the treasurer shall give sufficient security for the faithful discharge of the duties of his 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.

Treasurer to give security.

SECT. X. *And be it further enacted by the authority aforesaid*, That the street supervisors, treasurer, high constable, clerk of the market and collector, as well as other officers which may be appointed by the corporation or council, shall, at their meetings on the third Saturday of April and October, render their accounts to the said council for settlement, and the said accounts being so adjusted and settled accordingly, shall be forthwith published by said council, showing particularly the amount of taxes laid and collected, and of all monies paid into the treasury, and the amount of expenditures.

Accounts to be rendered in April and October, and published.

SECT. XI. *And be it further enacted by the authority aforesaid*, That the chief burgess, assistant burgess and president of the council, or any two of them, shall constitute a court of appeal, and prior to the collection of any borough tax, the collector shall inform each inhabitant of the amount of his tax, and of the time and place of appeal: *Provided, nevertheless*, That the said court of appeal shall have no other power, as such, than to determine the justness of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same.

Court of appeal.

Proviso.

SECT. XII. *And be it further enacted by the authority aforesaid*,

Duty of high constable relative to elections. That it shall be the duty of the high constable, to give notice of the annual election of said borough, to be held in pursuance of this act, by setting up six advertisements in the most public places in said borough, ten days previous thereto; he shall attend and see that the election is opened at the time and in the manner directed by this act: *Provided*, That Michael Sowers, esquire, and George Dawson, of the said town, or either of them, shall publish and superintend the election to be held on the first Tuesday of April next, as herein before directed; 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 chief burgess for the preceding year, or in his absence the assistant burgess, to issue his precept, directed to one of the supervisors of the township, requiring him forthwith to cause to be set up six advertisements, in the most public places in said borough, for the purpose of holding such election in the same manner and form as is herein prescribed.

Proviso.

Town council to fix salaries, &c.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the town council shall, from time to time, affix the salaries of the high constable, town clerk, treasurer, clerk of the market and such other officers as may be appointed under this act; which salaries shall be paid out of the borough treasury by orders drawn thereon, signed by the president of the council; which salaries shall not be increased or diminished during the time for which the said officers shall have been appointed respectively: *Provided also*, That if any person, appointed by the town council as aforesaid, shall neglect or refuse to take upon himself the duties of the office to which he shall be so appointed, shall, for such neglect or refusal, forfeit and pay for the use of the corporation, the sum of ten dollars, unless he can render to the said council a satisfactory reason why he should be exonerated from such service.

Proviso.

Right of appeal.

SECT. XIV. *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, except what relates to the imposing and collecting the borough tax, and appointments made by the town council, he, she or they may appeal to the next court of common pleas to be held for the said county, upon giving security according to law, to prosecute his, her or their appeal with effect, and the said court having taken such order therein as shall seem to them just and reasonable, the same shall be conclusive.

JACOB HOLGATE, *Speaker*
of the House of Representatives.

JOHN TOD, *Speaker of the Senate.*

APPROVED—the ninth day of January, one thousand eight hundred and fifteen.

SIMON SNYDER.