

CHAPTER LXXX.

An ACT to erect the town of Orwigsburg, in the county of Schuylkill, 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 town of Orwigsburg, in the county of Schuylkill, shall be, and the same is hereby erected into a borough, which shall be called the borough of Orwigsburg, and shall be comprised within the following boundaries, to wit, beginning at a chesnut sapling marked for a corner, on the land of Jacob Orwig; thence extending through lands of the said Jacob Orwig and Daniel Strohecker, north sixty-eight degrees, west one hundred and eighty-eight perches, to a white pine stump standing on lands of Philip Hey, George Kimmel, and company; thence extending by the same and land of Peter Frailey, north twenty-six degrees, west seventy-one perches, to a stone in the middle of the Centre turnpike road; thence extending through land of George Hillegas, north twenty-two degrees, east seventy perches to a chesnut sapling; thence by the same, and through lands of Daniel Strohecker, Abraham Lantzer, Jacob Orwig, Wendel Seip, George Kimmel, and John Kelly, south sixty-eight degrees, east two hundred and sixty perches, to a white-oak standing on the land of said George Kimmel; thence through the same, and land of said Wendel Seip, and Jacob Orwig, south twenty-nine degrees, west one hundred and twenty-four perches, to the first mentioned place of beginning.

SECT. II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the citizens of said borough, entitled to vote for members of the general assembly, on the first Monday of May in every year, to elect by ballot, two respectable citizens to be burgesses of the said borough, and that the person having the greatest number of votes shall be styled the chief burgess, and also to elect five suitable persons assistants, or common council men, for advising, aiding, and assisting the said burgesses in the execution of the powers and authorities hereby given them; and also to elect a high constable, and a town clerk, who shall be residents in the said borough of Orwigsburg; *provided,* that no person shall be entitled to vote at the election, or to be elected to any of the said offices, unless he shall have been a resident in the said borough of Orwigsburg at least one whole year previous to the time of such election.

SECT. III. *And be it further enacted by the authority aforesaid,* That the election for the officers aforesaid, shall be holden at the house where the court is now held, and after a court-house shall be built at the court-house in the following manner, to wit, the constable of the township of Brunswig for the time being, and the

Orwigsburg
erected into a
borough.

Its boundaries.

Burgesses, &c.
to be elected.
Time and mode
of election.

Qualification of
electors.

Place of holding
elections.

Constables duties
relative thereto.

high constable so as aforesaid elected, or appointed in the manner hereinafter mentioned, in every succeeding year, shall give notice of such election, at least six days before the time appointed for holding the same, by advertisements set up at six or more of the most public places within the said borough; and at the election to be holden the present year, the constable of Brunswig township, and two respectable citizens to be chosen by the electors of the said borough for that purpose, and at every succeeding election the burgesses and assistants or a majority of them, shall hold the said election, receive and count the ballots, and declare the persons duly elected; whereupon duplicate certificates of the persons so elected, shall be signed in the present year by the two citizens chosen as aforesaid, and in every succeeding year by the burgesses, one whereof shall be transmitted to the clerk of the court of quarter sessions of the county, within twenty days after the said election, and the other filed among the records of the corporation; and at any election held as above directed, should the two persons highest in votes for burgesses, have an equal number of votes, the preference shall be determined by lot to be drawn by any justice of the peace of said county upon application to him made by either of the parties, and if it should at any time happen through neglect, that no election shall be holden on the day aforesaid, in the mode herein before prescribed, the chief burgess, or in his absence, or inability to act, the assistant burgess shall issue his precept, directed to the high constable, to hold an election in manner aforesaid, giving at least six days notice of such election, by at least six advertisements, set up in the most public places in said borough.

Who to hold the elections for the present year.

And who thereafter.

Duties enjoined on burgesses, &c.

Mode of deciding disputed elections.

Remedy for neglect of holding elections at the proper time.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the burgesses and assistants so chosen, or a majority of them, shall have full power and authority to make such ordinances rules and regulations, as may be necessary for improving and keeping in order the streets, lanes and alleys within the said borough, and removing nuisances or obstructions therefrom, and the same to annul, alter or make anew, as occasion may require, and also to assess, levy, and collect a tax for the said purposes, and shall have all other powers necessary for the well-ordering and better government of the said borough: *provided*, that the said ordinances, rules or regulations, shall not be repugnant to the constitution and laws of this commonwealth; *and provided also*, that no tax shall be laid by them in any one year, to exceed one cent in the dollar on the valuation of taxable property, taken from the last assessment, until the same is agreed to by a majority of the electors at the town meeting, assembled for that purpose, called together by the said burgesses and assistants, or by a request in writing of at least six of the inhabitants of said borough, duly qualified to elect as aforesaid, to the said burgesses, who shall require the high constable to give five days notice

Burgesses, &c.
Powers, to make by-laws.

Remove nuisances.

Assess taxes.

1st Proviso.

2nd Proviso.

Relative to amount of assessments.

Not more than one cent on the dollar unless by consent of a majority of the electors.

Mode of taking the sense of the electors.

of such intended town-meeting, by advertisements fixed up in not less than six of the most public places within the said borough, notifying the time, place, and object of the said town meeting; and all taxes which may be assessed or laid within the said borough, shall, as near as the same is practicable, be conformable to the laws for raising county rates and levies.

Assessments to be as conformable as may be to general law on the subject of taxation.

Style of corporation.

Powers and privileges.

SECT. V. *And be it further enacted by the authority aforesaid,* That the said burgesses and freemen duly qualified to elect as aforesaid, and their successors, forever hereafter, shall be one body politic and corporate, in and by the name of, "The Burgesses and Inhabitants of the Borough of Orwigsburg, in the county of Schuylkill." shall have perpetual succession, and they and their successors, by the name of the burgesses and inhabitants of the borough of Orwigsburg, shall at all times hereafter, be persons able and capable in law, to have, get, receive and possess, lands, tenements, rents, liberties, jurisdictions franchises and hereditaments, to them and their successors, in fee simple or for term of lives, life, years or otherwise; and also goods and chattels, and other things of what nature or kind soever; and also to give, grant, let, sell, and assign the same lands, tenements, hereditaments, goods and chattels, and to do and execute all other things about the same, by the name aforesaid; and they shall forever hereafter be persons able and capable in law to sue and be sued, plead and be impleaded, and answer and be answered unto, defend and be defended, in all or any courts within this commonwealth, in all manner of actions, suits, complaints, pleas, causes and matters whatsoever; and that it shall and may be lawful to and for the said burgesses and inhabitants aforesaid, and their successors forever hereafter, to have and use one common seal for sealing of all business whatsoever touching the said corporation, and the same from time to time at their will to change and alter; and the said burgesses and assistants shall have full power to appoint such other officers within the said borough as shall be necessary to carry into complete effect the provisions of this act.

Penalty for refusing to accept an office.

More whom recovered.

SECT. VI. *And be it further enacted by the authority aforesaid,* That if any person an inhabitant of the said borough, and duly qualified to elect as aforesaid, shall be elected to the office of 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 twenty dollars; and if any person duly qualified as aforesaid, shall be duly elected to any other office in the said borough, created by this act, and having notice of his election, shall refuse to undertake and execute the duties of that office, every person so refusing, shall forfeit and pay the sum of ten dollars, which fines and forfeitures, and all others in pursuance of this act, or of the by-laws of the said burgesses and inhabitants, shall be recovered before any justice of the peace of that

county, for the use of the said corporation, and in such case of refusal, the acting burgesses shall issue their process directed to the high constable, requiring him to hold an election for the choice of some other fit person or persons in the stead of such as shall refuse; *provided*, that no person shall be compelled to serve more than one in any term of five years: *and provided also*, that if any person or persons shall conceive him or themselves aggrieved by the judgment of any justice of the peace, by virtue of this act he or they may appeal to the next county court of common pleas, who shall, on the petition of the party, take such order therein as to them shall appear just and reasonable, and the same shall be conclusive to all parties.

How vacancies to be filled.

Proviso, for an appeal.

SECT. VII. *And be it further enacted by the authority aforesaid*, That the chief burgess shall take and subscribe on oath or affirmation before one of the associate judges, or a justice of the peace for the county of Schuylkill, 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 chief burgess of the borough of Orwigsburg, and when so qualified, he shall administer an oath or affirmation to the other burgess, assistants, high constable and town clerk, in manner and form aforesaid, before they shall enter on the duties of their respective officers.

Chief burgess to take an official oath.

Also the assistants, &c.

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

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

APPROVED—the twelfth day of March, one thousand eight hundred and thirteen.

SIMON SNYDER.

CHAPTER LXXXI.

A SUPPLEMENT to an act, entitled, "An act to organize for judicial purposes, the counties of Bradford, Tioga and Susquehanna, and for other purposes."

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 no suit or prosecution commenced in the courts of Luzerne and Lycoming counties, previous to the full and perfect organization of Bradford, Tioga and Susquehanna counties, shall be delayed, discontinued, or affected by the act to which this is a supplement; but the same process shall issue, and the same acts be done on all suits and prosecutions, and on all judgments thereon, by the sheriffs of Luzerne and Ly-

Suits commenced in the courts of Luzerne and Lycoming counties before the organization of Bradford, Tioga, and Susquehanna, not to be affected by the act to which this is a supplement.

* The original reads, "on oath," &c