

thirtieth sections of the said act, shall be, and the same are hereby repealed and made null and void.

JOHN TOD, *Speaker*
of the *House of Representatives.*

P. C. LANE, *Speaker of the Senate.*

APPROVED—the thirty-first day of March, one thousand eight hundred and twelve.

SIMON SNYDER.

CHAPTER CXCHII.

An ACT to erect Norristown in Montgomery county, into a borough.

SECT. I. *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 Norristown and its vicinity, in the county of Montgomery, shall be and the same is hereby erected into a borough, which shall be called "The borough of Norristown," bounded and limited as follows, that is to say, beginning at the river Schuylkill, at the corner of Levi Pawling and Matthew Chain's land, thence along the line of Matthew Chain and Miles Abbet's land on one side, and the land of Levi Pawling, Philip Hahn, jun. Robert Hamill, George Righter and John Miller, on the other side, to a corner of said Miller and Joseph Crawford's lands; thence on the line of the said Crawford and William Deal's land on one side, and John Miller and Thomas Ross, John Markley, Thomas Stroud, William Boyd, and Simon Kesey's, on the other side, to the Plymouth township line; thence along said line to the river Schuylkill; thence up the several courses thereof, to the place of beginning.

Norristown erected into a borough, and its limits.

SECT. II. *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 twelve months previously to such election, to meet at the court house in said borough, (or such other place as may be hereafter appointed,) on the first Friday in May, in every year, and then and there elect by ballot, between the hours of twelve and six o'clock of the same day, one reputable citizen residing therein, who shall be styled "The burgess of the said borough," and seven reputable citizens residing therein, who shall be a town council, and shall also elect as aforesaid, one reputable citizen as high constable, but previously to such election, the inhabitants shall elect two reputable citizens as judges, one as inspector, two as clerks of the said election, which shall be regulated and conducted according to the general election law of this commonwealth, so far as relates to receiving and counting votes, and who

Persons entitled to vote when to meet.

And elect a Burgess, &c.

Also judges and one inspector of the election.

Who shall
take an oath
&c. before
they proceed
to business.

How vacan-
cies are fil-
led.

Name and
style of the
corporation.
And its
powers, &c.

Penalty on
refusing to
serve as an
officer.

shall be subject to the same penalties for mal-practices as by the said law is imposed; and the said judges, inspectors, and clerks respectively, before they enter upon the duties of their 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 person 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 judges and inspector, whereupon duplicate returns thereof 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 in case of death, resignation, removal, refusal to accept, or neglect or refusal to act after acceptance, of any of the said officers, the burgess, or in case of his death or absence, or inability to act or when he neglects or refuses to act, the first named of the town council, shall issue his precept, directed to the high constable, or when there is no high constable, or when he refuses or neglects to act, then any of the members of the town council shall advertise and hold an election in manner aforesaid, to supply such vacancy, giving at least ten days notice thereof, by advertisements set up at four of the most public places in the said borough.

SECT. III. *And be it further enacted by the authority aforesaid,* That from and after the first Friday in May next, the burgess and town council duly elected as aforesaid, and their successors, shall be one body politic and corporate, in law, by the name and style of, the "burgess and town council of the borough of Norristown," and shall have perpetual succession, and the said burgess and town council aforesaid, and their successors, shall be capable in law to receive, hold and possess, goods and chattels, lands and tenements, rents, liberties, jurisdiction, 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 give grant, sell, let and assign, the same lands, tenements and 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 in 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.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if any person duly elected as burgess or a member of the town council or constable, and having received notice thereof as aforesaid, 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 a sum not ex-

ceeding twenty dollars, which fine and all other fines and forfeitures incurred and made payable in pursuance of this act, or of the by-laws or ordinances of the town council, shall be for the use of the corporation.

SECT. V. *And be it further enacted by the authority aforesaid,* That the burgess, town council and high constable, and each of them, before entering upon the duties of their respective offices, shall take an oath or affirmation before any justice of the peace of the 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 certificate of such oaths or affirmations shall be filed among the records of the said corporation. Officers to take an oath, &c. to support the constitution, &c.

SECT. VI. *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, regulations and ordinances, as shall be determined by a majority of them, necessary to promote the peace, good order, benefit and advantage of said borough, particularly of providing for the regulation of the market, streets, alleys and highways, therein, they shall have power to assess, apportion and appropriate such taxes as shall be determined by a majority of them, necessary for carrying the said by-laws, rules and regulations into complete effect, and also to appoint a town clerk, treasurer, two persons to act as street and road commissioners, and a clerk of the market, annually and such other officers as may be deemed necessary from time to time; *Provided,* that no by-law, rule, or ordinance, of the said corporation shall be repugnant to the constitution and laws of the United States, or of this commonwealth, and that no person shall be punished for the breach of a by-law or ordinance, made as aforesaid, until three weeks have expired after the promulgation thereof, by at least four * advertisements set up in the most public places in the said borough; *And provided also,* that no tax shall be laid in any one year on the valuation of taxable property, exceeding one half cent in the dollar, unless some object of general utility shall be thought necessary, in which case a majority of the taxable inhabitants of said borough, by writing under their hands, shall approve of and certify the same to the town council, who shall proceed to assess the same accordingly. A majority of the town council to enact by laws. Proviso. Standard for taxation, except, &c.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the burgess elected and qualified agreeably to this act, is hereby authorized and empowered to issue his precept as often as occasion may require, directed to the high constable, commanding him to collect all taxes assessed and fines and forfeitures imposed by this act, or by the ordinances or regulations of the cor- How taxes are collected.

* "for," in the original.
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Power of the burgess. corporation, and the same to pay over to the treasurer, and the said burgess is hereby authorized to carry into effect all by-laws enacted by the council, and whatever else shall be enjoined upon him, for the well-ordering and governing the said borough; he shall have jurisdiction in all disputes between the corporation and individuals, arising under the by-laws, regulations and ordinances.

Duty of the town clerk. SECT. VIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the town clerk to attend all the meetings of the town council, when assembled upon business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal and records of the corporation, and be accountable 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 of the acts of the corporation, and his attestation with the seal of the corporation shall be good evidence of the thing or act so certified.

The treasurer to give security for, &c. SECT. IX. *And be it further enacted by the authority aforesaid,* That the treasurer shall give security for the faithful discharge of the duties of his office and for the safe delivery into the hands of his successor, of all monies, books, and accounts, appertaining thereto upon demand being made by the burgess for that purpose.

How accounts shall be settled. SECT. X. *And be it further enacted by the authority aforesaid,* That the street commissioners, treasurer, constable, and clerk of the market; as well as all other officers who may be appointed by the corporation or council, shall render their accounts to the council once in every year for settlement, and the said accounts being adjusted and settled accordingly, shall be forthwith published by the said council, shewing particularly the amount of taxes laid and collected, and of the expenditures.

Constable to give notice of the elections. SECT. XI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the high constable to give notice of the elections, by setting up advertisements in the market and three other public places in the said borough, ten days previously thereto; he shall attend and see that the same is opened at the time and in the manner directed by this act; *Provided,* that Francis Swaine and Isaiah Wells, of the said town, or either of them, shall publish and superintend the election to be held on the first Friday in May next, as is herein before directed.

How grievances may be redressed. SECT. XII. *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, he, she or they may appeal to the next court of quarter sessions, to be held for the proper county, upon giving security according to law to prosecute his, her or their appeal with effect, and the court having

taken such order therein as shall seem to them just and reasonable, the same shall be conclusive against all parties.

JOHN TOD, *Speaker*
of the House of Representatives,
P. C. LANE, *Speaker of the Senate.*

APPROVED—the thirty-first day of March, one thousand eight hundred and twelve.

SIMON SNYDER.

CHAPTER CXCIV.

An ACT concerning joint tenancy.

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 if partition be not made between joint tenants, whether they be such as might have been compelled to make partition or not, or of whatever kind the estates or thing holden or possessed be, the parts of those who die first shall not accrue to the survivors, but shall descend or pass by devise, and shall be subject to debts, charges, curtesy or dower, or transmissible to executors or administrators, and be considered to every other intent and purpose in the same manner as if such deceased joint tenants had been tenants in common; *Provided always,* that nothing in this act shall be taken to affect any trust estate.

Joint tenancy shall descend as the estates of tenants in common.

JOHN TOD, *Speaker*
of the House of Representatives.
P. C. LANE, *Speaker of the Senate.*

APPROVED—the thirty-first day of March, one thousand eight hundred and twelve.

SIMON SNYDER.