

No. 125.

AN ACT

To erect Brookville, Armagh, Shrewsbury and Greenfield into boroughs;
and to alter the act incorporating the borough of Meadville.

SECTION 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 Brookville, in the county of Jefferson, shall be and the same is hereby erected into a borough, which shall be called "the borough of Brookville, in the county of Jefferson," bounded and limited as follows, viz: Beginning at the south-west corner of lot number twenty-two in said town, near or adjoining Hunt's point; thence due north along the marked line of said town, to a post on the north side of Butler's alley; thence along the north side of said alley to its extremity; thence by a continued east line to the north-east corner of the mill lot; thence south three degrees, east eighty-four perches, to a red oak; thence south eighteen perches to a post; thence south ten degrees, west seventeen perches, to a white pine; thence south twenty-four degrees, west fifty-nine perches, to a post; thence west twenty perches to the west side of Sandy Lick creek at high water mark; thence up said creek, following the several courses thereof to a point east of and opposite the mouth of the south end of Rose alley, being the extremity of the out lots; thence east to a maple opposite the south end of Pickering street; thence north to the north-east corner of Water and Pickering streets; thence along the south side of Water street to the north-east corner of lot number twenty-two aforesaid; thence around the lines of said lot to the place of beginning.

Brookville.

Name.

Boundaries.

SECTION 2. 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 immediately previous to such election, to meet at the court house in said borough, (or at such other place as may hereafter be appointed) on the second Monday 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 in said borough, who shall be styled the burgess of said borough, and five reputable citizens residing in said borough, who shall be a town council, and shall also elect one reputable citizen as high constable; but previously to such election, the inhabitants shall elect two reputable citizens as judges, one inspector and two clerks of said election, which shall be regulated and conducted according to the general election laws of this Commonwealth, so far as relates to receiving and counting votes, and who shall be subject to the same penalties for mal-practices as by the said laws are imposed. And the said

Election of council, burgess and high constable.

judges, inspector and clerks respectively, 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 shall 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 or refusal to accept, or neglect or refusal to act after acceptance, of any of the said offices, the burgess, or in case of his death, 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.

SECTION 3. From and after the passage of this act, 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 Brookville, in the county of Jefferson," 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, jurisdictions, 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, 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, or elsewhere, 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.

SECTION 4. 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 the sum of twenty dollars, which fine, and all other fines and forfeitures incurred and made payable in pursuance of this act, or of the by-laws and ordinances of the town council, shall be for the use of the corporation.

Style.

Capacities & privileges.

Penalty for refusing the offices aforesaid.

SECTION 5. The burgess and 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 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. Oath of office.

SECTION 6. 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, one person to act as street commissioner, 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 or laws of the United States or of this state, 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, or publication thereof in one or more newspapers printed in 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 voters 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. Power to pass ordinances, &c.

SECTION 7. The burgess elected and qualified as aforesaid, 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 by-laws, ordinances or regulations of said corporation, and the same to pay over to the treasurer; and the said burgess is hereby authorized and required to carry into complete effect all by-laws and ordinances enacted by the council, and whatever else shall be enjoined on him for the well ordering and governing of the said borough; he shall have jurisdiction in all disputes between the corporation and individuals, arising under the by-laws, ordinances and regulations thereof. 2d Proviso.

SECTION 8. It shall be the duty of the town clerk, to attend all the meetings of the town council, when assembled upon bu- Collection of taxes.

Duty of the clerk.

siness 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 of the act of the corporation, and his attestation, with the seal of the corporation, shall be good evidence of the thing or act so certified.

Treasurer & high constable to give security, &c.

SECTION 9. The treasurer and high constable shall severally give such security, as the town council shall approve, for the faithful discharge of the duties of their respective offices, and for the faithful payment of all monies which shall have come to their hands, by virtue of their respective offices, to such person or persons as shall be entitled to receive the same, and for the safe delivery, into the hands of their successors, all books and accounts, belonging to said corporation, which may be in their hands, upon demand being made, by the burgess, for that purpose.

Officers to render acc'ts.

SECTION 10. The street commissioner, 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, showing, particularly, the amount of taxes laid and collected, and of the expenditures.

High const. to give notice of elections.

SECTION 11. It shall be the duty of the high constable to give notice of the elections, by setting up advertisements, in four of the most public places in said borough, or publication in one or more newspapers printed in said borough, ten days previous thereto; he shall attend, and see that the same is opened at the time and in the manner directed by this act: *Provided*, That Thomas Hastings and Jared B. Evans, esquires, of the said town, or either of them, shall publish, notice, and see to the opening of the election, as aforesaid, to be held on the second Monday of May next, as hereinbefore directed.

Proviso.

Notice of the first election, how given.

SECTION 12. 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 shall take such order thereon as shall seem to them just and reasonable; which order, shall be final and conclusive against all parties.

Appeal to the Q. S.

Preamble.

WHEREAS, the burgess and council of the borough of Meadville, in the county of Crawford, have petitioned for an alteration in the laws incorporating said borough, stating that the provisions of the existing laws are insufficient to promote that order, utility, and convenience, for which they were designed; Therefore,

SECTION 13. The extent and boundaries of the borough shall still continue, as heretofore, except the lot of ground, now owned and occupied by Ashbel Clark, adjoining the east line of the borough, and south of, and adjoining the road running east from Chesnut street, shall be added to, and included in the borough of Meadville.

Eastern
boundary of
Meadville
extended.

SECTION 14. 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, shall on the first Monday in May next, at the court house, in said borough, and then and there, between the hours of one and six in the afternoon, elect by ballot one citizen, who shall be styled 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, as may be present at the court house, shall elect two 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, 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 said corporation. And in case of death, resignation, removal, or refusal to accept of any of the said offices, a new election shall be held, for the purpose of supplying such vacancy, in the manner herein provided.

Election of
burgess,
council and
high const. in
May, 1834.

SECTION 15. On the Friday next, after the said election, the members of the council, elected as aforesaid, shall be convened at the court house, in said borough, by order of the burgess, and then and there, shall by lot divide themselves into three classes, and the seats of 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 the third class, at the expiration of the third year, counting the year as commencing for corporate purposes, on the Friday preceding the third Saturday of March.

Council to be
divided into
3 classes.

SECTION 16. The inhabitants of said borough, entitled to vote as aforesaid, shall on the Friday preceding the third Saturday in 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 burgess, one high

Subsequent
elections.

Vacancies.

constable, and two members of the council, to supply the places of the members of the council, vacated in the manner hereinbefore mentioned, and a certificate of such election, shall be signed by the judges, and 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 death, resignation, removal, or refusal to accept of any of the said offices, or if it should at any time happen, that no election shall be holden on the day, and in the manner aforesaid, the burgess, or in his absence, or inability, or refusal to act, any member of the council 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, by five advertisements, set up in the most public places within the same; and, in the meantime, 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.

Constables, overseers of the poor, and auditors.

SECTION 17. The inhabitants of the said borough, qualified to vote for burgess and town council, as aforesaid, shall, at the same time and place, and in the manner directed by the preceding section of this act, elect two constables, two overseers of the poor, three freeholders, or inhabitants qualified to vote, as aforesaid, to audit and settle the accounts of the overseers of the poor; which said constables, overseers of the poor and auditors, so elected, shall have, use and exercise, all and every, the same duties and powers, in the said borough, and be subject to all and every, the same fines, penalties and forfeitures within the said borough, respectively, which are or hereafter shall lawfully be used by, and imposed upon like officers of the several townships, and the names of the said constables 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.

Style.

SECTION 18. From and after the first Monday in May next, the burgess and 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 Meadville, in the county of Crawford," and shall have perpetual succession, and shall be capable in law to have, require, receive, sell, purchase and possess goods, chattels, lands and tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors, in fee simple, or otherwise, not exceeding the yearly value of one thousand dollars, 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

Capacities & privileges.

this commonwealth, in all manner of actions, whatsoever, and to have and use one common seal, and the same, from time to time, to change and alter.

SECTION 19. If any person duly elected as burgess, member of the 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, shall neglect to discharge the same, according to law, every such person, so refusing or neglecting, shall, for every such offence, forfeit and pay the sum of eight 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, ordinances, rules and regulations of the burgess and council, shall be for the use of said corporation, and shall be recoverable in the same manner as debts of equal amount are, or shall hereafter be, by law recoverable, unless herein otherwise provided for, and when so recovered, shall be forthwith paid to the treasurer of the borough, and it shall be the duty of the officers of the 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, unless he shall have consented to serve a second time, within less than five years, by entering upon the duties of the office.

Penalty for
refusing
office.

Provido.

SECTION 20. The burgess, 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 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 or affirmations shall be recorded amongst the records of the corporation.

Oath of office

SECTION 21. It shall be the duty of the burgess and town council to meet as often as occasion may require; at which meetings the burgess shall preside, and in case of an equal division of the council, give the casting vote, and five members of the council, or four with the burgess, shall constitute a quorum to transact business; and the said burgess and council shall have power at such meetings to ordain and enact, revise, repeal and amend all such ordinances, by-laws, rules, and regulations as shall be deemed expedient to promote the peace, good order, benefit and accommodation of the citizens of said borough; to designate the width of side walks; to provide for the regulation of the markets; improve, repair and keep in good order the streets, alleys, side walks in the said borough; to vacate such part of any street or alleys as may have been rendered useless, from the laying out and making the canal through the town, the right of which, when vacated, shall be vested in the corporation; and to lay out other streets and alleys, where the same may be wanted; and to improve, and adorn the public square and

Meetings of
the burgess
and council,
and their
powers, &c.

public grounds; to regulate the depths of vaults, sinks, drains, pits for privies; make permanent rules for the foundations of buildings and party walls; regulate the fences, side posts, and railings along the streets and public square, and public grounds; and to improve and adorn the public square and public grounds; to remove all obstructions; to prohibit nuisances in the said borough; to prohibit and prevent the running at large of geese, sheep, goats, swine, dogs, horses, cattle, and other beasts in the said borough; and to authorize their seizure and sale, in such manner, as shall be provided by the ordinances of the said corporation; to impose fines and penalties, incurring partial or total forfeitures; and to require, and compel the owners of houses, stores, workshops, stables, buildings and lots to pave the side walks in front of their respective houses, stores, workshops, stables, buildings and lots on such streets, and public square and public grounds, and with such materials, as shall by the town council be deemed necessary and expedient; and the same to keep in repair, and to provide for 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; and to make and establish a sufficient number of reservoirs, to supply water in case of fire; and to prohibit the exhibition of plays, shows, mountebanks, jugglers, and all and every other exhibition or show, under such restrictions, fines, and penalties, as said burgess and council shall direct; and to require and compel the inhabitants of the said borough, to clean the chimneys and stove-pipes, in the buildings used and occupied by them, in such manner, and as often as the said burgess and council may regulate and direct; and also, to require and compel the owners of all houses, stores, and workshops, in the said borough, to provide and keep in good order such number of leather fire buckets, in proportion to the assessed value of the property owned, as the burgess and town council may direct; and the burgess of the said borough shall have power and authority, to form and organize as many fire companies, of the citizens of said borough, as there are, or shall be fire engines belonging to said borough; which fire companies shall be subject to the rules and regulations of a written constitution, which shall be signed by the members of said company or companies, and approved of by the burgess and council; and the said burgess and town council shall have power and authority to assess, apportion, raise, and appropriate such taxes, as shall be by them deemed necessary for repairing the streets, and for carrying the by-laws, ordinances, rules and regulations, and objects of general utility into complete effect; and also, to assess and collect a tax upon the owners and keepers of dogs; all by-laws, ordinances, rules, and regulations, shall be signed by the burgess, and attested by the town clerk, and entered in the records of the corporation; and also, to appoint, annually, one or more street supervisors,

a town clerk, a treasurer, clerk of the markets, and such other officers, as may from time to time be deemed necessary, and the same officers from time to time remove; and also, to make return to the commissioners of said county of all unseated lots in the said borough, in the same manner, as supervisors of the public roads are now authorized and required to do in the several townships in said county, whereon the same proceedings shall be had, as are now authorized by law for the collection of taxes on unseated lands: *Provided*, That no vacation of a street, alley, or material alteration or improvement of the public square, or public grounds, or the laying out of any new street or alley shall be of any avail, nor carried into effect, until the same shall have been returned to the court of Quarter Sessions of the said county, and approved and allowed by the court: *And provided*, That no by-law, ordinance, rule or regulations of the said corporation, shall be repugnant to the constitution or laws of the United States, or of this Commonwealth; and that no by-law, rule or regulation, shall be carried into operation until ten days have elapsed, after the publication thereof, by at least five advertisements, set up in five public places in the said borough, or a publication of the same in the newspapers of the borough, which publication shall be certified at the time in the record books of the corporation, by the town clerk, at the foot or margin of such by-laws, ordinances, rules or regulations; and such certificate shall be good evidence in all trials, arising from or touching the said by-laws, ordinances, rules or regulations: *And provided also*, That in laying and assessing 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 half 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.

Prowiso.

2d proviso.

3d proviso.

SECTION 22. It shall be the duty of the street supervisors to open and repair the streets in the said borough, and to erect and repair the bridges in the same, under the direction and supervision of the said burgess and town council.

Duties of street supervisors.

SECTION 23. The burgess elected and qualified agreeably to the provisions of this act, is hereby authorized 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 in pursuance of this act, or by the ordinances, by-laws, rules and regulations of the said corporation, and cause the same to be paid over to the treasurer; and the said constable or other fit person shall have the same power in enforcing the collection of said tax as the collectors of county tax in the commonwealth, and the said burgess is hereby authorized to carry

Collection of taxes.

into effect all by-laws or ordinances, rules and regulations enacted by the said burgess and town council, and whatsoever else shall be enjoined on him for the well ordering and governing of said borough; and the said burgess shall also have power to mitigate or remit fines and forfeitures in cases where it shall appear that the person or persons so fined did not intentionally offend, or on their having some other just and reasonable excuse, which excuse shall be satisfactorily proved to the said burgess.

Duties of the clerk.

SECTION 24. It shall be the duty of the town clerk to attend all sessions of the burgess and town council when assembled on the 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 on him by virtue of this act or acts of the corporation; and the attestation of the said town clerk, with the seal of the corporation, shall in all cases be good evidence of the act or thing so certified.

Treasurer to give security, &c.

SECTION 25. The treasurer shall give sufficient security for the faithful discharge of the duties of his office, and for the safe delivery of all books, papers and accounts appertaining thereto and of all moneys remaining in his hands, into the hands of his successors upon demand made for that purpose; and the high constable shall give sufficient security for the faithful discharge of the duties of his office and for the payment to the treasurer of all moneys he may collect by virtue of his said office, and also in pursuance of any precept that may be issued to him by the said burgess, for the collection of any taxes, fines, penalties or forfeitures; and for his services the said high constable shall be allowed such fees and compensation as are by law allowed to township constables for similar services, to be paid and collected in such manner as is by law provided in case of township constables as aforesaid: *Provided*, That this act shall not be so construed as to prevent the said burgess and town council from allowing any reasonable compensation for his services to be paid out of the treasury of the corporation.

Proviso.

High constable to give notice of elections.

SECTION 26. It shall be the duty of the high constable to give notice of the annual elections in said borough by setting up at least five advertisements in five of the most public places therein, at least ten days previous thereto, or by one or more advertisements published in the newspapers printed in said borough at least ten days before said election, and he shall attend and see that the election is opened at the time and in the manner directed by this act.

Council to fix compensation of officers.

SECTION 27. The said burgess and 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 either by money to be drawn from the borough treasury or

by fees of office for the services which may be rendered, as the said burgess and town council may from time to time provide for and direct.

SECTION 28. It shall be the duty of the said burgess and town council, at the expiration of each official year, to make a settlement and statements of the accounts of the said corporation, showing the amount of the receipts and expenditures of the same, together with the funds thereof, which said settlement and statement shall be published in the newspapers printed in said borough and filed among the records of the corporation. *Acc'ts of the borough to be settled and published annually.*

SECTION 29. 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, 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 bind all parties; and the inhabitants of said borough and persons holding property therein shall be competent witnesses in all actions arising under this act, or the by-laws and ordinances of this corporation. *Appeal to the Q. S.*

SECTION 30. So much of the original act of incorporation of the borough of Meadville, or the supplements thereto, as shall be altered or supplied by this act, are hereby repealed: *Repealing clause.* *Provided,* That this act shall not be so construed as to affect any act done by or any grant made to the corporation in pursuance to the acts heretofore made in reference to the said borough: *Proviso.* *And provided also,* That the officers of the borough shall continue in office until the next annual election, and until a burgess shall have been elected under this act. *2d proviso.*

SECTION 31. The town of Armagh, in the county of Indiana, shall be, and the same hereby is erected into a borough, which shall be called "the borough of Armagh, in the county of Name, Indiana," bounded and limited according to the original plan of said town, filed and remaining of record in the Court of Quarter Sessions of the peace of said county of Indiana. *Armagh. Boundaries.*

SECTION 32. 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, immediately previous to such election, to meet at the office of James Elliott, Esquire, in said borough, (or at such other place as may hereafter be appointed) on the second Monday of 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 in said borough, who shall be styled the burgess of said borough, and five reputable citizens, residing in said borough, who shall be a town council, and shall also elect one reputable citizen as high constable; but, previously to such election, the inhabitants shall elect two reputable citizens as judges, one inspector and two *Election of council, burgess and high constable.*

clerks of said election, which shall be regulated and conducted according to the general election laws of this commonwealth, so far as relates to receiving and counting votes, 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, respectively, 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, shall 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 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 or refusal to accept, or neglect or refusal to act, after acceptance of any of the said offices, the burgess, or in case of his death, 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.

Style.

Capacities & privileges.

SECTION 33. From and after the passage of this act, the burgess and town council, duly elected as aforesaid, and their successors, shall be one body politic and corporate in law, by the name, style and title of "The burgess and town council of the borough of Armagh, in the county of Indiana," 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, land and tenements, rents, liberties, jurisdictions, 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, 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, or elsewhere, 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.

**Penalty on refusing of
fice.**

SECTION 34. 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 the sum of twenty dollars, which fine, and all other fines

and forfeitures incurred and made payable in pursuance of this act, or of the by-laws and ordinances of the town council, shall be for the use of the corporation.

SECTION 35. The burgess and 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 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. *Oath of office.*

SECTION 36. 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 the council, 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, one person to act as street commissioner, 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 or laws of the United States, or of this State, 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, or publication thereof in one or more newspapers printed in 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 voters 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. *Meeting of the council, and their powers. Proviso. 2d proviso.*

SECTION 37. The burgess elected and qualified, as aforesaid, 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 by-laws, ordinances or regulations of said corporation, and the same to pay over to the treasurer; and the said burgess is hereby authorized and required to carry into complete effect, all by-laws and ordinances enacted by the council, and whatever else shall be enjoined on him, for the well-ordering and governing of the said borough; he shall have jurisdiction in all disputes between the corporation and indivi- *Collection of taxes.*

duals, arising under the by-laws, ordinances and regulations thereof.

Duties of the clerk. SECTION 38. 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 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 of the act of the corporation, and his attestation, with the seal of the corporation, shall be good evidence of the thing or act so certified.

High const. and treasurer to give security. SECTION 39. The treasurer and high constable shall severally give such security as the town council shall approve, for the faithful discharge of the duties of their respective offices and the faithful payment of all moneys, which shall have come to their hands, by virtue of their respective offices, to such person or persons as shall be entitled to receive the same, and for the safe delivery, into the hands of their successors, all books and accounts belonging to said corporation, which may be in their hands upon demand being made by the burgess for that purpose.

Acc'ts of officers to be settled and published. SECTION 40. The street commissioner, 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, showing particularly the amount of taxes laid and collected, and of the expenditures.

High const. to give notice of elections. SECTION 41. It shall be the duty of the high constable to give notice of the elections, by setting up advertisements in four of the most public places in said borough, or publication in one or more newspapers, printed in said borough ten days previous thereto; he shall attend and see that the same is opened, at the time and in the manner directed by this act: *Provided*, That Thomas Stewart and James Elliott, esquires, of the said town, or either of them, shall publish notice, and see to the opening of the election, as aforesaid, to be held on the second Monday of May next, as hereinbefore directed.

Proviso.
Notice of first election. SECTION 42. 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 shall take such order thereon, as shall seem to them just and reasonable, which order shall be final and conclusive against all parties.

Shrewsbury. SECTION 43. The town of Shrewsbury in the county of York, shall be and the same is hereby erected into a borough, which shall be called the borough of Shrewsbury, and shall be bounded and limited as follows, to wit: beginning at stones, thence by lands of Peter Ruhl and others, south seventy-two degrees,

Name.

Boundaries.

west one hundred and eighteen perches and an half to stones; south six and an half degrees, west one hundred and forty-seven perches and an half, to stones; south eight degrees, east two hundred and six perches, to stones; north seventy-two degrees, east one hundred and eighteen perches and an half, to stones; north eight degrees, west two hundred and six perches, to stones; north six degrees and an half, east one hundred and forty-seven perches and an half, to the place of beginning.

SECTION 44. The inhabitants of the said borough entitled to vote for the 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 May next, to meet at the house of Isaac Koller, innkeeper, in said borough, and annually thereafter, at such convenient place in the said borough as shall have been fixed on by the by-laws of the corporation for that purpose, and then and there, between the hours of one and six of 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 elect, as aforesaid, one citizen as a 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 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, inspector and clerks, before they enter on 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 shall 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 offices, or if it should at any time happen that no election shall 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

Election of
chief burgess,
council and
high const.

Proviso.

hold an election in the 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.

Style.**Capacities & privileges.**

SECTION 45. 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 Shrewsbury, and shall have perpetual succession; and the said chief 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, to 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 alter until it be otherwise directed by law.

Penalty for refusing office

SECTION 46. If any person duly elected chief burgess, assistant burgess, member of the town council or high constable as aforesaid, and having received due 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 him the duties of said office, shall neglect to discharge the same according to law, every person 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 recoverable before any justice of the peace, in the same manner as debts not exceeding one hundred dollars are recoverable by the laws of the 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 the 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.

Proviso.**Meetings of the council, and their powers.**

SECTION 47. The town council shall meet on the first 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 the said council, three of whom shall be a quorum, to hold quarterly meetings on the third Saturday in April, July, October and January in each year, and oftener if occasion requires; at which meetings they may enact, alter, re-

wise, 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 good order the streets, lanes, alleys and highways; ascertaining the depth of vaults, sinks and pits for necessary houses, and making permanent rules relative to the foundation of buildings, party walls and fences; they shall 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 the inhabitants of said borough shall be exonerated from the payment of all road taxes that may be assessed by the township of Shrewsbury for property within the borough limits; 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 officers from time to time to remove for misdemeanors in office: *Provided*, That no by-laws, rules or ordinances 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 shall have expired after the promulgation thereof by at least three advertisements set up in the most public places in the 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 three-fourths of the taxable inhabitants of said borough shall approve 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 before the chief burgess, assistant burgess, members of the town council and high constable shall enter on the duties of their respective offices, they 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, which certificates of said oaths and affirmations shall be filed among the records of said corporation.

SECTION 48. 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 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 authorized, to carry into effect all by-laws and ordinances enacted by the

Proviso.

2d proviso.

3d proviso.

Oath of office.

Collection of taxes, &c.

town council, and whatever else shall be enjoined on 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, when 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.

Duties of the clerk.

SECTION 49. 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.

Treasurer to give security.

SECTION 50. 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 thereto into the hands of his successors, upon demand made for that purpose.

Acc'ts of officers to be settled and published.

SECTION 51. 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 May, yearly, render their accounts, which being adjusted and settled, shall, forthwith, be published by the council, showing, particularly, the amount of taxes laid and collected, and all monies paid into the treasury, and the amount of expenditures.

C't of appeal.

SECTION 52. The chief burgess and 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 said tax, but may remedy any grievance that may occur in imposing the same.

Proviso.

High const. to give notice of election.

SECTION 53. 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 in time, and in the manner directed by this act: *Provided*, That the constable of the township of Shrewsbury, for the time being shall publish and superintend the election, to be held on the second Friday in May next, as hereinbefore directed.

Proviso.

Notice of first election.

Compensat'n of officers.

SECTION 54. 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 : *And provided also*, That no person appointed, as aforesaid, shall be liable to a fine for refusing or neglecting to serve more than once in five years. Proviso. 2d proviso.

SECTION 55. 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 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. Appeal to the C. P.

SECTION 56. The town of Greenfield, in the county of Washington, shall be, and the same is hereby erected into a borough, which shall be called the borough of Greenfield, and shall be bounded and limited as follows, to wit : beginning at a point on the Monongahela river, thence south thirty-five degrees, west twenty-one and ninety-four one-hundredth perches, thence north fifty-five degrees, west twenty-four and twenty-four one-hundredth perches, thence south thirty-five degrees, west twenty-four and twenty-four one-hundredth perches, thence north fifty-five degrees, west six and seventy-eight one-hundredth perches, thence south thirty-five degrees, west twenty-two and ninety-nine one-hundredth perches, thence north fifty-five degrees, west twenty-one perches, thence north forty-nine degrees, east two and three-tenth perches, thence north thirty-two degrees, west forty and two-tenth perches, thence north fifty-four degrees, east twenty-four, thence north thirty-five degrees, east fifteen and fifteen one-hundredth perches to the Monongahela river, and thence up the said river to the place of beginning. Greenfield. Name. Boundaries.

SECTION 57. The inhabitants of the said borough, entitled to vote for members of the general assembly, and who shall have resided within the same for six months immediately preceding the election hereinafter mentioned, shall, on the Friday preceding the third Saturday in May next, meet at the house of James S. Bowlin, in the said borough, and then and there, between the hours of one and six o'clock in the afternoon, elect, by ballot, one citizen who shall be styled 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 Election of burgess, council and high const.

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 house of James S. Bowlin, shall elect two 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, whereupon a certificate of the 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 death, resignation, removal, or refusal to accept, of any of the said offices, a new election shall be held, for the purpose of supplying such vacancy, in the manner hereinafter provided.

Council' to be divided into 3 classes. SECTION 58. On the Friday next after the said election, the members of the council, elected as aforesaid, shall be convened at the house of James S. Bowlin, in the said borough, by order of the burgess, and then and there shall, by lot, divide themselves into three classes, and the seats of 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 the third class at the expiration of the third year, counting the year as commencing for corporate purposes on the Friday before the third Saturday in May.

Subsequent elections. SECTION 59. The inhabitants of said borough, entitled to vote as aforesaid, shall, on the Friday preceding the third Saturday in May next, ensuing the election aforesaid, and on the same day in every year thereafter, meet at the house of James S. Bowlin, as aforesaid, and elect, in the manner aforesaid, one burgess; one high constable and two members of the council, to supply the places of the members of the council vacated in the manner hereinbefore 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 death, resignation, removal, or refusal to accept, of any of the said offices, or if it should at any time happen that no election shall be holden on the day and in the manner aforesaid, the burgess, or in his absence or inability or refusal to act, any member of the council 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, by five advertisements, set up in the most public places within the same, and in the meantime

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.

SECTION 60. The inhabitants of the said borough, qualified to vote for burgess and town council, as aforesaid, shall at the same time and place, and in the manner directed by this act, elect two constables; two overseers of the poor; four freeholders or inhabitants qualified to vote, as aforesaid, to settle the accounts of the overseers of the poor, which said constables, overseers of the poor, freeholders or inhabitants, chosen to settle the accounts of the supervisors and overseers of the poor, as aforesaid so elected, shall have, use and exercise all and every the same duties and powers, in the said borough, and be subject 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 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.

Overseers of
the poor,
constables &
auditors.

SECTION 61. From and after the Friday, preceding the third Saturday in May next, the burgess and council duly elected, as aforesaid, and their successors shall be one body politic and corporate, by the name and style of "the burgess and town council of the borough of Greenfield, in the county of Washington," and shall have perpetual succession; and shall be capable, in law, to have, require, receive, hold, purchase and possess, goods, chattels, lands and tenements, rents, liberties, jurisdictions, 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, 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.

Capacities &
privileges.

SECTION 62. If any person duly elected as burgess, member of the 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, or having taken upon himself the duties of said office, shall neglect to discharge the same according to law, every such 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

Penalty for
retus'g office.

act, or of any of the by-laws, ordinances, rules and regulations of the burgess and council, shall be for the use of said corporation, and shall be recoverable, in the same manner, as debts of equal amount are, or shall hereafter be, by law recoverable, unless, herein otherwise provided for, and when so recovered, shall be, forthwith, paid to the treasurer of the borough; and it shall be the duty of the officers of the 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.

Provisn.

Oath of office

SECTION 63. The burgess, 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 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 or affirmations shall be recorded amongst the records of the corporation.

Meetings and powers of the burgess and council.

SECTION 64. It shall be the duty of the burgess and town council to meet as often as occasion may require; at which meetings the burgess shall preside, and in case of an equal division of the council give the casting vote, and four members of the council shall constitute a quorum to transact business; and the said burgess and council shall have power at such meetings to ordain and enact, revise, repeal and amend all such ordinances, by-laws, rules and regulations as shall be deemed expedient to promote the peace, good order, benefit and accommodation of the citizens of said borough; to designate the width of side walks; improve, repair and keep in good order the streets, alleys, side walks and public grounds in the said borough; to regulate the depth of vaults, sinks, drains, pits for privies; make permanent rules for the foundations of buildings and party walls; regulate the fences, side posts and railings along the streets and public grounds, and to improve and adorn the public grounds; to remove all obstructions and nuisances in the said borough; to prohibit and prevent the running at large of geese, sheep, goats, swine, dogs, horses, cattle and other beasts in the said borough, and to authorize their seizure and sale in such manner as shall be provided by the ordinances of the said corporation; to impose fines and penalties incurring partial or total forfeitures, and to require and compel the owners of houses, stores, workshops, stables, buildings and lots to pave the side walks in front of their respective houses, stores, workshops, stables, buildings and lots on such streets and public grounds and with such materials as shall by the town council be deemed necessary and expedient, and the same to keep in repair; and to provide for 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 ; and to make and establish a sufficient number of reservoirs to supply water in case of fire ; and to prohibit the exhibition of plays, shows, mountebanks, jugglers and all and every other exhibition, under such restrictions, fines and penalties as the said burgess and council shall direct ; and to require and compel the inhabitants of the said borough to clean the chimneys and stove pipes in the buildings used and occupied by them in such manner and as often as the said burgess and council may regulate and direct ; and also to require and compel the owners of all houses, stores and workshops in the said borough, to provide and keep in good order such number of leather fire buckets, in proportion as the assessed value of the property owned, as the burgess and town council may direct. And the burgess of the said borough shall have the power and authority to form and organize as many fire companies of the citizens of said borough as there are or shall be fire engines belonging to said borough ; which fire companies shall be subject to the rules and regulations of a written constitution, which shall be signed by the members of said company or companies and approved of by the burgess, council, and members of said fire companies, while they continue as such, and subject to the rules and regulations contained in the said constitutions, shall be and are hereby exempt from militia duty ; and the said burgess and town council shall have power and authority to assess, apportion, raise and appropriate such taxes as shall be by them deemed necessary, for repairing the streets and for carrying the by-laws, ordinances, rules and regulations and objects of general utility into complete effect ; and all by-laws, ordinances, rules and regulations shall be signed by the burgess and attested by the town clerk, and enter in the records of the corporation ; and also to appoint annually one or more street supervisors, a town clerk, a treasurer and such other officers as may from time to time be deemed necessary, and the same officers, from time to time, remove, and also to make return to the commissioners of said county, of all unseated lots in the said borough, in the same manner as supervisors of the public roads are now authorized and required to do, in the several townships in said county, whereon the same proceedings shall be had, as are now authorized by law, for the collection of taxes on unseated lands ; *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 by-law, ordinance, rule or regulation shall be carried into operation, until ten days have elapsed after the publication thereof, by at least five advertisements, set up in five public places in the said borough, which publication shall be certified at the time in the record books of the corporation, by the town clerk, at the foot or margin of such by-laws, ordinances, rules and regulations, and such certificate shall be good evidence, in all trials arising from or touching the

2d proviso. said by-laws, ordinances, rules and regulations: *And provided also,* That in laying and assessing such taxes, 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 half 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.

Duty of the street supervisor.

SECTION 65. It shall be the duty of the street supervisors, to open and repair the streets in the said borough, and to erect and repair the bridges and causeways in the same, under the direction and supervision of the said burgess and town council.

Collection of taxes, &c.

SECTION 66. The burgess, elected and qualified agreeably to the provisions of this act, is hereby authorized 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 in pursuance of this act, or by the ordinances, by-laws, rules and regulations of the said corporation, and cause the same to be paid over to the treasurer, and the said constable, or other fit person, shall have the same power in enforcing the collection of said tax as the collectors of county tax in the commonwealth, and the said burgess is hereby authorized to carry into effect, all by-laws, ordinances, rules and regulations enacted by the said burgess and town council, and whatsoever else shall be enjoined upon him for the well ordering and governing of said borough, and the said burgess shall also have power to mitigate or remit fines and forfeitures, in cases where it shall appear that the person or persons so fined did not intentionally offend, or on their having some other just and reasonable excuse, which excuse shall be satisfactorily proved to the said burgess.

Duty of the clerk.

SECTION 67. It shall be the duty of the town clerk to attend all sessions of the burgess and town council, when assembled on the 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 on him by virtue of this act, or acts of the corporation, and the attestation of the said town clerk, with the seal of the corporation, shall in all cases be good evidence of the act or thing so certified.

Treasurer to give security

SECTION 68. The treasurer shall give sufficient security for the faithful discharge of the duties of his office, and for the safe delivery of all books, papers and accounts, appertaining thereto, and of all moneys remaining in his hands, into the hands of his successors, upon demand made for that purpose, and the high constable shall give sufficient security for the faithful discharge of the duties of his office, and the payment to the

treasurer of all moneys he may collect by virtue of his said office, and also in pursuance of any precept that may be issued to him, by the said burgess, for the collection of any taxes, fines, penalties or forfeitures, and for his services the said high constable shall be allowed such fees and compensation, as are by law allowed to township constables for similar services, to be paid and collected in such manner as is by law provided in case of township constables as aforesaid: *Provided*, That this act shall not be so construed as to prevent the said burgess and town council from allowing any reasonable compensation for his services, to be paid out of the treasury of the corporation.

SECTION 69. It shall be the duty of the high constable to give notice of the annual elections in said borough, by setting up at least five advertisements in five of the most public places therein, at least ten days previous thereto, and he shall attend and see that the election is opened at the time and in the manner directed by this act. High const. to give notice of elections.

SECTION 70. The said burgess and town council shall, from time to time, affix the compensation of the high constable, town clerk, treasurer, and such other officers as may be appointed under this act, which compensation shall be paid either by money to be drawn from the borough treasury, or by fees of office for the services which may be rendered, as the said burgess and town council may, from time to time, provide for and direct. Compensat'n of officers.

SECTION 71. It shall be the duty of the said burgess and town council, at the expiration of each official year, to make a settlement and statement of the accounts of the said corporation, shewing the amount of the receipts and expenditures of the same, together with the funds thereof, which said settlement and statement shall be published in the newspapers printed in said borough, and filed among the records of the corporation. Acct's to be settled and published annually.

SECTION 72. 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, 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 bind all parties. Appeal to the C. P.

SECTION 73. The inhabitants of said borough, and persons holding any property therein, (paupers supported by the borough only excepted) shall be competent witnesses in all actions arising under this act, or the by-laws and ordinances of this corporation. Inhabitants competent witnesses, &c

WM. PATTERSON,

Speaker of the House of Representatives.

JACOB KERN,

Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred and thirty-four.

GEO: WOLF.