

welfare, the power thereof, to repeal this act or any part of it, shall not on any conditions be denied, or impaired, but such repeal shall not affect any engagement to which said company may become a party previously thereto.

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

P. C. LANE, *Speaker of the Senate.*

APPROVED—the sixth day of March, one thousand eight hundred and twelve.

SIMON SNYDER.

CHAPTER LIX.

An ACT to erect the towns of Waterford and New-Haven, in the county of Lancaster, into a borough.

SECT. I. 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 towns of Waterford and New-Haven, in the county of Lancaster, shall be, and the same are hereby erected, into a borough, which shall be called "MARIETTA," which borough shall be comprised within the following boundaries, to wit; beginning at a post at the river Susquehanna; thence extending along the line of lands of James Anderson, and the late Samuel Evans, deceased, north, twenty-seven degrees and a quarter, east one hundred and thirty-six perches, to a post; thence along the lands of James Anderson, Anthony Haines, David Cook, and Henry Cassel, north seventy-eight degrees and a quarter, east three hundred and twenty-four perches, to a post; thence down the lands of the said Henry Cassel, south two degrees and three quarters east, one hundred and eight perches to the river Susquehanna aforesaid, at a corner of land of said Henry Cassel and Christian Hershey; thence up the said river on the several courses thereof, three hundred and ninety perches, to the place of beginning.

Waterford and New-Haven erected into a borough—Name of. And boundaries.

SECT. II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for all persons, entitled to vote for members of the legislature, who have resided in the said borough, twelve months previously to such election, to meet at the school-house, in the said borough, (or at such other place as may hereafter be appointed,) on the second Tuesday of April, 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 freeholder residing therein, who shall be styled "The burgess of said borough," and five reputable freeholders residing therein, who shall be a town council; and shall also elect as aforesaid, one reputable freeholder, a high constable; but previously to such election, the inhabitants shall

Who may vote, &c.

Annual elections.

Borough officers.

How elections to be conducted.

elect two reputable citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated and conducted according to the general election law 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 law is imposed, and the said judges, inspectors, and clerks, respectively, before they enter upon the duties of their 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 person 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, refusal to accept, or neglect, or refusal to act after acceptance, of any of the said officers, 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 where 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.

Lots to decide between candidates equal in votes.

How returns of elections to be made.

How vacancies are to be supplied.

Burgess and town council to be a body corporate.

Style of.

Powers and privileges.

SECT. III. *And be it further enacted by the authority aforesaid,* That from and after the second Tuesday in April next, 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 Marietta;" 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, 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.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if any person duly elected as aforesaid, 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 ten 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.

Penalty on officers refusing to serve.

How appropriated.

SECT. V. *And be it further enacted by the authority aforesaid,* That the burgess and town council, and constable, and each offices, shall take an oath or affirmation, before any justice of of them, before entering upon the duties of their respective 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.

Officers to take an oath, &c.

SECT. VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the burgess, and town council aforesaid, 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 the said borough, particularly of providing for the regulation of the market-streets, alleys and highways, therein, and making permanent rules relative to the foundations of buildings, party walls, and fences, they shall have power to assess, apportion, and appropriate, such taxes as shall be determined by a majority of them, necessary for carrying the said by-laws, rules and regulations into complete effect; and also to appoint a town clerk, treasurer, two persons to act as street and road commissioners, 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 commonwealth; 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 ; *And provided also,* that no tax shall be laid in any one year, on the valuation of taxable property, exceeding one quarter of a cent in the dollar, unless some object of general utility shall be thought necessary, in which case a majority of the freeholders of said borough, by writing under their hands, shall approve of, and certify the same to the town council, who shall proceed to as-

Of meetings.

By-laws. Rules and regulations.

Taxes.

Town clerk, treasurer, and road commissioners, to be appointed.

Proviso.

By-laws to be 3 weeks published, before the penalty can be demanded.

Limitation of taxes.

When out-lots may be taxed.

sess the same accordingly ; *provided always nevertheless*, that all out-lots included within the limits of said borough, shall not be subject to taxation, until they are laid out in town-lots, or built upon.

Of the collection of taxes, fines, &c.

SECT. VII. *And be it further enacted by the authority aforesaid*, That the burgess elected and qualified agreeably to this act, 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 ordinances and regulations of the corporation ; and the same to pay over to the treasurer ; and the said burgess is hereby authorized to carry into effect, all by-laws, enacted by the council, and whatever else shall be enjoined upon him, for the well-ordering and governing the said borough ; he shall have jurisdiction in all disputes between the corporation and individuals, arising under the by-laws, regulations and ordinances ; and that the town council shall be a court of appeal, a majority of whom shall be a quorum ; 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 the appeal ; *Provided nevertheless*, that 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.

Monies to be paid to the treasurer.

Duties of the burgess.

And jurisdiction.

Powers and duties of the town council.

Notice of the amount of tax to be given.

Proviso.

Town clerk to attend meetings, &c.

SECT. VIII. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the town clerk to attend all meetings of the town council, when assembled on 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 acts of the corporation ; and his attestation, with the seal of the corporation, shall be good evidence of the thing or act so certified.

Other duties of.

Treasurer to give security, &c.

SECT. IX. *And be it further enacted by the authority aforesaid*, That the treasurer shall give security, for the faithful discharge of the duties of his office, and for the safe delivery, into the hands of his successors, of all monies, books, and accounts, appertaining thereto, upon demand being made by the burgess for that purpose.

How the corporation accounts to be settled.

SECT. X. *And be it further enacted by the authority aforesaid*, That the street commissioners, 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, shewing particu-

And published.

larly the amount of taxes laid and collected, and of the expenditures.

SECT. XI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the high constable to give notice of the elections, by setting up advertisements in the market, and three other public places in the said borough, ten days previously thereto, he shall attend and see that the same is opened at the time and in the manner directed by this act; *Provided,* that David Cooke, and James Anderson, of the said towns, or either of them, shall publish and superintend the election to be held on the second Tuesday of April next, as herein before directed.

How notice of elections to be given. Duties of the high constable. D. Cooke and J. Anderson to superintend the first election.

SECT. XII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall think him, her or themselves aggrieved, by any thing done in pursuance of this act, 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 having taken such order therein as shall seem to them just and reasonable, the same shall be conclusive against all parties.

Appeals may be had to the court of quarter sessions.

JOHN TOD, *Speaker*
of the House of Representatives.
P. C. LANE, *Speaker of the Senate.*

APPROVED—the sixth day of March, one thousand eight hundred and twelve.

SIMON SNYDER.

CHAPTER LX.

An ACT to exonerate from the effects of a judgment, the estate of the late Frederick Antes, deceased.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That as soon as Frederick Evans, administrator of the late Frederick Antes, deceased, shall have received from the commissioners of taxes of Northumberland county, one hundred and twenty-nine pounds, eleven shillings, being the amount due the said decedent for his commission and mileage, on his whole receipts and payments, as county treasurer, and shall have paid the same to the state treasurer, he the said administrator, and the estate of the said Frederick Antes, shall be exonerated from the payment of six hundred and one pounds, thirteen shillings, and five pence; for which judgment was had in the court of common pleas of Northumberland county,

The estate of F. Antes exonerated from the effects of a certain judgment.