

legal representatives of the said Sarah Caldwell, to the loan proposed by congress to domestic creditors: And whereas the provisions of the last recited act have been in all things complied with by the representatives of the said Sarah Caldwell: And whereas it is represented by Thomas Leiper, the administrator of said Sarah Caldwell's estate, that there are debts due which cannot conveniently be paid without acquiring a transfer of the capital amount of the said United States certificates: And whereas from the said state certificates mentioned in the act first recited, never having been exhibited by any person whatever, the commonwealth can sustain no possible loss in granting the prayer of the said Thomas Leiper: Therefore,

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 the state treasurer, for the time being, shall, if so required, transfer or cause to be transferred, the capital amount of the said United States certificates at present held by him, in trust for the representatives of the said Sarah Caldwell, to the said Thomas Leiper, as administrator of the said Sarah Caldwell's estate, for the use and benefit of the said estate, he the said Thomas Leiper indemnifying the commonwealth against the re-production of the certificates so as aforesaid, said to be lost by the said Sarah Caldwell, in such manner as the governor of this commonwealth shall order and direct.

Approved March 29th, 1802. Recorded in L. B. No. 8, p. 91.

Note (1). Chapter 1381. 13 Statutes at Large, p. 169.

Note (2). Chapter 1202. 12 Statutes at Large, p. 158.

Note (3). Chapter 1591. 14 Statutes at Large, p. 168.

CHAPTER MMCLXXI.

AN ACT TO ERECT THE TOWN OF BEAVER, IN THE COUNTY OF BEAVER, INTO A BOROUGH, AND FOR OTHER PURPOSES.

Section I. (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Penn-

sylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the town of Beaver, in the county of Beaver, shall be, and the same is hereby erected into a borough, which shall be called the borough of Beaver, and the lines of the out-lots of the reserve tract of land at the mouth of Big Beaver creek, which have been already sold, and the lines of the tract of five hundred acres of land, appropriated by this commonwealth for the use of a school or academy, in Beaver town, together with the in-lots of said town, shall be the bounds and compose the borough of Beaver.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for all persons entitled to vote for members of the legislature, who have resided in said borough six months previously to such election, to meet at the house now occupied by Jonathan Coulter, on the first Monday in May in each year, until a court house shall be erected, after which the elections shall be held therein, and then and there to elect, by ballot, between the hours of twelve and six o'clock in the evening, one reputable citizen residing therein, who shall be styled the burgess of the said borough, and five reputable citizens, to be a town council, and also shall elect as aforesaid, a high constable; but previously to any such election, the inhabitants shall elect three reputable citizens, one of whom shall preside as judge, one act as inspector, and the other discharge the duty of clerk, according to the general election law of this commonwealth, so far as relates to receiving and counting the votes, and shall be subject to the same penalties for malpractices, as by the said election laws are imposed, and the said judge, inspector and clerk, before they enter on the duties of their respective offices, shall take an oath or affirmation, before any justice of the peace in the county of Beaver, to perform the same with fidelity, and shall hold said elections from time to time, as occasion may require, and 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 of which shall be transmitted to each of the persons

elected, and the other filed among the records of the corporation, for their safe keeping; and in case of vacancy, by death, resignation, refusal to accept, or removal from said borough, of any of said officers, the burgess, or in his absence, or inability to act, the first named of the town council, shall issue his precept, 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 four of the most public places in said borough.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the burgess and town council, duly elected as aforesaid, and their successors forever, shall be one body politic and corporate in law, by the name of "The burgess and town council of the Borough of Beaver, in the county of Beaver," and shall have perpetual succession; and the said burgess and town council aforesaid, and their successors forever, shall be capable in law to have, get, receive, hold and possess, lands, tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors, in fee simple and otherwise, also goods, chattels and other things of what nature and kind soever, not exceeding the yearly value of three thousand dollars, and also to give, grant, let, sell and assign the same lands, tenements, hereditaments, rents, goods and chattels, and by the name aforesaid, they shall be capable in law, to sue and be sued, plead and be impleaded, in any of the courts 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.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any person duly elected, whether the burgess or a member of the town council, as aforesaid, having been notified as before directed, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, every person so refusing or neglecting shall 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 the

by-laws and ordinances of the 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 burgess, town council and high constable, and each of them, shall take 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 well and truly to execute the duties of their respective offices in the borough of Beaver, before they enter on the execution thereof, and the certificate of such oath or affirmation shall be recorded in the books of 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 town council to meet as often as occasion may require, and enact such by-laws, and make such rules, ordinances and regulations, assess, apportion and appropriate such taxes as shall be determined by a majority of the town council necessary to promote the peace, good order, benefit or advantage of said borough, and also to appoint a town clerk, and such other officers as may be deemed necessary by a majority of the town council, but no by-law, rule or ordinance, enacted as aforesaid, shall be repugnant to the constitution or laws of the United States, or of this state; and no person shall be punished for the breach of any by-law or ordinance enacted for the regulation of said borough of Beaver, unless a true copy thereof be set up at three of the most public places in said borough; and no by-law or ordinance shall be carried into operation in less than three weeks after such publication. Provided nevertheless, that no tax shall be laid in any one year on the valuation of taxable property, exceeding one cent in the dollar, unless some object of general utility should be thought necessary; in such case a majority of the taxable inhabitants of said borough, by writing, under their hands shall certify the same to the town council, who shall proceed to assess the same as aforesaid.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the surveyor general is hereby authorized and required to cause to be surveyed and

laid off, at the expense of said corporation, in a convenient manner, a part of the said reserved tract of land, in two separate lots, containing in the whole not more than fifteen acres, on the north side of the in-lots of said town of Beaver, so as to include several streams or springs of water that rise in or pass through said lots, which lots of ground, and the waters thereon, shall be, and they are hereby granted to the inhabitants of said borough for ever, with full liberty and privilege to carry and conduct the waters from said streams or springs to any part of said borough. Provided nevertheless, that the right of private property shall not be in any degree affected or impaired thereby, without the consent of the owner or owners first obtained for that purpose: And provided also, that the said lots shall not be sold or conveyed by the said corporation, but remain for the uses aforesaid.

Section VIII. (Section VIII, P. L.) . And be it further enacted by the authority aforesaid, That the burgess, elected agreeably to this act, is hereby authorized and empowered to issue his precept, directed to the high constable, commanding him to collect all taxes assessed from time to time, as aforesaid, and all fines and forfeitures that may become due by virtue of this act, or by the ordinances or regulations of the corporation, and the same to pay over to the treasurer to be appointed by the town council, and to carry into effect whatsoever is enjoined on him for the well ordering and governing the said borough. Provided nevertheless, that it shall and may be lawful to and for the justices of the peace residing in or near the said borough, to do and execute all and every act or acts appertaining to their office, agreeably to the powers conferred on them by the constitution and laws of this commonwealth.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the burgess shall be, and he is hereby required to cause the by-laws, rules, ordinances and regulations, made as aforesaid, to be recorded in a book to be kept for that purpose, and he shall carry the same into full execution, without delay, after the publi-

cation thereof, as directed by this act; and it shall be the duty of the town clerk to attend all meetings of the town council when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal, records, papers, books and other documents relating to said corporation, and in default he shall be answerable to any person concerned, for all damages, and removed from office by the burgess, on complaint of a majority of the council; and the high constable shall perform all duties on him enjoined by this act, and also by the by-laws and ordinances of the town council, under the like penalties. Provided always, that if any person or persons shall think him, her or themselves aggrieved by anything done in pursuance of this act, he, she or they may appeal to the next court of quarter sessions to be held for the proper county, on giving security according to law, to prosecute his, her or their appeal with effect, which court shall take such order therein as shall be just and reasonable, which order or judgment shall be conclusive against all parties.

Approved March 29, 1802. Recorded L. B. No. 8, p. 95.

CHAPTER MMCLXXII.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT (1) TO REPEAL PART OF AN ACT OF THE ASSEMBLY OF THE LATE PROVINCE OF PENNSYLVANIA, ENTITLED 'AN ACT DECLARING THE RIVER SUSQUEHANNA AND OTHER STREAMS THEREIN MENTIONED PUBLIC HIGHWAYS, FOR IMPROVING THE NAVIGATION OF THE SAID RIVER AND STREAMS, AND PRESERVING THE FISH IN THE SAME.' (2)

Whereas, the legislature, on the twenty-first day of March, one thousand seven hundred and eighty-three,⁽¹⁾ repealed so much of an act, entitled "An act declaring the river Susquehanna and other streams therein mentioned public highways, for improving the navigation of the said river and streams, and preserving the fish in the same,"⁽²⁾ as declares the Raystown branch of Juniata, from the lower end or limits of John Wilt's plantation to the town of Bedford, in the county of Bedford, to be a public highway, for the purpose of enabling