

the residue (if any there be) to pay over to the proper heirs, or their legal representatives.

Approved March 5, 1804. Recorded in L. B. No. 9, p. 416.

CHAPTER MMCDXLIX.

AN ACT TO ERECT SOMERSET TOWN, IN THE COUNTY OF SOMERSET, INTO A BOROUGH.

Section I. (Section I, P. L.) 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 Somerset town, in the county of Somerset, shall be, and the same is hereby erected into a borough, which shall be called the borough of Somerset, which borough shall be comprised within the following boundaries, to wit: Beginning at the Main street, thence along the west side of Washington street due south eighty-six perches, thence a due east course to Cox's creek, thence up Cox's creek by the several meanders thereof, until it intersects a line drawn sixty perches due north of and parallel with Catherine street, thence along the said line due west to Washington street aforesaid, thence along the said street to the place of beginning.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the freemen of the said borough, who shall have resided within the same for the space of six months, and shall in other respects be entitled to vote for members of the general assembly of this commonwealth, shall on the first Monday of May, in the year one thousand eight hundred and four, and upon the first Monday in May yearly thereafter, meet together at the court house in the same borough, and shall then and there elect by ballot three reputable citizens residing therein, and the highest in votes of whom shall be chief burgess, and the others assistant-burgesses, and shall also elect a town clerk and high constable, and seven reputable citizens to be a town council, and pre-

viously to any such election the said inhabitants shall elect three citizens, one of whom shall preside as judge, one to act as inspector, and the other to perform the duty of clerk according to the directions of the general election laws of this commonwealth, so far as relates to receiving and counting votes, and shall be subject to the same pains and penalties for malpractices, as by the said laws are declared and appointed, and the said judge, inspector and clerk shall, previously to the exercise of any of their duties, take an oath or affirmation to act in their respective stations without partiality, and shall hold the said elections from time to time as often as occasion shall require, receive and count the ballots, and declare the persons having the greatest number of votes to be duly elected, whereupon duplicate certificates thereof shall be signed by the said judge, inspector and clerk, one whereof shall be transmitted to the prothonotary's office of said county, and the other filed and preserved among the records of the corporation; and if two or any greater number of persons have an equal number of votes for any of the said offices, or if an election be disputed upon other principles, the said return shall be laid before the judges of the court of common pleas of said county, at the term next ensuing said election, who, upon examination into the nature of the return, shall determine which of the said persons shall fill the said office, and in case of vacancy by death, resignation or otherwise, of any of the said officers, the said burgesses or any of them, shall issue without delay their or his process, directed to the high constable, requiring him to hold an election to fill such vacancy, he giving at least ten days notice by advertisements set up at five of the most public places within the said borough.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the burgesses and town council duly elected as aforesaid, and their successors forever hereafter, shall be one body politic and corporate in law, by the name of the burgesses and town council of the borough of Somerset, in the county of Somerset, and have perpetual succession; and it shall and may be lawful to and for the said

burgesses and town-council aforesaid, and their successors for ever hereafter, to have and use one common seal, and the same from time to time at their will to change and alter.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any person duly elected burgess or a member of the town-council as aforesaid, having notice thereof shall refuse or neglect to take upon himself the execution of the office to which he shall be elected, every such person so refusing or neglecting shall forfeit and pay a fine of twenty dollars; which fines, and all other fines and forfeitures incurred and made payable in pursuance of this act, or of the by-laws and ordinances of the said burgesses and town council, shall be for the use of the said corporation.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the chief burgess, assistant-burgesses, town-clerk, high constable, and each member of the town-council, shall take and subscribe an oath or affirmation before any one of the judges or justices of the peace for the county of Somerset, to support the constitution of the United States and of this state, and well and truly to execute the duties of their respective offices in the borough of Somerset, before they shall enter upon their respective offices; and the certificates of such oath or affirmation having been made, shall be recorded in the book of the said corporation.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said burgesses and town-council to meet and assemble together as often as occasion may require, to enact such by-laws, and make such ordinances, rules and regulations, assess and appropriate such taxes as shall be thought best calculated to promote the interests of the said corporation, and preserve good order therein; which by-laws, ordinances, rules and regulations, shall not be inconsistent with the constitution and laws of this state or of the United States, and the same to revoke annul, alter and make anew, as occasion may require; but no by-laws or ordinances shall be enacted, or rules and regulations made, unless agreed to by a majority of

the burgesses and members of the town council for the time being.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said burgesses shall be and they are hereby authorized and required to cause the by-laws, ordinances, rules, and regulations made as aforesaid, to be carried into full and complete execution without delay; and it shall be the duty of the town clerk to attend all meetings of the burgesses and town council when assembled on business of the corporation, and shall perform the duties of clerk thereto, and keep and preserve the common seal, records, papers, book and other documents relating to said corporation, under the penalty of being answerable to any person concerned for all damages, and of removal from office by the burgesses or any two of them; and the high constable shall do and perform all duties on him enjoined by this act, and the by-laws or ordinances of the burgesses and town council under the like penalties: Provided always, that if any person shall think him or herself aggrieved by any thing done in pursuance of this act, he or she may appeal to the next court of quarter sessions for the said county of Somerset, first giving security to prosecute his or her appeal with effect, which court, shall make such order therein as shall be just and reasonable.

Approved March 5, 1804. Recorded in L. B. No. 9, p. 418.

CHAPTER MMCDL.

AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY TO MAKE AN ARTIFICIAL ROAD FROM THE TOP OF CHESTNUT HILL, THROUGH FLOURTOWN, TO THE SPRINGHOUSE TAVERN, IN MONTGOMERY COUNTY.

Section I. (Section I, P. L.) 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 John Huston, Cadwallader Evans, George Weaver, John Burk, John Roberts, Nicholas Kline, Christian Dull, Jacob Dager, and John Steele, be, and