

CHAPTER XLI.

AN ACT

For the relief of sundry old soldiers.

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 State Treasurer be, and he is hereby authorised and required to pay to Joseph Reed, of Washington county, Jacob Balmer, of Lancaster county, William M'Fadden, of Crawford county, and to John Morrison, of Huntingdon county, or their respective orders, the sum of forty dollars each, immediately after the passing of this act, and an annuity of forty dollars each, to commence on the first day of January, eighteen hundred and twenty-one, and to be paid half yearly during life.*

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

WILLIAM MARKS, Junior,
Speaker of the Senate.

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

JOSEPH HIESTER.

CHAPTER XLII.

AN ACT

To erect the town of Berlin in Somerset county, 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 Berlin, in the county of Somerset, shall be, and the same is hereby erected into a borough, which shall be called the borough of Berlin, which borough shall be comprised within the following boundaries, to wit: Beginning at a stone in the line of the old town of Berlin,* Borough erected. Boundaries.

thence north seventy-nine degrees west one hundred and fifty perches to a stone, south eleven degrees west eighty perches to a stone, south seventy-nine degrees east one hundred and sixteen perches to a stone, north eleven degrees east fifteen perches to a stone, south seventy-nine degrees east nineteen perches to a stone, north eleven degrees east fourteen perches to a stone, south seventy-nine degrees east fourteen perches to a stone, north eleven degrees east fifty-four perches to the place of beginning.

SECT. 2. *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 six months, and shall in other respects be entitled to vote for members of the General Assembly of this commonwealth, shall on the first Monday of May, in the year of our Lord one thousand eight hundred and twenty-one, and upon the first Monday in May yearly thereafter, meet together at the house now occupied by Henry Young in the said borough, and shall then and there elect by ballot one citizen of said borough to be chief burgess, seven citizens to be a town council, one high constable, two auditors, two street commissioners, two overseers of the poor, one treasurer and town clerk, and on the morning of the same day previously to any such election, the said citizens shall elect three citizens, one of whom shall preside as judge, one to act as inspector, and the other to perform the duty of clerk, according to the directions of the general election laws of this commonwealth, so far as relates to the receiving and counting votes, and shall be subject to the same pains and penalties for mal-practices as by the said laws are directed and appointed; and the said judge, inspector and clerk, shall previously to the exercise of any of their duties, take an oath or affirmation before some judge or justice of the peace of said county, to act in their respective stations without partiality, and shall hold the said elections from time to time as often as occasions shall require, 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 whereof shall be transmitted to the prothonotary's office of said county, and the other filed and preserved among the records of the corporation; and if two or any greater number of persons have an equal number of votes for any of the said offices, or if an election be disputed upon other principles, the said return shall be laid before the judges of the court of common pleas of the said county, at the term next ensuing said election, who upon examination into the nature of the return, shall determine which of the said persons shall fill the said office, and in case of vacancy by death, resignation or otherwise, of any of the said officers, the said burgess shall issue without delay his process direct-

Qualification of electors.

Time and place of holding elections.

Officers to be elected.

A judge, &c. to be elected.

Oath or affirmation.

Duties.

Proceedings in case of a vacancy happening.

ed to the constable, requiring him to hold an election to fill such vacancy, he giving at least ten days notice by advertisement set up at four of the most public places within said borough, and it shall be the duty of the high constable to give notice of the annual elections of the said borough in the same manner as aforesaid.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the burgess and town council duly elected as aforesaid and their successors forever hereafter, shall be one body politic and corporate in law by the name of the "Burgess and town council of the borough of Berlin, in the county of Somerset," and have perpetual succession, and all the legal incidents of a corporation, and it shall and may be lawful to and for the said burgess and town council aforesaid, and their successors forever, hereafter to have and use one common seal, and the same from time to time at their will to change and alter.

Name and style of the corporation.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person duly elected as aforesaid, having five days personal notice thereof in writing signed by the high constable or burgess, shall refuse or neglect to take upon himself the execution of the office to which he shall be elected, every such person so refusing or neglecting shall forfeit and pay twenty dollars, which fines and forfeitures incurred and made payable in pursuance of this act, or of the by-laws and ordinances of the said burgess and town council, shall be for the use of the said corporation, and may be recovered as debts of equal amount are by law recoverable.

Penalty for refusal to act as officers.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the chief burgess, and all other persons elected or appointed to any office within the said borough, before they shall enter upon the duties of their respective offices, shall take and subscribe an oath or affirmation before any justice of the peace for the county of Somerset, 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 Berlin, and the certificate of such oath or affirmation having been made, shall be recorded in the book of said corporation.

Chief burgess and all others officers to be under oath or affirmation.

SECT. 6. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said burgess and town council, to meet and assemble together as often as occasion may require, to enact such by-laws, and make such ordinances, rules and regulations, assess and appropriate such taxes as shall be thought best calculated to promote the interest of the said corporation, and preserve good order therein, which by-laws, ordinances, rules and regulations, shall not be inconsistent with the constitutions and laws of this state or of the United States, and the same to revoke, annul, alter and make anew, as occasion may require, but no by-

Powers of the burgess and town council.

laws or ordinances shall be enacted, or rules and regulations made, unless agreed to by a majority of the burgess and town council for the time being.

Duties of the burgess and town clerk.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the said burgess shall be, and he is hereby authorized and required to cause the by-laws, ordinances, rules and regulations made as aforesaid, to be carried into full and complete execution without delay, and it shall be the duty of the town clerk to attend all meetings of the burgess and town council when assembled on business of the corporation, and shall perform the duties of clerk thereto, and keep and preserve the common seal, records, papers, books and other documents relating to said corporation, under the penalty of being answerable to any person concerned for all damages, and of removal from office by the burgess and town council; and the high constable shall do and perform all duties on him enjoined by this act, and the by-laws or ordinances of the burgess and town council, under the like penalties: *Provided always,* That if any person shall think him or herself aggrieved by any thing done in pursuance of this act, he or she may appeal to the court of quarter sessions of the peace then next for Somerset county, which court shall take such order therein as shall be just and reasonable.

Duties of the high constable.

Proviso.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the street commissioners, overseers, constable and clerk of the market, as well as all other officers that may be appointed for the corporation or council, shall render their accounts to the auditors once in every year for settlement, and the said accounts being adjusted and settled accordingly, shall be forthwith published by the said auditors, shewing particularly the amount of tax laid and collected, and of the expenditures.

Certain officers to render their accounts to the auditors.

SECT. 9. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the inhabitants of said borough, to hold at the place selected for that purpose within said borough, two markets in each week, viz. one on Wednesday and one on Saturday in every week of the year forever.

2 markets to be held.

SECT. 10. *And be it further enacted by the authority aforesaid,* That no tax shall be laid in any one year on the valuation of the 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 freeholders resident in said borough, by writing under their hands shall approve of the same, and thereupon the council shall proceed to assess such sum as may be necessary: *And provided also,* That the lots in the said borough of Berlin numbered three, four, nineteen and twenty, on the general plan of said borough, may be made equal in length with the other

Tax not to exceed 1-2 cent in the dollar unless, &c.

Proviso.

lots on Main street, provided such change shall not impair the rights of any person or persons.

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

WILLIAM MARKS, Junior,
Speaker of the Senate.

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

JOSEPH HIESTER.

CHAPTER XLIII.

AN ACT

To ratify and confirm acts and proceedings of the stockholders of the Washington Bank, and for other purposes.

WHEREAS it is represented that no dividend has been declared by the president and directors of the bank of Washington, nor has any election of said officers agreeably to the act of incorporation been held, or taken place since the third Monday of November, in the year one thousand eight hundred and eighteen, whereby the charter of said bank has become null and void, except as to the power and privilege of enforcing previous contracts and closing its concerns, as provided by the said act. In consequence whereof, the stockholders of said bank did on the first Monday of November, one thousand eight hundred and nineteen, and also on the first Monday in November last, in lieu of a president, directors, cashier, &c. appoint five managers to wind up and close the concerns of said institution, which said managers, since the periods last before mentioned, have been employed in the discharge of the duties so devolved upon them by the stockholders aforesaid.

And whereas some doubts may arise, as to the validity of the acts and proceedings of the said managers, for want of a precise conformity to the mode prescribed by the act of incorporation, in relation to the election and authority of the officers of the corporation :

Therefore,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General.*