

aforesaid, was delivered of a child which she subsequently acknowledged not to have been the said Davids. This unfortunate circumstance having destroyed his confidence and affection, the said parties mutually agreed to separate.

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 marriage contract entered into by David Wells, of the county of Fayette, and Mary his wife, late Mary Delany, be, and the same is hereby dissolved, and the parties respectively set free and apart from all duties and obligations arising from said contract, as fully and effectually as if they had never been joined in marriage,*

REES HILL, *Speaker of the  
House of Representatives.*

ISAAC WEAVER,  
*Speaker of the Senate.*

APPROVED—the twenty-first day of December, one thousand eight hundred and eighteen.

WILLIAM FINDLAY.

## CHAPTER V.

### *AN ACT*

To incorporate the town of Waynesburg, in the county of Franklin, into a borough, and for other purposes.

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 Waynesburg, in the county of Franklin, shall be, and the same is hereby erected into a borough, which shall be called the borough of Waynesburg, bounded and limited as followeth: Beginning at a white oak at the south-east end of said town, thence north eleven and one fourth degrees east ninety-one perches, north sixty-two and an half degrees west thirteen and one-fourth perches, south eighty-five and an half degrees west thirty perches, south thirty six and an half degrees east ninety-two perches, south nine and an half degrees east one hundred and eighteen perches, north seventy-five and an half degrees east one hundred and seventy perches to the place of beginning.*

Borough  
erected.

Limits.

SECT. 2. *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 within that time paid a borough tax, shall have power on the first Tuesday of May next, and on the first Tuesday in May in every year thereafter, to meet at the house now occupied by John Cochran 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 five citizens to be a town council, and shall also elect as aforesaid one citizen as 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 John Cochran's, 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 law 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, inspector 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 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 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 officers; or if it should at any time happen that no election should be holden on the day and in the manner aforesaid, the chief 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 days notice by six advertisements set up in the most public places in said borough: *Provided,* That the citizens of the borough of Waynesburg aforesaid shall be entitled to vote at the first election although they have paid no borough tax.

Who may elect.

Place and time of election.

Chief burgess, town council and high constable to be chosen.

Judges, inspector and clerks.

Their oath.

Duty.

High constable to give notice to persons elected.

Vacancy of offices how supplied.

Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid,* That from and after the first Tuesday in May next, the chief burgess and town council duly elected as aforesaid, and their successors, shall be one body politic and corporate,

Style and title of the corporation.

Its privileges and powers.

Seal.

Penalty for refusal or neglect to serve as chief burgess, &c.

To whose use and how recoverable.

To whom to be paid over.

Proviso.

Oaths, &c. of chief burgess, &c.

Meetings of town council.

by the name and style of "The chief burgess and town council of the borough of Waysnesburg," and shall have perpetual succession; and the said chief burgess and town council, and their successors, shall be capable in law to have, get, 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 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 until it be otherwise directed by law.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person duly elected as chief 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 twenty dollars; which fine and all other fines and forfeitures incurred and made payable in pursuance of this act or 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 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.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the chief burgess, and 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. 6. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said town council, three of whom shall be a quorum, to hold quarterly meetings on the third Saturday in April, July, October and January in

each year, and oftener if occasion requires, at which meeting they may make, enact, revise, repeal and amend all such **By-laws.** by-laws, such rules, regulations and ordinances, 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 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 taxes as shall be determined by a majority of **Taxes.** 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, **Town clerk, treasurer, street and road supervisors, &c.** 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 **Proviso.** 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 **2d provisō.** said tax shall not in any 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.

**SECT. 7.** *And be it further enacted by the authority aforesaid*, That the chief burgess elected and qualified agreeably to this act, is hereby authorised 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 is hereby authorised 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, and shall also have power to mitigate or remit fines and forfeitures in all cases where it shall appear that the person or persons so fined did not offend intentionally, or on their having some other just and reasonable excuse to plead in his or their behalf. **Taxes how collected.** **Chief burgess empowered to carry into effect the by-laws and remit fines, &c.**

**Town clerks duty.** **SECT. 8.** *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 thereof, 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 the acts of the corporation, whose attestation with the seal of the corporation shall be good evidence of the act or thing so certified.

**Treasurers duty.** **SECT. 9.** *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.

**Accounts of street supervisors, &c. how rendered, settled and published.** **SECT. 10.** *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 in the month of April yearly, render their accounts to the said council for settlement, and the said accounts being so adjusted and settled shall be forthwith published by said council, shewing particularly the amount of taxes laid and collected, and of all monies paid into the treasury, and the amount of expenditures.

**Court of appeal.** **SECT. 11.** *And be it further enacted by the authority aforesaid,* That the chief burgess and president of the council 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.

**Proviso.** **SECT. 12.** *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 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 William Blakeney or John Flanagan of said borough, and the constable of Washington township, shall publish and superintend the election to be held on the first Tuesday of May next as hereinbefore directed.

**Notice of election by whom and how to be given.** **SECT. 13.** *And be it further enacted by the authority aforesaid,* That the judges, inspector and clerks of the elections aforesaid, shall be allowed each one dollar a day for their service in holding said elections, and the town council shall from time to time affix the salaries of the high constable,

**Proviso.** **Compensation for holding elections.** 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*, 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 ten dollars, unless he can render to the said council a satisfactory reason why he should be exonerated from such service.

Salaries of high constable, town clerk, &c.  
 Proviso.

SECT. 14. *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 in 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.

Appeal in certain cases to the common pleas.

REES HILL, *Speaker of the House of Representatives.*

ISAAC WEAVER,  
*Speaker of the Senate.*

APPROVED—the twenty-first day of December, one thousand eight hundred and eighteen.

WILLIAM FINDLAY.

CHAPTER VI.

*AN ACT*

For the relief of Rosina Price, the widow of a soldier of the revolutionary war.

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 State Treasurer be, and he hereby is directed to pay to Rosina Price, of Union county, the widow of Tho-