

twenty fourth day of March, one thousand eight hundred and twelve, as the said section or sections may be entitled to in proportion to the whole distance, and also for so much in advance as is authorised in and by the said section of said act.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the time limited for the completion of the said road or roads, and the provisions of the act, entitled "A further supplement to the act, entitled, an act authorising the Governor to incorporate a company for making an artificial road from the borough of Harrisburg, through Lewistown and Huntingdon to Pittsburg," passed the twenty fourth of March, one thousand eight hundred and twelve, be, and the same are hereby revived and extended to the first day of May one thousand eight hundred and twenty-five.

Provisions of the act of 1812 revived, and the limitation extended.

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

WILLIAM MARKS, Junior,
Speaker of the Senate.

APPROVED—March the thirtieth one thousand eight hundred and twenty-one.

JOSEPH HIESTER.

CHAPTER XCVII.

AN ACT

To erect the town of Bethany, in the county of Wayne, 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 Bethany, in the county of Wayne, shall be, and the same is hereby erected into a borough, which shall be called the borough of Bethany, and shall be bounded and limited as follows: Beginning at a heap of stones, the south-eastern corner of the town of Bethany, thence by the southern line of said town, south eighty-two degrees west one hundred and thirty-six perches and seven-tenths, thence by out-lots Nos. 24, 25, 26 and 27, north thirty-eight degrees west one hundred and forty-one perches and five-tenths, thence by out-lot No. 17, south fifty-two degrees west seven perches and eight-tenths, thence by a thirty feet lane north eight degrees west one hundred and

Borough of Bethany erected and its boundaries.

eight perches seven tenths, thence by out lot No. 3, north fifty-two east thirty-three perches six-tenths, thence by the same north thirty-eight degrees west four perches, thence by a thirty feet lane north fifty-two degrees east ninety-three perches, thence by out lots Nos. 50, 49, 48, 47, 46 and 45, south thirty-eight degrees east two hundred and four perches five-tenths, thence by out lot No. 45, north fifty-two east two perches four-tenths, thence by the eastern line of the town of Bethany south twenty-five degrees east twenty-three perches to a post and stones, and south eight degrees east one hundred and thirty-two perches to the place of beginning.

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, having resided within the said borough at least six months immediately preceding the election, and within that time paid a borough tax, (if such tax shall have been assessed,) shall have power on the second Friday of March next, and on the second Friday of May in every year thereafter, to meet at the court house in the said borough, and then and there between the hours of one and six in the afternoon, elect by ballot one respectable citizen residing therein who shall be styled the chief burgess, one other citizen who shall be styled the assistant burgess, and five citizens to be a town council, and shall also elect as aforesaid one citizen as high constable, all of whom shall be residents of said borough; but previous to the opening of said election, such of the inhabitants as are present at the said place of election, shall elect two 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 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, inspectors and clerks before they enter upon the duties of their respective 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 persons 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 two judges in the presence of the inspector and clerks, whereupon duplicate certificates of said election shall be signed by the said judges, one of which shall be transmitted to the person elected chief burgess, and the other filed among the records of the corporation; and it shall be the duty of the high constable for 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 officers, or if it should at any time happen that no election

Time of holding election and officers to be elected.

Mode of conducting elections.

Certificates of the election to be made out.

should be holden on the day and in the manner aforesaid, the corporation shall not on that account be dissolved, but 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 eight days notice by six advertisements set up in the most public places in said borough: *Provided*, That the citizens of said borough shall be entitled to vote at the first election although they shall have paid no borough tax.

Mode of supplying vacancies.

SECT. 3. *And be it further enacted by the authority aforesaid*, That from and after the second Friday 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 Bethany," and shall have perpetual succession, and the said chief burgess, assistant burgess and town council and their successors, shall be capable in law to have, get, receive, hold and possess goods and chattels, lands and tenements in fee simple or otherwise, not exceeding the yearly value of three thousand dollars, and also to grant, sell, let and assign the same goods and chattels, lands and tenements, 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 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 until it be otherwise directed by law.

Style of the corporation.

Value of real estate which they may hold.

SECT. 4. *And be it further enacted by the authority aforesaid*, That if any person duly elected chief burgess, assistant burgess, member 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 said office to which he shall have been elected, 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 fines and forfeitures incurred and made payable in pursuance of this act, or any of the by-laws and ordinances of the town council, shall be for the use of the said corporation, and shall be recovered before a justice of the peace in the same manner as debts not exceeding one hundred dollars are recoverable by the laws of this commonwealth, and 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, shall be liable to a fine for refusing or neglecting to serve more than once in five years.

Penalty on refusing to serve.

Fines and forfeitures to be for the use of the corporation.

Burgess, &c. to take an oath. **SECT. 5.** *And be it further enacted by the authority aforesaid,* That the chief burgess, assistant burgess, members of the town council and 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 perform the duties of their respective offices with fidelity, and the certificates of such oaths and affirmations shall be filed among the records of the said corporation.

Time of meeting. **SECT. 6.** *And be it further enacted by the authority aforesaid,* That the town council shall meet on the Monday next after their election in each year, at such place as a majority of them shall agree upon, and choose one of their number president who shall preside at all their meetings, and it shall be the duty of said council, (three of whom shall be a quorum,) to hold quarterly meetings on the third Saturdays in April, July, October and January in each year, and oftener if occasion requires, at which meetings they may make, enact, revise, repeal and amend all such by laws, rules, regulations and ordinances, as shall be determined by a majority of them necessary to promote the peace, good order, benefit and advantages of the said borough, particularly of providing for the regulation of markets, improving, repairing and keeping in order the streets, lanes, alleys and highways, ascertaining the depth of vaults, sinks, pits for necessary houses, and making permanent rules relative to the foundations of buildings, party walls and fences. 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 rules and ordinances from time to time into complete effect, and also to appoint a town clerk, treasurer, street supervisor, clerk of the market and a collector annually, and such other officers as may be deemed necessary from time to time, and the same officers from time to time to remove for misdemeanor in office: *Provided,* That no by-law, rule or ordinance of the 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 the breach of a by-law or ordinance of the said corporation, until ten days have expired after the promulgation thereof by at least three advertisements, set up in the most public places in said borough: *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, so that the said tax shall not in any one year exceed one half cent in the dollar of such valuation, unless some object of general utility shall be thought necessary, in which case a majority of the taxable inhabitants of 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.

May make by-laws, &c.

Assess taxes.

Proviso.

2d Proviso.

SECT. 7. *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 authorised to issue his precept as often as occasion may require, directed to the collector, commanding him to collect all taxes so assessed, and the same to pay over to the treasurer, and the said chief burgess, or in his absence or inability to act, the assistant burgess is hereby authorised to carry into effect all 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 said borough; and shall also have power to mitigate or remit fines and forfeitures, in all cases where it shall appear that the person or persons so fined did not offend intentionally, or on their having some other just and reasonable excuse to plead in his or their behalf.

Burgess to issue precept to constable to collect taxes.

Power to mitigate or remit fines, &c.

SECT. 8. *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 duties 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 the duties which may be enjoined upon him by virtue of this act, or by the by-laws and ordinances of the corporation, and his attestation with the seal of the corporation shall be good evidence of the act or thing so certified.

Duties of the town clerk.

SECT. 9. *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 delivery of all monies, books and accounts appertaining there-to into the hands of his successor, upon demand made for that purpose.

Treasurer to give bond.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the street supervisor, treasurer, high constable, clerk of the market and collector, as well as other officers that may be appointed by the corporation or council, shall in the month of March yearly, render their accounts to the said council for settlement, and the said accounts being so adjusted and settled, shall be forthwith published by the council, shewing particularly the amount of taxes laid and collected, and all monies paid into the treasury, and the amount of expenditures.

Street supervisor, &c. to render accounts, &c.

SECT. 11. *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 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 nevertheless,* That the said court of appeal shall have no other power as such, than to determine the justness of the apportionment of

Of appeals.

Proviso.

said tax, and to remedy any grievance that may occur in imposing the same.

Duties of the high constable.

SECT. 12. *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 of the said borough to be held in pursuance of this act, by setting up five advertisements in the most public places in said borough, at least ten days previous thereto; he shall attend and see that the election is opened at the time and in the manner directed by this act: *Provided,* That the constable of the township of Dybury for the time being, shall publish and superintend the election to be held on the second Friday in May next as herein before directed.

Proviso.

Town council to fix the compensation of officers.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the town council shall from time to time fix the compensation of the high constable, town clerk, treasurer, clerk of the market, and such other officers as may be appointed under this act, which compensation shall be paid out of the borough treasury, by orders drawn thereon signed by the president of the council, and shall not be increased or diminished during the time for which said officers were appointed respectively: *Provided,* That if any person appointed by the town 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 the same forfeit and pay for the use of the corporation the sum of ten dollars, unless he can render to the said council a satisfactory reason why he should be exonerated from such service: *Provided also,* That no person appointed as aforesaid, shall be liable to fine for refusing or neglecting to serve more than once in five years.

Proviso.

2d proviso.

Right of appeal to the next court of common pleas.

SECT. 14. *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, except in what relates to the imposing and collecting the borough tax, and appointments made by the town council, he, she or they may appeal to the next court of common pleas to be held for the said 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.

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

WILLIAM MARKS, Junior,
Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-one.

JOSEPH HIESTER.