

thence by [a] straight line to John Noecker's mill on the river Schuylkill) shall be the first, and the freemen thereof shall hold their elections at the court-house in the said borough of Reading, and the townships of Maxatawney, Longswamp, Hereford district, Richmond, Rockland and Greenwich shall be the second, and the freemen thereof shall hold their elections at the house now occupied by Philip Gehr in Kutztown in the township of Maxatawney, and the townships of Windsor, Brunswick, [Albany] and the upper part of Bern shall be the third and freemen thereof shall hold their elections at the house now occupied by John Moyer in the town of Hamburg in the township of Windsor and the townships of Tulpehocken, Bethel and Pine Grove shall be the fourth and the freemen thereof shall hold their elections at the house now occupied by Godfrey Roehrer in the township of Tulpehocken, and the townships of Earl, Amity, Union, Colebrookdale and Douglass shall be the fifth and the freemen thereof shall hold their elections at the house now occupied by William Witman in the township of Amity, anything to the contrary hereof in any former law contained notwithstanding.

Passed September 21, 1789. Recorded L. B. No. 3, p. 539.

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## CHAPTER MCDXXXVIII.

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AN ACT FOR ERECTING THE TOWN OF EASTON IN THE COUNTY OF NORTHAMPTON INTO A BOROUGH AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas the inhabitants of the town of Easton have represented by their petition to the assembly that the said town is advantageously situated on the conflux of the rivers Delaware and Lehigh and is greatly improving and increasing in the number of buildings and inhabitants and that the courts of justice for the county are held there, and for these reasons have prayed that the said town may be erected into a borough.

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That the said town of Easton, out-lots and commons thereto belonging, shall be and the same are hereby erected into a borough which shall be called "The Borough of Easton," forever, the extent of which borough is and shall be comprised within the following boundaries, to wit; beginning at a black oak on the west bank of the river Delaware, being a corner of land of Andrew Kroup, running thence west five hundred and sixty-three perches to a post in the line of George Messinger's land, thence by the line of land late of Barnett Walter and others south four hundred and fifty-three perches to a birch on the north-west bank of Lehigh river, thence down the same river by several courses thereof to the mouth thereof, and thence up the river Delaware by the several courses thereof, crossing the mouth of Bushkill creek to the place of beginning.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That Peter Kachlein, Henry Bernet, Jacob Weygand, William Raup and John Protsman be and they are hereby appointed the present burgesses and the said Peter Kachlein shall be the chief burgess within the same borough and Frederick Barthold shall be high constable and Samuel Sitgreaves shall be town-clerk, to continue burgesses, high constable and town-clerk until the first Monday in the month of May in the year of our Lord one thousand seven hundred and ninety and from thence until others shall be duly elected and qualified in their place as hereinafter is directed.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said burgesses, freeholders and inhabitants within the borough aforesaid [and their successors forever hereafter] shall be one body corporate and politic in deed and name and by the name of "The Burgesses and Inhabitants of the Borough of Easton in the County of Northampton," one body corporate and politic in deed and in name, are hereby fully created and constituted and confirmed and by the same name of "The Burgesses and Inhabitants of

the Borough of Easton in the County of Northampton," shall have a perpetual succession and they and their successors by the name of "The Burgesses and Inhabitants of the Borough of Easton in the County of Northampton," 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 life, lives, [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, answer and be answered unto, defend and be defended in all or any of the courts within this commonwealth or other places, and before any judges, justices or other persons 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 of Easton aforesaid and their successors forever hereafter to have and use one common seal for the sealing of all business whatsoever touching the said corporation and the same from time to time at their will to change and alter.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the burgesses, constable and freeholders together with such inhabitants, housekeepers within the said borough, as shall have resided therein at least for the space of one year next preceding any such election as is hereinafter directed, on the first Monday in the month of May in the year of our Lord one thousand seven hundred and ninety and in every year thereafter publicly to meet at the court-house within the said borough and then and there to elect and choose by ballot five fit and suitable men of the inhabitants of the said borough to be burgesses, one to be constable and one to be town-clerk of the said borough, which election shall be taken by the high constable of the preceding year and of which election the said

high constable shall give at least ten days' public notice by advertisements fixed up in at least six of the most public places within the said borough and the names of the persons so elected shall be certified under his seal to the president of the supreme executive council for the time being within fifteen days next after such election, and the burgess who shall have a majority of votes shall be called the chief burgess of the said borough, but in case no one of the persons so elected shall have a majority of votes then the same shall be decided by lot between those who are equal and highest in votes, which lot shall be taken by the high constable and certified as aforesaid; which said burgesses, constable and town-clerk so elected shall be and continue the burgesses, constable and town-clerk of the said borough until the next day of election and until others shall be elected and qualified in their stead as herein is directed.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said burgesses for the time being shall be and are hereby empowered and authorized by themselves and upon their own view or in other lawful manner to remove all nuisances and encroachments on the streets, lanes, alleys and highways within the said borough as they shall see occasion.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That before any of the said burgesses, constable, town-clerk or other officers shall take upon them their respective offices, they shall take and subscribe such oath or affirmation of allegiance and fidelity as by the laws of this commonwealth are or shall be in such cases provided, together with an oath or affirmation for the due execution of their respective offices. And every chief burgess so elected and appointed from year to year as aforesaid shall within two weeks immediately after his election take the oaths or affirmations aforesaid, before a justice of the peace of the county aforesaid, unless disabled by sickness or other reasonable cause. And the chief burgess having qualified himself in manner aforesaid shall enter upon his office, and the other burgesses, constable, town-clerk and other officers shall and may

qualify themselves for their respective offices by taking and subscribing the oaths or affirmations aforesaid before the said chief burgess or before one of the justices of the peace for the said county who are hereby authorized and empowered to administer the same.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the burgesses, freeholders and inhabitants, housekeepers aforesaid, and their successors to have, hold and keep within the said borough two markets in each week, that is to say, one market on Wednesday and one market on Saturday in every week of the year forever in the great square in the said borough and two fairs in the year, the first to begin on the fourth Tuesday of April and the other of said fairs to begin on the fourth Tuesday of October in every year, each fair to continue two days; together with free liberties, customs, profits and emoluments to the said markets and fairs belonging and in anywise appertaining forever; and that there shall be a clerk of the market of the said borough who shall have the assize of bread, wine, beer, wood, hay and all other provisions brought for the use of the inhabitants and who shall and may perform all things belonging to the office of a clerk of the market within the said borough, which said clerk of the market shall be nominated and from time to time appointed by the burgesses of the said borough or any two of them, whereof the chief burgess to be one and shall be removable by them as they shall find necessary, and that Henry Sparing shall be the present clerk of the market of the said borough.

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That if any of the inhabitants of the said borough shall hereafter be elected to the office of burgess or constable and having notice of his or their election shall refuse to undertake and execute that office to which he is chosen, it shall and may be lawful for the burgesses then acting to impose such moderate fines on the person or persons so refusing as to them shall seem meet, so always that the fines imposed on a burgess [elect] do not exceed ten pounds and the fine on a high constable elect do not exceed the sum of five pounds, to be levied by warrant under the hands and seals of

the burgesses who shall impose the said fine or fines, or by any other lawful ways or means whatsoever for the use of the said corporation, and in any such case the said acting burgesses shall issue their process directed to the high constable requiring him to hold an election for the choice of some fit person or persons in the stead of such who shall so refuse.

[Section IX.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the burgesses, freeholders and inhabitants, housekeepers aforesaid of the said borough, to assemble in town meeting as often as occasion may require, at which meetings they may make such ordinances and rules not repugnant to or inconsistent with the laws of this commonwealth as to the greatest part of the inhabitants assembled as aforesaid shall seem necessary and convenient for the good government of the said borough and the same to revoke, alter and make anew as occasion shall require, which rules and ordinances so made as aforesaid, the said burgesses and high constable shall execute and enforce, and at such town meetings to impose such mulcts and ameracements upon the breakers of the said ordinances as to the makers thereof shall be thought reasonable, to be levied by warrant under the hand and seal of one of the burgesses or in other lawful manner and also at the said meetings to mitigate the said fines or wholly to release them on the submission of the parties, which said town meetings shall be assembled by the burgesses aforesaid at their discretion, who shall require the high constable of the said borough to give at least five days' public notice of any such intended town meeting by advertisements fixed up in at least six of the most public places within the said borough notifying the time and place, and as far as is possible the object of such intended [town meeting].

[Section X.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That where any doubts shall arise touching this act the same shall in all courts of law and equity be construed and taken most favorably for the said corporation.