

CHAPTER XXXIII.

AN ACT

To erect the town of Lebanon, in the county of Lebanon, into a borough.

SECT. 1. *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 town of Lebanon, in the county of Lebanon, shall be, and the same is hereby erected into a borough, under the name and title of the borough of Lebanon, the extent and boundaries of which shall be as follows: Beginning at the south east corner of the old town plot, thence by land of Abraham Light and the several town lots north eight degrees east two hundred and twenty-five perches to a post, thence by land of John Light south seventy-nine degrees west one hundred and sixty six perches to a post, thence by lots of Peter Gloninger and others south one hundred and ninety-two perches to a post, thence by lots of Jacob Goodhart and others east one hundred and thirty perches to the place of beginning.

Borough erected.

Boundaries.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said borough entitled to vote for members of the general assembly, and who shall have resided within the same for one year immediately preceding the election hereinafter mentioned, and within that time paid a borough tax, provided such tax has been assessed, shall on the first Monday of May next, meet at the court house in the said borough, and then and there between the hours of one and five in the afternoon, elect by ballot one citizen who shall be styled chief burgess, one other citizen who shall be styled assistant burgess, six citizens to be a council, and one citizen to be a high constable, all of whom shall be inhabitants of the said borough: but previously to opening the said election, or any subsequent election held in pursuance of the provisions of this act, such of the inhabitants who may be present at the court house, shall elect three citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated throughout according to the general election laws of this commonwealth, and who shall be subject to the same penalties for mal-practices as by the said laws are imposed, and the said judges, inspector and clerks, before they enter upon the duties of their respective offices, shall take an oath or affirmation before a judge or justice of the peace of the said county, to perform the same with fidelity, and after the said election shall be closed, shall declare the persons having the greatest number of votes to be duly elected; and in case any two or more candidates for the same office shall have an equal number of votes, the pre-

Qualifications of electors.

Time of hold elections.

Officers to be elected.

Of judges, inspector and clerks,

Proceedings in case of a tie.

Certificates
of elections
to be made
& recorded.

ference shall be determined by lot, to be drawn by the judges in the presence of the inspector and clerks; whereupon a certificate of said election shall be signed by the said judges, a copy thereof transmitted by the clerks to each person elected, and the original recorded in the record books of the corporation. And in case of the death, resignation, removal, or refusal to accept of any of the said officers, a new election shall be held for the purpose of supplying such vacancy in the manner hereinafter provided.

Classification
of the coun-
cil.

SECT. 3. *And be it further enacted by the authority aforesaid,* That on the Monday next after the said election, the members of the council elected as aforesaid, shall be convened at the court house in the said borough, by order of the chief burgess or assistant burgess, and then and there shall by lot divide themselves into three classes, and the seats of the members of the council of the first class shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, and of the third class at the expiration of the third year, counting the year as commencing for corporate purposes on the third Friday in March.

When annual
election is to
be held.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the inhabitants of said borough entitled to vote as aforesaid, shall on the third Friday of March next ensuing the election aforesaid, and on the same day in every year thereafter, meet at the court house as aforesaid, and elect in manner aforesaid, one chief burgess, one assistant burgess, one high constable, and two members of the council, to supply the places of the members of the council vacated in the manner herein before mentioned; and a certificate of such election shall be signed by the said judges, a copy thereof transmitted by the high constable of the preceding year to each person so elected, and the original recorded in the record books of the corporation; and in case of the death, resignation, removal, or refusal to accept of any of the said officers, or if it should at any time happen that no election shall be holden on the day and in the manner aforesaid, the chief burgess, or in his absence, or inability, or refusal 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 ten days notice of such election in one of the newspapers in the said borough, or by five advertisements set up in the most public places within the same, and in the mean time, the officers of the said borough elected for the last year, shall continue to all intents and purposes to hold their respective offices, and exercise all the powers appertaining thereto, as fully and effectually as if their term of office had not expired.

Persons
elected to be
notified.

How vacan-
cies are to be
supplied.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said borough in manner aforesaid, shall elect two constables, two street supervisors, two overseers of the poor, one inspector for the general elec-

tion, one assessor and two assistant assessors of county taxes Constables, street super-
 for the said borough, at such times under like regulations, visors, &c. to
 and for the same purposes as are or shall be hereafter direct- be elected.
 ed by law in the several townships within this commonwealth,
 which said constables, street supervisors, overseers of the
 poor, inspector, assessor and assistant assessors so elected,
 shall have, use and exercise, all and every the powers, rights and
 privileges, perform all and every the same duties, and be sub-
 ject to all and every the same fines, penalties, and forfeitures
 within the said borough respectively, which are or hereafter
 shall lawfully be used, had and exercised, or which are or
 shall be suffered by and imposed upon like officers of the
 several townships, and the names of the said constables,
 street supervisors and overseers of the poor, shall be returned
 to the next court of quarter sessions of the county, for the
 same purposes as is, or shall be declared by law, as to other
 officers of the same kind in the several townships of this
 commonwealth.

SECT. 6. *And be it further enacted by the authority afore-
 said,* That from and after the first Monday in May next, the
 chief busgess, assistant burgess and council duly elected as
 aforesaid, and their successors shall be one body politic and
 corporate, by the name and style "The Burgesses and Council
 of the borough of Lebanon;" and shall have perpetual
 succession, and shall be capable in law to have, acquire, re- Style of the
 ceive, hold, purchase and possess goods, chattels, lands and corporation.
 tenements, rents, liberties, jurisdictions, franchises and here-
 ditaments, to them and their successors, in fee simple or other- Powers and
 wise, not exceeding the yearly value of five thousand dollars, privileges.
 and also to give, grant, sell, let and assign the same goods,
 chattels, lands, tenements, 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 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.

SECT. 7. *And be it further enacted by the authority afore-
 said,* That if any person duly elected as chief burgess, as- Penalty for
 sistant burgess, member of the council or high constable as refusal to act
 aforesaid, and having received notice thereof as directed by as officers.
 this act, shall refuse or neglect to take upon himself the ex-
 ecution of the said office, or having taken upon himself
 the duties of 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 ten 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 burgess and council, shall be for
 the use of the said corporation, and shall be recoverable be- How penalty
 fore any justice of the peace of said county, in the same is to be re-
 covered.

manner that debts of equal amount are or shall hereafter be by law recoverable, and when so recovered, shall be forthwith paid to the treasurer of the borough; and it shall be the duty of the officers of said borough, on receiving any money belonging to the corporation to pay the same to the treasurer forthwith: *Provided*, That no person elected as aforesaid be liable to a fine for refusing or neglecting to serve more than once in five years.

Proviso.

SECT. 8. *And be it further enacted by the authority aforesaid*, That the chief burgess, assistant burgess, and members of the council, and high constable, and each of them, before entering on the duties of their respective offices, shall take and subscribe an oath or affirmation before a judge or 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 certificates of such oaths and affirmations shall be recorded amongst the records of the corporation.

Official oaths to be administered.

SECT. 9. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the chief burgess, or in case of his absence, inability or refusal to attend, of the assistant burgess, and at least four members of the council, to hold sessions in all which the chief burgess or assistant burgess, as the case may be, shall preside, and in case of an equal division of the council, he shall give the casting vote on the third Saturday of May, July, October, and February in each year, and oftener if occasion should require, of which notice shall be given in manner aforesaid by the chief burgess or assistant burgess, at which sessions they may enact and ordain, revise, repeal and amend all such by-laws, ordinances, rules and regulations, as shall be deemed expedient to promote the peace, good order, benefit, and accommodation of the citizens of the said borough, to provide for the regulation of the markets, improve, repair and keep in good order the streets, alleys and highways, ascertain the depth of vaults, sinks, pits for privies; make permanent rules relative to the foundations of buildings, party walls and fences, and particularly to accomplish the conveyance and distribution of a sufficient quantity of good and wholesome water to and through the borough, and its permanent continuance for the accommodation of the inhabitants; they shall further have power to enact by-laws imposing fines and penalties, and partial or total forfeitures, and to assess, apportion and appropriate such taxes as shall be adjudged necessary for carrying the said by-laws, ordinances, rules and regulations, from time to time into complete effect, which by-laws, ordinances, rules and regulations shall be signed by the president of the council, attested by the secretary, and recorded in the record books of the corporation; and also to appoint annually a secretary, treasurer, clerk of the market, and a collector, and such other officers as may from time to time be thought ne-

Burgess or assistant with 4 members to constitute a quorum.

By-laws, &c.

Fines, assessments, &c.

cessary, and the same officers from time to time to remove for misdemeanor in office; which sessions of the said burgess and council shall be held at the court house in the said borough, until a town house shall be erected: *Provided*, That no by-law, ordinance, rule or regulation of the said corporation, shall be repugnant to the constitution or laws of the United States or of this commonwealth, and that no person shall be punished for a breach of any by-law, ordinance, rule or regulation made as aforesaid, until ten days have expired after the promulgation thereof in at least one English, if any, and if there be any, one German paper printed in the said borough, or by at least five advertisements set up in the most public places within the said borough: *And provided also*, That in laying such tax, due regard shall be had to the valuation of taxable property assessed or hereafter to be assessed, for the purpose of raising county rates and levies, so that the said tax shall not in any one year exceed one cent in the dollar of such valuation, unless some object of general utility should require the same, in which case the consent thereto of a majority of the taxable inhabitants of the said borough shall be previously obtained in writing.

SECT. 10. *And be it further enacted by the authority aforesaid*, That the chief burgess elected and qualified agreeably to this act, or in case of his absence, inability, or refusal to act, the assistant burgess is hereby authorised and empowered to issue his precept, as often as occasion may require, directed to the high constable, or in case of his inability to act, to some other fit person, commanding him to collect all taxes assessed by this act, or by the ordinances, by-laws, rules and regulations of the corporation, and to cause the same to be paid over to the treasurer, and the said burgess is hereby authorised to carry into effect all by-laws enacted by the said chief burgess, or assistant burgess and council.

SECT. 11. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the secretary to attend all sessions of the burgess and 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 for the faithful discharge of all the duties which may be enjoined upon him by virtue of this act, or the acts of the corporation, whose attestation with the seal of the corporation, shall be good evidence of the act or thing so certified.

SECT. 12. *And be it further enacted by the authority aforesaid*, That the treasurer shall give sufficient 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.

SECT. 13. *And be it further enacted by the authority aforesaid*, That the street supervisors, treasurer, high constable,

Accounts to be rendered annually and published. clerk of the market, collector and overseers of the poor, as well as other officers who may be appointed in the corporation by the chief burgess, or assistant burgess and council, shall at their sessions on the third Saturday of May and October in each and every year, render their accounts to the said burgess and council for settlement, and the said accounts being adjusted and settled accordingly, shall be forthwith published by said council, shewing particularly the amount of taxes laid and collected, and all monies paid into the treasury and the particular items of expenditures.

Appeals. **SECT. 14.** *And be it further enacted by the authority aforesaid,* That the chief burgess, assistant burgess, and three members of the council to be appointed at their first session in each year, or any three of them, shall constitute a court of appeal, and prior to the collection of any borough 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 court of appeal shall have no other power as such, than to determine the justness of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same.

Proviso.

High constable to give notice of elections, &c. **SECT. 15.** *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 election in said borough, in at least one newspaper printed therein, or by setting up at least five advertisements in the most public places therein, at least ten days previously thereto; he shall attend and see that the election is opened at the time and in the manner directed by this act: *Provided,* That Leonard Greenawalt and Philip Huber of the said borough, or either of them, shall publish and superintend the election to be held on the first Monday of May next, as herein before directed.

Proviso.

Salaries. **SECT. 16.** *And be it further enacted by the authority aforesaid,* That the chief burgess, or in case of his absence, inability or refusal to act, the assistant burgess and council, shall from time to time affix the salaries of the high constable, secretary, treasurer, clerk of the market, and such other officers as may be appointed under this act, which salaries shall be paid out of the borough treasury, by orders drawn thereon signed by the chief burgess or assistant burgess, as the case may be, and attested by the secretary, which salaries shall not be increased or diminished during the time for which the said officers shall have been appointed respectively: *Provided,* That if any person appointed by the said burgess and council as aforesaid, shall neglect or refuse to take upon himself the duties of the office to which he shall be so appointed, he shall for such neglect or refusal forfeit and pay for the use of the corporation, the sum of ten dollars, unless he can render to the said burgess and council a satisfactory reason why he should be exonerated from such service.

Proviso.

SECT. 17. *And be it further enacted by the authority aforesaid,*

said, That if any person or persons shall think him, her or themselves aggrieved, by any thing done in pursuance of this act, or of any by-law or ordinance made under the authority of the same, except what relates to the assessing and collecting of the borough tax, and appointments made by the burgess and council as aforesaid, he, she or they may appeal to the next court of common pleas to be held for the same county, upon giving security according to law, to prosecute his, her or their appeal with effect, and the said court having taken such order therein as shall seem to them just and reasonable, the same shall be conclusive and bind all parties.

Appeal may be had to the court of common pleas.

SECT. 18. *And be it further enacted by the authority aforesaid*, That the act, entitled "An act to erect the town of Lebanon, in the county of Dauphin, into a borough," passed the twenty-eighth day of March, one thousand seven hundred and ninety-nine, be, and the same is hereby repealed.

Repeal of former act.

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

WILLIAM MARKS, Junior,
Speaker of the Senate.

APPROVED—February the twentieth, one thousand eight hundred and twenty-one.

JOSEPH HIESTER.

CHAPTER XXXIV.

AN ACT

For the relief of Dickinson College.

SECT. 1. *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 as soon as the trustees of Dickinson college shall, by deed duly executed, convey in fee simple to this commonwealth all the lands heretofore granted by the state to the said college, which they have not heretofore transferred, and cause the same to be recorded in the different counties where such lands lie, and shall assign and set over to this commonwealth all securities for the purchase money which they have taken, for such portions of the said lands as they have heretofore sold, it shall be lawful for the Governor, and he is hereby required to draw his warrant on the State Treasurer in favor of the trustees of the said college, for the sum of six

\$6,000 to be paid to trustees.