

No. 160.

AN ACT

To erect the towns of Wrightsville and Westphalia, in the county of York, into a borough, to be called the borough of Wrightsville.

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 villages of Wrightsville and Westphalia, in the county of York, shall be and the same is hereby erected into a borough, which shall be called the borough of Wrightsville, and shall be bounded and limited as follows, viz : Beginning at a birch tree on the river Susquehanna, at the foot of Bridge street ; thence along Bridge street and land of William Wright, south seventy-five degrees, west ninety-five perches, to a black oak on the land of James Wright ; thence along said land to Fourth street ; thence along the west side of said street, south twelve and a half degrees, west eighty-nine perches and a quarter, to the north side of Locust street ; thence along the north side of said street, south seventy-seven degrees, west ninety-eight perches to a post on Jonathan Mifflin's land ; thence along the line of said land, south twelve and a half degrees, east twenty-six and a half perches, to the middle of Hellam street ; thence along said street, north seventy-seven degrees, east one hundred and eighteen perches and a half, to the west side of Third street ; thence along said street south twenty-two degrees, east fifty-six perches, to the south side of a street adjoining lands of Joseph Detwiler ; thence along said street north sixty-eight degrees, east twenty perches, to the west side of Barnes' alley ; thence south twenty-three degrees, east twenty-eight perches, to a post on Joseph Detwiler's land ; thence south two degrees, east forty-eight perches to a Hackbury tree ; thence south thirty-six and a half degrees, east eighty perches, to a hickory stump ; thence north seventy-eight and a half degrees, east eighty six perches, to a poplar stump ; thence north twelve and a half degrees, west twenty-four perches, to the river Susquehanna, at the mouth of Creitz creek ; thence north-west by the said river three hundred and sixteen perches to the place of beginning. Boundaries and limits.

SECTION 2. The inhabitants of 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 Jacob Rie- man, innkeeper, in said borough, and annually thereafter, at

Elections,
when & how
held.

such convenient place in 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, 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 inspector and two 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 as 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 for said county, to perform the same with fidelity, and after the said election shall be closed, shall declare the persons having the greater 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 the 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 should be holden on the day and 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 precepts, directed to the high constable, to 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.

Proviso.

Name and
style.

Capacities &
privileges.

SECTION 3. 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 Wrightsville, 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 five 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 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 otherwise directed by law.

SECTION 4. If any person or inhabitant of the said borough, duly qualified to elect as aforesaid, shall be elected to the office of chief burgess, and having notice of his election, shall refuse to undertake and execute that office, every person so refusing, shall forfeit and pay a fine of fifteen dollars; and if any other person, duly qualified as aforesaid, shall be duly elected or appointed in pursuance of this act, to any other office in said borough, and having notice of his election or appointment, shall refuse to undertake and execute the duties of that office, every person so refusing shall forfeit and pay a fine of ten dollars, which fines, forfeitures, and all others, 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 this Commonwealth, and shall be paid to the treasurer of the borough; and it shall be the duties of the officers of the 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 four years.

Penalty on refusal to hold office.

Proviso.

SECTION 5. The chief burgess shall take and subscribe an oath or affirmation, before any justice of the peace for the county of York, to support the constitution of the United States and of this State, and an oath or affirmation well and truly to execute the office of Burgess of the borough of Wrightsville, and when so qualified, he is hereby authorized to administer an oath or affirmation to the assistant burgess, town council, high constable and town clerk, in manner and form aforesaid, before they enter on the duties of their respective offices, the certificates of which oaths and affirmation shall be filed among the records of the said corporation.

Oath of office.

SECTION 6. 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 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, 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 regula-

Meetings of

a town council.

3 a quorum.

Quarterly meetings.

Powers.

tions of markets, improving, repairing and keeping in good order, the streets, lanes, alleys and highways, and removing nuisances and obstructions therefrom, ascertaining the depth of vaults, sinks, 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 also may appoint a town clerk, treasurer, street supervisor or supervisors, 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-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 any by-law or ordinance of the said corporation until ten days have expired after the promulgation thereof, by at least three advertisements or copies of the said by-laws or ordinances set up in the most public place 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 tax shall not in any one year exceed one half cent on 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 and certify the same in writing under their hands, to the town council, who shall proceed to assess the same accordingly; and the inhabitants of said borough shall be exonerated from the payment of all road taxes that may be assessed by the township of Hellam, for property within the borough limits; they shall also have power to make by-laws or ordinances to prevent horses and hogs from running at large within the limits of said borough, and are also to levy and collect a tax on the owners of dogs and bitches, not exceeding fifty cents for each dog or two dollars for each bitch in any one year, and in case public safety should require it at any time to pass an ordinance authorizing any persons to shoot or kill all dogs or bitches within the said borough, not confined by their owners: *And provided further*, That all out lots, farming lots, and lands, included within the limits of said borough, shall not be subject to higher taxation in each and every year, than the ratio laid or assessed by the township of Hellam for roads and public highways.

Proviso.

2d proviso.

3d proviso.

**Powers of
the chief bur-
gess.**

SECTION 7. 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 town council, and whatever shall be enjoined on him or them for the well ordering and governing of 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.

SECTION 8. It shall be the duty of the town clerk to attend all meetings of the town council, when assembled on business of the corporation, and perform the business 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 town clerk.

SECTION 9. The treasurer shall give sufficient security for the faithful discharge of the duties of his office, and for the delivery of all moneys, books and accounts appertaining thereto into the hands of his successor, upon demand made for that purpose.

Treasurer to give security.

SECTION 10. The street supervisor, treasurer, high constable, clerk, collector and all other officers that may be appointed by the corporation or council, shall in the month of May, 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, showing particularly the amount of taxes laid and collected, and all moneys paid into the treasury, and the amount of the expenditures; and in case any of the officers of the corporation shall fail or neglect to perform any duty enjoined upon him by this act, or by the ordinances of the town council, he shall forfeit and pay a fine, for the use of the said corporation, at the discretion of the said council, not exceeding five dollars, and if the said person has been appointed by the town council he may be removed from office by the said council, and his place be supplied by the appointment of another person.

Officers to render acc'ts to the council for settlement

SECTION 11. It shall be the duty of the high constable to give notice of the election, by setting up advertisements in at least three public places in the said borough, five days previous thereto, and shall attend and see that the same is opened at the time and in the manner directed by this act: *Provided*, That Samuel Mann and George Green, of the said towns, or either of them, shall publish and superintend the election to be held on the second Friday of May next, as hereinbefore directed.

High const. to give notice of election. Proviso.

SECTION 12. It shall be lawful for all persons entitled by law to vote for burgess and other officers of the borough of Wrightsville, at the same place where they vote for said officers, on the second Friday of May next, and annually thereafter, at

Manner of appointing constable.

such time as is provided by law for the election of constables throughout this Commonwealth, to elect two reputable citizens of the said borough, and return the names of the persons so elected, to the next court of quarter sessions of the said county; one of whom shall be appointed constable of said borough, in the same manner, with like power and authority, and receive like fees, and be subject to the same regulations and penalties as are provided and contained in the laws now existing, or may hereafter be passed concerning constables within this commonwealth, and shall serve and execute all manner of process which may by law be directed to the constable of said borough, and the constable so appointed, shall do and perform all the duties required to be done by the high constable of said borough, in pursuance of this act, and of the by-laws and ordinances of said borough. Notice of such election shall be given as is provided in the preceding section.

C't of appeal,
how constitu-
ted.

Proviso.

SECTION 13. The chief burgess, assistant burgess and president of town 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 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, and to remedy any grievance that may occur in imposing the same.

Town council
to fix com-
pensation of
officers.

SECTION 14. 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 or under the by-laws or ordinances of said council, which compensation shall be paid out of the borough treasury, by orders drawn thereon, and all orders for the payment of money from the treasury shall be granted by the town council, signed by the president and countersigned by the town clerk.

To give no-
tice of any
by-law they
may enact.

SECTION 15. It shall be the duty of the town council to cause public notice of any by-law or ordinance which they may enact, to be given in written or printed handbills, to be set up at three of the most public places within the borough, at least ten days before any such by-law or ordinance shall take effect.

In absence of
chief burgess,
ass't burgess
to act.

SECTION 16. The chief burgess, or in his absence or inability to act, the assistant burgess shall have power at all times when occasion may require, to call a meeting of the council, and lay before them any matter he may think proper for their consideration, and for which purpose he may issue his precept to the high constable, commanding him to give notice to the members of council that a meeting of council will be held at a certain time and place, to be appointed by the said burgess.

SECTION 17. If any person or persons shall think him, her or themselves aggrieved by any thing done in pursuance of this

get, except 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 thereon as shall seem just and reasonable, the same shall be conclusive.

WM. PATTERSON,

Speaker of the House of Representatives.

JACOB KERN,

Speaker of the Senate.

APPROVED—The fourteenth day of April, Anno Domini, eighteen hundred and thirty-four.

GEO WOLF.

No. 161.

AN ACT

Authorizing the Governor to incorporate the Bridgeport and Flat Rock Turnpike Road Company, in Montgomery county.

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 William Crawford, Thomas Kittera, Robert T. Potts, William Yocum, Davis Henderson, Morris McClenachan, Bethel Moore, Samuel Young, John Supplee, Philip S. Markley, James Anderson, Evin Jones, L. Merion, William Holstain, Andrew Shainfine, George Holstain and Mordecia R. Moore, *Commissioners.* are hereby appointed commissioners to do and perform the several things hereinafter mentioned: that is to say, they shall, on or before the first day of June next, procure one or more books, and enter therein as follows: "We whose names are hereunto subscribed, promise to pay to the Bridgeport and Flat Rock turnpike road company, forty dollars for each and every share of stock set opposite to our respective names, in such manner and in such proportions as shall be determined by the president and managers of said company, in pursuance of an act of the General Assembly, entitled "An act authorizing the Governor to incorporate the Bridgeport and Flat Rock turnpike road company," and they shall give notice, in at least two newspapers printed in the borough of Norristown, and one newspaper printed in the city of Philadelphia, three successive weeks, of the time and place or places when and where the said books will be opened to receive subscriptions for the stock of the said company, at which time and place or places some one of the

Commissioners.

Form of subscription.

Notice of the opening of the books.