

Trustees of  
Methodist  
church in  
Carlisle au-  
thorized to  
sell lot of  
land.

*tives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That, Philip Weaver, John Elliott, Melchior Hoffer, Isaac Tod, William Kith, Andrew Hikes, Hugh Reed, Rudolph Creich and Jacob Squire, trustees of the Methodist Episcopal congregation in the borough of Carlisle, county of Cumberland, or their successors, be, and they are hereby authorized and empowered to sell and convey a lot of ground, with the appurtenances, situate and being in the borough of Carlisle, bounded on the east by lot number ninety, on the west by Pitt street, on the north by Pomfret street, and on the south by a twenty feet alley, and designated in the general plan of said town by number eighty-two, being the same messuage and lot of ground which William Rainey, and Mary his wife, by their deed, bearing date the third day of March, anno Domini one thousand seven hundred and ninety-two, did convey to William Hunter, Thomas Jones and Henry Burchstead, trustees of the Methodist Episcopal congregation in the borough of Carlisle, and their successors, in trust and for the use and benefit of the said congregation; and that the monies arising from the sale of the said lot and appurtenances, shall be applied to the discharge of the debts contracted by said congregation, in the purchase of the ground and the erection of the new church, and to no other use or purpose whatsoever: Provided, That nothing in this act shall be understood to prejudice the right of any other person or persons.*

Proviso.

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

JOHN TOD, *Speaker of the Senate.*

APPROVED—the first day of March, one thousand eight hundred and fifteen.

SIMON SNYDER.

## CHAPTER XLI.

An ACT to erect Kutztown, in the county of Berks, into a borough.

SECT. 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 town of Kutztown, in the county of Berks, be, and the same is hereby erected into a borough, which shall be called "The borough of Kutztown," bounded and limited as follows: Beginning at a post near the bank of Saucony creek, thence by land of John Levan, south forty-eight degrees and three-fourths, west twenty-eight perches, to a post; thence south twenty-three degrees and a half, east fifty-six perches, to a corner; thence by land late of John Teysher, south sixty-five degrees, west one hundred and forty-four perches, to a corner of Philip Moyer's land; thence along said Moyer's land, north thirty-four degrees, west one hundred and seventeen perches, to a corner of Jacob Kutz's land; thence by*

Boundaries.

said Kutz's land, north thirty-nine degrees and one-fourth, east fifty-five perches and two-tenths, to a stone set for a corner; thence north twenty-four degrees and a half, west sixty-four perches and five-tenths of a perch, to a corner; thence north fifty degrees, east seventy-two perches and five-tenths, to the middle of said creek; thence up through the middle of said Saucony, the several courses and distances thereof, to the place of beginning.

SECT. II. *And be it further enacted by the authority aforesaid,* That the inhabitants of said borough, entitled to vote for members of the general assembly, having resided within the same at least six months preceding the election, and within one year immediately preceding paid a borough tax, shall have power, on the first Friday in April next, and on the first Friday in April, in every year thereafter, to meet at the house of Daniel Levan 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, and 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 residents of said borough; but previous to the opening of said election, such of the inhabitants as are present at the said house of Daniel Levan, 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 are 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 shall 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 Kutztown aforesaid, shall be entitled to vote at the first election which is to be held on the first Friday in April, one thousand eight hundred and fifteen, although they have paid no borough tax.

Qualification of electors.

Elections when held and where.

What officers to be chosen.

Mode of conducting election.

Proceedings when 2 candidates have equal number of votes.

Vacancies, how filled.

**SECT. III.** *And be it further enacted by the authority aforesaid,* That from and after the first Friday 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 Kutztown," 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, receive, hold and possess goods and chattels, lands and tenements, 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, or before any justice of the peace, in all manner of actions whatsoever, and to have and to use one common seal.

Style of corporation.

Powers and privileges.

Penalty on refusing to serve.

How to be appropriated.

Mode of recovery.

Proviso.

**SECT. IV.** *And be it further enacted by the authority aforesaid,* 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 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 twenty 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 recovered before any justice of the peace of the 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.

Officers to be sworn or affirmed.

Regulations as to meetings of the board.

Make rules and regulations.

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

**SECT. VI.** *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said town council, five of whom shall be a quorum, to hold meetings on the third Friday in April, July, October and January in each year, and oftener if occasion requires, at which meetings they may make such by-laws, rules, regulations and ordinances as shall be determined by a majority of them necessary to promote the peace, good order, benefit and ad-

vantages of the said borough, particularly of providing for the regulation of the markets, improving, repairing and keeping in order the streets, lanes, alleys and highways, ascertaining the depth of vaults, sinks, pits for necessary houses, for making permanent rules relative to the foundations of buildings, party-walls and fences; 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 rules and ordinances into complete effect; and also to appoint annually a town clerk, treasurer, two persons to act as street and road supervisors, a clerk of the market, and a collector, and such other officers as may be deemed necessary from time to time, and the same officers from time to time to remove for 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 is 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 incur any penalty 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.

Assess taxes.

Appoint treasurer, &c.

Proviso.

2nd proviso.

Limitation of taxes.

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; and the said chief burgess, or in his absence or inability to act, the assistant burgess is hereby authorized to carry into effect all by-laws and ordinances enacted by the town council, and whatsoever else shall be enjoined upon him or them for the well-ordering and governing said borough.

Burgess or assistant burgess may issue precept to collect taxes, &c.

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

Treasurer to give security.

monies, books and accounts appertaining thereto, into the hands of his successor, upon demand made for that purpose.

**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 quarterly meetings of the council in the month of April yearly, 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 the expenditures.

Accounts to be rendered quarterly.

**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 justice of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same.

Of appeals.

Proviso.

**SECT. XII.** *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 election of said borough, 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 Jacob Levan, merchant, and Henry Heist, of the said town, or either of them, shall publish and superintend the election to be held on the first Friday of April next, as herein before directed.

High constable to give notice of elections.

Proviso.

**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 were 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 the same forfeit and pay for the use of the corporation, the sum of twenty dollars, unless he can render to the said council a satisfactory reason why he should be exonerated from such service: *And provided,* That no person shall be compelled to serve more than one year in the term of three years.

Town council to fix salaries, &c.

Proviso.

**SECT. XIV.** *And be it further enacted by the authority aforesaid,* That any person who shall think him or herself aggrieved by any thing done in pursuance of this act, except in what relates to the imposing and collecting the borough tax, and appointments made by the town council, may appeal to the next court of common pleas to be held for the said county, upon giving security according to law, to prosecute said appeal with effect, and the said court having

Appeal may be had to common pleas.

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 first day of March, one thousand eight hundred and fifteen.

SIMON SNYDER.

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## CHAPTER XLII.

An ACT directing the Secretary of the Land Office, to issue a patent to James Herrington, for a tract of donation land.

WHEREAS it appears to the legislature, that on the sixth day of April, one thousand seven hundred and ninety-four, a patent was issued to Clement Biddle, of the city of Philadelphia, for lot number twelve hundred and eighty-three, of two hundred acres, in the sixth district of donation lands, in right of a certain Philip Richcrick, personating Philip Richcrick, for services rendered in the revolution; that in consequence of the said Philip Richcrick having since made it satisfactorily appear, that he was the person who had actually served, and was legally entitled to the said land as a bounty from the state, the said patent was released to him accordingly, and the said Philip has since conveyed the said patent and release, together with all his claim to land as aforesaid, to James Herrington, of the county of Crawford: And whereas, the said James Herrington did, on the twenty-fourth day of October, one thousand eight hundred and fourteen, release the said patent to the commonwealth of Pennsylvania, in consequence of its having been erroneously issued: Therefore,

SECT. 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 secretary of the land office be, and he is hereby directed to issue a patent, in the usual form, to James Herrington, of Crawford county, as assignee of Philip Richcrick, for lot number one thousand two hundred and eighty-three, in the sixth district of donation lands, free of expense, it being in lieu of one heretofore issued for the same tract, which has been by him released to the commonwealth.*

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

JOHN TOD, *Speaker of the Senate.*

APPROVED—the first day of March, one thousand eight hundred and fifteen.

SIMON SNYDER.