

torney to make an annual return to the orphan's court of Centre county on oath or affirmation, how and in what manner he or they have executed the trust in him or them confided by this act; and the clerk of said court shall perform all the services directed by this act, without fee or reward.

SECT. II. *And be it further enacted by the authority aforesaid,* That the state treasurer be and he is hereby directed to pay to Jacob Rosenstelle of Westmoreland county or order, the sum of fifty dollars out of any money in the treasury.

JOHN ST. CLAIR, *Speaker*
of the House of Representatives.

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

APPROVED—the eighteenth day of March, one thousand eight hundred and fourteen.

SIMON SNYDER.

CHAPTER XCIII.

An ACT to erect the towns of Bellefonte and Smithfield in Centre county into a borough, and to repeal the act heretofore passed incorporating the borough of Bellefonte.

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 the towns of Bellefonte and Smithfield, in the county of Centre, within the following boundaries, to wit, beginning at Spring creek where Lamb street adjoins the said creek, thence up the said street to the end thereof, thence so as to include all the out lots sold by the proprietors of the town of Bellefonte, thence to the head of the big spring, thence to spring creek including the spring and the creek therefrom in the borough, thence up spring creek to the lane which divides John McKees field from Benjamin William's lots, thence along said lane and the road leading to the Bellefonte mills to the north side of James Steele's lots, thence including said lots to the place of beginning, shall be and the same is hereby erected into a borough under the name and title of "The Borough of Bellefonte."

SECT. II. *And be it further enacted by the authority aforesaid,* That the citizens of the said borough entitled to vote for members of the general assembly, having resided within the said borough at least six months preceding the election, shall have power on the first Monday in May next, and on the same day in every year thereafter, to meet at the court house in said borough, and then and there between the hours of one and five in the afternoon elect by ballot one chief burgess, one assistant burgess, and seven other citizens to be a town council, and shall also elect as aforesaid one high constable; all of whom shall be citizens residing in the said borough; but previous to the opening of the said election, such of the citizens as are present at the court house shall elect three

Guardian to account.

Gratuity of 50 dolls. to J. Rosenstelle.

Bounds of the borough.

Title of the borough.

Qualifications of electors.

Annual elections when and where held.

What officers to be chosen

Judges, inspectors and clerks.

reputable citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated and conducted throughout according to the general election law of this commonwealth; and the judges, inspectors and clerks shall be subject to the same penalties for mal-practices as by the said law is imposed; and before they act upon the duties of their respective offices, shall take an oath or affirmation before any justice of the peace of the said county to perform the same with fidelity, and after the said election shall have been closed shall declare the persons having the greatest number of votes to be duly elected; and in case two or more candidates should have an equal number of votes, the preference shall be determined by lot to be drawn by the three judges in the presence of the inspector and clerks; whereupon duplicate certificates of the said election shall be signed by the said judges, one of which shall be delivered to the clerk of the court of quarter sessions of the said county to be deposited in his office, and the other shall be filed with the papers belonging to the corporation; and it shall be the duty of the high constable of the preceding year to give notice in writing to each of the persons so elected as aforesaid; and in case of the death, resignation, removal or refusal to accept of any of the said offices, the chief burgess or in his absence or inability to act, the assistant burgess shall issue his precept directed to the high constable to hold an election in manner aforesaid to supply such vacancy, giving at least six days notice of such election by four advertisements set up in the most public places in the said borough.

Take an oath &c.

Proceedings in case of an equal number of votes.

Certificates to be made out and deposited, &c.

Duty of high constable.

Vacancies, how filled.

SECT. III. *And be it further enacted by the authority aforesaid,* That from and after the first Monday in May next, the chief burgess, assistant burgess, and town council duly elected as aforesaid and their successors, shall be one body politic and corporate by the name and style of "The chief burgess, assistant burgess and town council of the borough of Bellefonte," and shall have perpetual succession; and the said chief burgess, and assistant burgess and town council and their successors shall be capable in law of taking and holding any property, real, personal, or mixed, to them and their successors, not exceeding the yearly value of three thousand dollars, and by the name and style aforesaid, shall be capable in law to sue and be sued; plead and be impleaded in any of the courts of law of this commonwealth, in all manner of actions whatsoever, and to have and use one common seal, and the same from time to time at their will to change and alter; and the said inhabitants may have two markets in each week, when an ordinance shall hereafter be passed for that purpose, one on Tuesday and the other on Saturday.

Style of corporation.

Powers and privileges.

Two markets to be held.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if any person duly elected as chief burgess, assistant burgess, members of the town council or high constable as aforesaid, and having received notice thereof as directed by this act, shall refuse or neglect to take upon himself the execution of the office

Penalty for neglect or refusal.

to which he shall have been elected, or having taken upon himself the duties of the said office shall neglect to discharge the same according to law, every person so refusing or neglecting, shall for every such offence 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 any of the by-laws and ordinances of the town council, shall be for the use of the said corporation, and shall be recovered in the same manner that debts not exceeding one hundred dollars are recoverable before a justice of the peace, and when so recovered, shall forthwith be paid to the treasurer of the borough: *provided*, that no person shall be compelled to serve more than once in any term of three years.

Appropriation of fines.

How recoverable.

Proviso.

Officers to take oaths, &c.

SECT. V. *And be it further enacted by the authority aforesaid*, That the chief burgess, assistant burgess, members of the town council, high constable, and each of them before entering upon the duties of their respective offices, shall take and subscribe 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 to execute the duties of their respective offices with fidelity; and the certificates of such oath and affirmation shall be filed among the records of the corporation.

Five to be a quorum and hold quarterly meetings.

SECT. VI. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said town council, five of whom shall be a quorum, to hold quarterly meetings on the last Saturdays of February, May, September and December in each year and also to hold special meetings as occasion shall require, at which meetings they shall have power to repeal or amend all such by-laws and ordinances as have been heretofore made in the said borough and enact such other by-laws and make such rules, regulations and ordinances as shall be deemed by a majority of the said council necessary to promote the peace, good order, benefit and advantage of said borough, particularly providing for the regulation of the markets, ascertaining the depth of vaults, sinks and pits for necessary houses and making permanent arches relative to the foundation of buildings, regulating party walls and fences, making ditches, drains and sewers to carry off the water of the said borough, regulating and making of pavements and causeways; and moreover they shall have full power and authority over the Bellefonte water-works, to rebuild, repair, alter and change and regulate the same in every way for the general advantage and public good of the inhabitants of the said borough; and the said town council shall have power to apportion, assess and appropriate such taxes as shall be determined by a majority of them to be necessary for carrying the said rules ordinances and by-laws from time to time into complete effect, and also to appoint a town clerk, treasurer, collector and superintendant of the water-works annually, and such other officers as may be deemed necessary from time to time and the officers from time to time to remove; and the meetings

Make laws, rules and regulations.

May assess taxes.

Appoint treasurer, clerk and collector, &c.

of the said town council shall be held in the court house or in one of the rooms over the public offices : *provided*, that no by-law, rule or ordinance of the said corporation shall be repugnant to the constitution or laws of the United States, or of this state and that no person shall be punished for a breach of any by-law or ordinance made as aforesaid, until ten days have expired after the promulgation thereof, in at least one newspaper printed in the said borough, or by four public advertisements : *and provided also*, that in assessing such tax, due regard shall be had to the valuation of taxable property, taken for the purpose of raising county rates and levies, and that the said tax do not in any one year exceed half a cent in the dollar of the last valuation, unless some object of great and general utility shall be thought necessary, in which a majority of the resident freeholders of the said borough shall approve of, and certify the same in writing under their hands to the town council, who shall proceed to assess the same accordingly : *and provided further*, that all monies to be raised for the support, alteration and improvement of the Bellefonte water-works, shall be separately assessed by the said council on those persons only residing in the said borough, who use the said water, according to right and justice, and without regard to the last valuation of county tax ; which monies shall be kept by the treasurer of the said corporation in a distinct and separate fund from the other monies of the corporation ; and all fines and forfeitures arising from the breach of any of the by-laws and ordinances respecting the said water-works shall be paid into the said fund.

Proviso.

Respecting breakers of by-laws.

Amount of tax limited.

Proviso...relating to water works.

Duty of treasurer.

SECT. VII. *And be it further enacted by the authority aforesaid*, That the chief burgess, elected and qualified agreeably to this act, or in his absence or inability to act, the assistant burgess is hereby authorized to issue his precept as often as occasion may require directed to the collector, commanding him to collect all taxes assessed by the town council, and the same to pay over to the treasurer ; and the chief burgess, or in his absence or inability to act, the assistant burgess is hereby authorized and required to carry into effect all the by-laws and ordinances enacted by the town council, and whatsoever else shall be enjoined upon him or them for the well ordering and governing of the said borough.

Burgess to issue precept for collecting taxes.

Duty of burgess and assistant.

SECT. VIII. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the town clerk to attend all 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 answerable for the same, and also to perform all other matters and things enjoined upon him by this act or by the acts of the corporation ; and the attestation of the said clerk with the seal of the corporation shall be good evidence of the act or thing it is to testify.

Duties of town clerk.

Treasurer to give bond, &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 of all monies, books, and accounts appertaining thereto into the hands of his successor, upon demand made for that purpose.

Streets, lanes, &c. declared public highways.

SECT. X. *And be it further enacted by the authority aforesaid,* That all the streets, lanes and alleys in the said borough, are hereby declared public roads and highways; and it shall be the duty of the electors in the said borough, and they are hereby empowered to choose and elect two persons as supervisors of the public roads and highways within the said borough, who shall be chosen and elected agreeably to the general road laws of this commonwealth; and the said supervisors shall be subject to the same laws, entitled to the same emoluments, and vested with the same powers within the borough of Bellefonte as other supervisors are subject and entitled to within their respective townships in this commonwealth.

Supervisors appointed, and their duties.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the supervisors, treasurer, high constable, clerk of the market, collector and superintendant of the water-works, as well as all other officers which may be appointed by the corporation or council shall, at the quarterly meeting of the said council in the month of May yearly, render their accounts to the said council for settlement; and the said accounts being adjusted and settled, shall be forthwith published by the said council, showing particularly and distinctly the amount of taxes laid and collected, and of all monies paid into the treasury, and the application and expenditure thereof.

Supervisors, treasurer, &c. to exhibit their accounts annually to the council.

Board of appeal.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the chief burgess, assistant burgess and president of the council, or any two of them, shall constitute a board of appeal; in case of any borough or water tax, other than the tax assessed and levied by the supervisors, and prior to the collection of any borough or water tax, the collector shall inform each inhabitant of the amount of his tax, and of the time and place of appeal: *provided,* that the said board shall have no other power than to determine the justness of the apportionment of said tax.

Proviso.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the high constable to give notice of the annual elections of the said borough to be held in pursuance of this act, by setting up four advertisements in public places in the said borough, six days previous thereto, and he shall attend and see that the election be opened at the time and in the manner directed by this act: *provided,* that it shall be the duty of the present high constable to publish and superintend in like manner the election to be held on the first Monday in May next, as herein before directed.

Duty of high constable relative to elections.

Proviso.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That the town council shall from to time establish the compensation of the several officers created by this act, or appointed by them in pursuance thereof; and if any person appointed to any office by the town council, shall refuse to take upon himself the duties thereof, he shall forfeit and pay for the use of the corporation, any sum not exceeding ten dollars, unless he can render to the said council a satisfactory reason why he should be exonerated from such service: *provided,* that no person shall be compelled to serve more than one in three years.

Compensation to officers.

Penalty on refusing to act.

SECT. XV. *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 general quarter sessions of the peace, to be held for the said county, upon giving security before a justice of the peace residing in the said borough, to prosecute his, her or their appeal with effect; and the said court having taken the premises into consideration shall make such order and decree therein as shall be just and reasonable, and the same shall be conclusive.

Appeal for redress of grievances to quarter sessions.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That from and after the first Monday in May next, the act entitled "An act to erect the town of Bellefonte in Centre county into a borough," passed the twenty-eighth day of March, one thousand eight hundred and six, be and the same is hereby repealed; but the repeal thereof shall not affect any proceeding commenced in pursuance thereof, but the same shall be finished and concluded as if this act had not been passed.

Former act repealed.

JOHN ST. CLAIR, *Speaker*
of the House of Representatives.

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

APPROVED—the eighteenth day of March, one thousand eight hundred and fourteen.

SIMON SNYDER.

CHAPTER XCIV.

An ACT for the relief of John Robison and Alexander M'Curdy, old soldiers.

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 the state treasurer be and he is hereby directed to pay to John Robison of Fayette county, or order, the sum of one hundred and thirty-four dollars and eighty-one cents, out of any money in the treasury.

134 dolls. 87 cents granted to John Robison.