

CHAPTER XLVIII.

An ACT to incorporate the town of Columbia in the county of Lancaster.

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 Columbia, in the county of Lancaster, shall be and the same is hereby erected into a borough, which shall be called the borough of Columbia; bounded and limited as follows, to wit, beginning at a stone on the eastern bank of the river Susquehanna, at low water mark, standing nine perches above the upper side of the permanent bridge, and from thence extending north, seventy-two degrees, east two hundred and fifty perches, to a post; thence south forty-seven degrees and three quarters of a degree; east three hundred and twenty perches to another post, thence south seventy-two degrees, west two hundred and fifty perches, to the eastern bank of the river Susquehanna, at low water mark; thence up the said river by the several courses thereof to the place of beginning.

Columbia erected into a borough.

Boundaries of.

SECT. II. *And be* it further enacted by the authority aforesaid, That the inhabitants of the said borough, entitled to vote for members of the general assembly, having resided within the said borough at least one year immediately preceding the election, and within that time paid a borough tax, shall have power on the first Tuesday of April next, and on the first Tuesday in April in every year thereafter, to meet at the school-house in said borough (or at such other place as hereafter may be appointed) and then and there between the hours of one and six in the afternoon, elect by ballot, one citizen residing therein, who shall be styled the chief burgess; one other citizen, who shall be styled the assistant burgess; and seven citizens to be town council; and shall also elect as aforesaid, one citizen as high constable; all of whom shall be residents of said borough: but previous to the opening of said election, such of the inhabitants as are present at the school-house, or at such other place as may hereafter be appointed, 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 law is imposed; and the said judges, inspectors, and clerks, before they enter upon the duties of their respective offices, shall take an oath or affirmation before any justice of the peace of said county, to perform the same with fidelity; and after said election shall be closed, shall declare the persons having the greatest number of votes to be duly elected. And in case that any two or more candidates should have an equal number of votes, the preference shall be determined by lot, to be drawn by the two judges in the presence of the inspector

When and where elections shall be held.

For Burgess &c.

How the election shall be conducted.

Judges of election to take an oath &c.

Proceedings in case of an equal number of votes

for candidates.

and clerks; whereupon duplicate certificates of said election 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 it shall be the duty of the high constable of 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, the chief burgess, or in his absence or inability to act, the assistant burgess shall issue his precept directed to the high constable, to hold an election in manner aforesaid, to supply such vacancy, giving at least eight days notice by six advertisements set up in the most public places in said borough; provided that the citizens of the borough of Columbia aforesaid shall be entitled to vote at the first election (which is to be held on the first Tuesday in April, one thousand eight hundred and fourteen) although they have paid no borough tax.

Vacancies, how filled.

SECT. III. *And be it further enacted by the authority aforesaid,* That from and after the first Tuesday in April 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 Columbia," 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, 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 grant, sell, let, and assign the same lands, tenements, hereditaments, and rents, by the name and style aforesaid. They shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law of this commonwealth, in all manner of actions whatsoever, and to have and use one common seal, and the same from time to time at their will to change and alter until it be otherwise directed by law.

Town council &c. to be a corporate body.

Powers of.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if any person duly elected as chief burgess, assistant burgess, member of the town council, or high constable as aforesaid, and having received notice thereof as directed by this act, shall refuse or neglect to take upon himself the execution of the said office to which he shall have been elected, or having taken upon himself the duties of said office, shall neglect to discharge the same according to law, every person so refusing or neglecting, shall for every such offence, forfeit and pay the sum of ten dollars, which fine and all other fines and forfeitures incurred and made payable in pursuance of this act or of any of the bye-laws and ordinances of the town council, shall be for the use of the said corporation, and shall be recovered before any justice of the peace in the same manner that debts not exceeding one hundred

Penalty on an officer refusing to serve.

How recovered.

dollars are by law recoverable ; and when so recovered, shall be forthwith paid to the treasurer of the borough, and it shall be the duty of the officers of said borough on receiving any money belonging to the corporation, to pay the same to the treasurer forthwith : *provided*, that no person elected as aforesaid shall be liable to a fine for refusing or neglecting to serve more than once in five years. Proviso.

SECT. V. *And be it further enacted by the authority aforesaid*, That the chief burgess, assistant burgess, town council, and high constable, and each of them before entering upon the duties of their respective offices, shall take and subscribe an oath or affirmation before any justice of the peace of the said county, to support the constitution of the United States and of this commonwealth, and to execute 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 before they serve.

SECT. VI. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said town council, five of whom shall be a quorum, to hold quarterly meetings on the third Mondays in April, July, October, and January, in each year, and oftener if occasion requires, at which meetings they, or a majority of them, shall have power to 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 markets, improving, repairing, and keeping in order the streets, lanes, alleys, and highways, ascertaining the depth of vaults, sinks, pits for necessary houses, and making permanent rules relative to the foundation of buildings, party-walls and fences. They shall have power to assess, apportion and appropriate such taxes as shall be determined by a majority of them necessary, for carrying the said rules and ordinances from time to time into complete effect, and also to appoint a town clerk, treasurer, two persons to act as street and road supervisors, a clerk of the market, and a collector annually, and such other officers as may be deemed necessary from time to time, and the same officers from time to time to remove for misdemeanor in office ; which meetings of the said town council shall be held at the school-house in said borough until a town-house is erected : *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 a breach of a by-law or ordinance made as aforesaid, until ten days have expired after the promulgation thereof, by at least four advertisements set up in the most public places in said borough : *and provided also*, that in assessing such tax, due regard shall be had to the valuation of taxable property, taken for the purpose of raising county rates and levies, so that the said tax shall not in any one year exceed one-fourth of a cent in the dollar of such valuation, Quarterly meetings to be held &c.
Burgesses &c. may make by-laws &c.
And assess taxes &c.
And appoint town clerk &c.
Proviso.
Proviso.

unless some object of general utility shall be thought* necessary, in which case a majority of the taxable inhabitants of said borough shall approve of and certify the same in writing, under their hands, to the town council, who shall proceed to assess the same accordingly: *provided always and nevertheless*, that all out-lots and other lands included within the limits of said borough shall not be subject to taxation until they are laid out in town lots.

SECT. VII. *And be it further enacted by the authority aforesaid*, That the chief burgess, elected and qualified agreeably to this act, or in his absence or inability to act, the assistant burgess is hereby authorised to issue his precept as often as occasion may require, directed to the collector, commanding him to collect all taxes so assessed, and the same to pay over to the treasurer. And the said chief burgess, or in his absence or inability to act, the assistant burgess is hereby authorized to carry into effect all by-laws and ordinances enacted by the town council, and whatsoever else shall be enjoined upon him or them for the well ordering and governing said borough.

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 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 acts of the corporation, whose attestation, with the seal of the corporation, shall be good evidence of the act or thing so certified

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

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

SECT. XI. *And be it further enacted by the authority aforesaid*, That the chief burgess, assistant burgess, and president of the council, or any two of them shall constitute a court of appeal; and prior to the collection of any borough tax, the collector shall inform each inhabitant of the amount of his tax, and of the

* The original reads "though necessary."

When the assistant burgess shall act.

Duties of the town clerk.

Treasurer to give security &c.

Quarterly meetings of the supervisors &c.

Who shall constitute a court of appeal.

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.

SECT. XII. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the high constable to give notice of the annual election in said borough, to be held in pursuance of this act, by setting up six advertisements in the most public places in said borough, ten days previous thereto, and he shall attend and see that the same election is opened at the time and in the manner directed by this act: *provided*, that Samuel Miller and John Mathiot of the said town, or either of them, shall publish and superintend the election to be held on the first Tuesday of April next, as herein before directed.

Duty of the high constable.

Proviso.

SECT. XIII. *And be it further enacted by the authority aforesaid*, That the judges, inspector and clerks of the elections aforesaid, shall be allowed each one dollar a day for their service in holding said elections, and the town council shall from time to time affix the salaries of the high constable, town clerk, treasurer, clerk of the market, and such other officers as may be appointed under this act; which salaries shall be paid out of the borough treasury by orders drawn thereon, signed by the president of the council, which salaries shall not be increased or diminished during the time for which the said officers shall have been appointed respectively: *provided also*, 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, shall forfeit and pay for the same, for the use of the corporation the sum of ten dollars, unless he can render to the said council a satisfactory reason why he should be exonerated from such service: *provided*, that no person shall be compelled to serve more than once in five years.

Compensation for judges, &c.

Salaries of town clerk, &c.

Proviso.

SECT. XIV. *And be it further enacted by the authority aforesaid*, That the power of the corporation shall not extend to taking or holding the profits, rents and emoluments arising from a certain piece of ground called public ground, given by Samuel Wright, the original proprietor of that part of the town called Old Columbia; but that the said corporation shall have the power of regulating the same in all respects as other parts of the borough, except as aforesaid; but that the inhabitants in said original town shall have the power annually, at an election to be held for that purpose, at such time and place as a majority of the inhabitants in said original town shall direct, to choose five trustees, who shall be inhabitants in said original town; whose duty it shall be to let or lease the aforesaid public ground to the best advantage, and the proceeds arising therefrom, shall be appropriated in such manner as a majority of the inhabitants in said original town may direct, at a meeting to be held annually for that purpose, on the second Tuesday in November, in each year hereafter.

Power of the corporation restricted in a certain case.

Public ground to be let, &c.

SECT. XV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall think him, her or themselves aggrieved by any thing done in pursuance of this act, except in what relates to the imposing and collecting the borough tax and appointments made by the town council, he, she or they may appeal to the next court of common pleas, to be held for the said county, upon giving security according to law, to prosecute his, her or their appeal with effect; and the said court having taken such order therein as shall seem to them just and reasonable, the same shall be conclusive.

JOHN ST. CLAIR, *Speaker*
of the House of Representatives.

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

APPROVED—the twenty-fifth day of February, one thousand eight hundred and fourteen.

SIMON SNYDER.

CHAPTER XLIX.

An ACT authorizing the governor to negotiate a loan for the use of the commonwealth.

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 governor be and he is hereby authorized to negotiate a loan or loans with any of the incorporated banks or other bodies politic and corporate within this commonwealth, for such sum or sums not exceeding three hundred thousand dollars, at an interest not exceeding six per centum, per annum, as may from time to time be necessary to enable the state treasurer to pay the demands that may be made against the treasury, should the receipts in the same be deemed to be insufficient, which sum or sums shall be reimbursed at any time not exceeding three years, as may be agreed upon by the parties.

SECT. II. *And be it further enacted by the authority aforesaid,* That the governor be and he is hereby directed to lay before the legislature within the first week of the next session, a report of his proceedings under this act.

JOHN ST. CLAIR, *Speaker*
of the House of Representatives.

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

APPROVED—the twenty-fifth day of February, one thousand eight hundred and fourteen.

SIMON SNYDER.

Remedy for grievances.

With whom the governor may negotiate a loan for 300,000 dollars.

When to be repaid.

Proceedings of the governor, to be laid before the legislature.