

joining and requiring all persons having intruded as aforesaid, to withdraw peaceably from the lands whereon such intrusions have been made, and further enjoining and requiring the several officers of government, and the good citizens of this state, to prevent or prosecute, by all legal means, such intrusions and intruders, and to afford their most prompt and effectual aid in their several and respective capacities, to carry into full execution the laws of this commonwealth relative thereto. Provided always, That nothing in this act contained shall extend to the claims of persons claiming land under and by virtue of an act entitled, "An act for ascertaining and confirming to certain persons called Connecticut claimants, the lands claimed by them within the county of Luzerne, and for other purposes therein mentioned,"¹ passed the twenty-eighth day of March, one thousand seven hundred and eighty-seven. And provided further, That this act, or anything therein expressed, shall not be considered as intended to affect any claims under the said law, nor as a legislative construction or opinion respecting the said act, or an act, entitled, "An act to repeal an act, entitled, 'An act for ascertaining and confirming to certain persons called Connecticut claimants, the lands by them claimed within the county of Luzerne, and for other purposes therein mentioned,'"² passed the first day of April, one thousand seven hundred and ninety, or the validity or effect of either of the said laws.

Passed April 11, 1795. Recorded L. B. No. 5, p. 430.

¹Chapter 1285.

²Chapter 1505.

CHAPTER MDCCCXXVII.

AN ACT TO ERECT LEWISTOWN, IN THE COUNTY OF MIFFLIN, 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 Lewistown, in the county of Mifflin, shall be, and the same is hereby, erected into a borough, which shall be called the borough of Lewistown; which borough shall be comprised within the following boundaries, to wit: beginning at a post on the bank of the river Juniata; thence north thirty-eight degrees west forty-one perches to a post; thence north fifty-two degrees east one hundred and sixty-one perches to a post; thence south thirty-eight degrees east one hundred and forty-three perches to a post on the south side of Kishicoquillas creek; thence down said creek south eighty-five degrees west seventeen perches to a post; thence north sixty-two degrees west twenty-two perches; thence south forty degrees west forty-six perches to the mouth of the said creek; thence up the said river north seventy-eight degrees west forty-five perches and thence west thirty-two perches 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 one whole year and shall in other respects be entitled to vote for members of the general assembly, shall, on the first Monday of May, in the year one thousand seven hundred and ninety-six, and upon the same day yearly thereafter, meet together at some convenient place within the said borough, to be appointed as hereinafter directed, and shall then and there choose, by ballot, two reputable inhabitants of the said borough to be burgesses, one to be high constable, one to be town clerk and two to advise, aid and assist the said burgesses in executing the duties and authorities enjoined on and vested in them by this act, all of which persons shall be duly qualified to elect as aforesaid, that the burgess who shall have the greatest number of votes, shall be called the chief burgess, and that until the first Monday of May, in the year one thousand seven hundred and ninety-six, Joseph Cogill and George McClellan be the burgesses of the said borough, of whom Joseph Cogill shall be called chief burgess, that Jeremiah Dayly shall be high constable, James Robertson town clerk, and Robert Patterson and Michael Funcanon assistants to the said burgesses.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the election aforesaid shall be holden in the following manner, to wit: the said burgesses shall appoint the place of holding the said election, and shall signify the same by writing to the constable, who shall, by advertisements put up in at least six of the most public places within the said borough, one week before the time of holding the elections, give notice of the time and place of holding the same. The burgesses and assistants shall hold the said elections, receive and count the ballots, and declare the persons duly elected; whereupon duplicate certificates of the persons elected shall be signed by the said burgesses, one whereof shall be transmitted to the governor, and the other filed among the records of the corporation. At any election holden as above directed, should the two persons highest in vote for burgess have an equal number, the governor shall declare who shall be chief burgess; and if it shall at any time happen through neglect or otherwise, that no election shall be holden on the day or in the mode above prescribed, it shall be lawful for the governor, and he is hereby required, forthwith to appoint the burgesses, assistants, constable and town clerk aforesaid, who shall thereupon be fully invested with the powers and authorities to their respective offices appertaining; and the burgesses and other officers so appointed or elected, shall hold and exercise their respective offices until the first Monday of May next ensuing their appointment or election, or until others shall be duly elected or appointed in their stead.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said burgesses and freemen, duly qualified to elect as aforementioned, and their successors, forever hereafter shall be one body politic and corporate in law, and by the name of "The Burgesses and Inhabitants of the Borough of Lewistown in the county of Mifflin," shall have perpetual succession; and they and their successors, by the name of "The Burgesses and Inhabitants of the Borough of Lewistown" 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, 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 aforesaid, and their successors forever hereafter, to have and use one common seal, for sealing of all business whatsoever touching the said corporation, and the same from time to time at their will to change and alter.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That if any person, an inhabitant of the said borough, and duly qualified to elect as aforesaid, shall be elected to the office of burgess, and having notice of his election, shall refuse to undertake and execute that office, every person so refusing, shall forfeit and pay a fine of twenty dollars; and if any person, qualified as aforesaid, shall be duly elected to any other office in the said borough, created by this act, and having notice of his election, shall refuse to undertake and execute the duties of that office, every person so refusing shall forfeit and pay the sum of ten dollars, which fines and forfeitures, and all others in pursuance of this act, or of the by-laws of the said burgesses and inhabitants, shall be to the use of the said corporation; and in any such case of refusal, the acting burgesses shall issue their process, directed to the high constable, requiring him to hold an election for the choice of some other fit person or persons, in the stead of such as shall so refuse.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the chief burgess shall take and subscribe an oath or affirmation, before one of the justices of the peace for the county of Mifflin, to support the constitution of the United States, and of this state, and an oath or affirmation well and truly to execute the office of chief burgess

of the borough of Lewistown; and when so qualified, he shall administer an oath or affirmation to the other burgesses, assistants, high constable and town clerk, in manner aforesaid, before they shall enter upon their respective offices.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said burgesses and assistants to appoint such other officers within the said borough, as shall be necessary to carry into complete effect the provisions of this act. Provided, That such offices shall have been previously created by the said burgesses and inhabitants, assembled together in town meeting, as hereinafter directed.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said burgesses and inhabitants to assemble in town meetings, as often as occasion may require, and make such ordinances, rules and regulations, create such offices, assess and appropriate such taxes, as shall be thought, by a majority of the inhabitants assembled as aforesaid, best calculated to promote the interests of the said corporation, and as shall not be repugnant to, or inconsistent with, the constitution and laws of this commonwealth, and the same to revoke, annul, alter and make anew, as convenience may require; which town meetings shall be assembled by the burgesses aforesaid, at their discretion, or upon request, in writing, from at least six of the inhabitants, duly qualified to elect as aforesaid, which said burgesses shall require the high constable to give at least five days' notice of such intended town meeting, by advertisements fixed up in at least six of the most public places in the said borough, notifying the time, place and object of such intended town meeting.

Passed April 11, 1795. Recorded L. B. No. 5, p. 424.