

CHAPTER LXXXVI.

An ACT to alter an act entitled, "An act for erecting the town of Carlisle, in the county of Cumberland into a borough, for regulating the buildings, preventing nuisances and encroachments on the commons, squares, streets, lanes and alleys of the same, and for other purposes therein mentioned.

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 said town of Carlisle shall still continue and remain a borough, under the name and title of "The Borough of Carlisle," the extent and bounds of which shall be the same as in the original law, passed on the thirteenth day of April, in the year of our Lord one thousand seven hundred and eighty-two.

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, and who shall have resided within the same at least one year immediately preceding the election hereinafter mentioned, and within that time paid a borough tax, shall have power on the third Friday in March next, and on the same day in every year hereafter, to meet at the court house in said borough, and then and there between the hours of one and five 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 nine citizens to be a town council, and shall also elect as aforesaid one citizen as high constable: all of whom shall be inhabitants as aforesaid of the said borough. And also shall at the same time and place elect four suitable persons for constables, and return the said persons so elected for constables to the next court of quarter sessions of the county of Cumberland, and the said court shall appoint two of them to be constables of the said borough for one year from and after the time of their appointment, who when appointed as aforesaid, shall have the same power within the said borough, and be subject to all the penalties which constables have and are subject to under the act entitled, "An act to amend and consolidate with its supplements, the act entitled, "An act for the recovery of debts and demands not exceeding one hundred dollars before a justice of the peace, and for the election of constables and for other purposes;" but previous to the opening of said election, such of the inhabitants who are present at the court-house shall elect three 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 law of this commonwealth, and who shall be subject to the same penalties for mal practices as by the said law are imposed; and the said judges, inspectors and clerks, before they enter upon the duties of their respective offices, shall take an

Name and bounds of the borough to remain the same as heretofore.

Qualifications of electors.

Borough officers to be elected.

Return of the election of constables to be made to the court.

Constables powers and liability.

Judges, inspectors, and clerks, how appointed.

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 three 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 delivered to the clerk of the court of quarter sessions of the said county, to be deposited in his office, and the other shall be filed with the papers belonging to 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 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 to supply such vacancy or neglect, giving at least eight days notice of such election by six advertisements set up in the most public places in the said borough.

Shall take an oath.

Proceedings in case of equality of votes.

Certificates to be made out and deposited with clerk of the court.

Duty of high constable.

How vacancies to be supplied.

SECT. III. *And be it further enacted by the authority aforesaid,* That from and after the third Friday in March 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 Carlisle," 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, acquire, 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 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, and the said inhabitants shall hereafter forever hold two markets in each week, one on Wednesday and one on Saturday.

Style of the corporation.

Powers and privileges.

Seal.

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 office to which he shall have been elected, or having taken upon him-

Proceedings in case of refusal to serve.

self 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 twenty 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 and ordinances of the town council, shall be for the use of the said corporation, and shall be recovered in the same manner that debts not exceeding one hundred dollars are 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 thereof.

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 state, 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.

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 meetings on the second Saturday in April, July, October and January in each year, and oftener if occasion requires, at which meetings they may revise, repeal or amend all such by-laws and ordinances as have been heretofore made in the said borough, and enact such other 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 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 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 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 commissioners, 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 court house in the 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

Penalty.

How recoverable.

Burgess, &c. to take oaths, &c.

Five of the council to constitute a quorum.

Stated meetings.

Make by-laws, &c.

Assess taxes, &c.

Appoint street commissioners, &c.

Power of removal.

Place of holding meetings.

Proviso, Relative to breach of laws.

as aforesaid, until ten days have expired after the promulgation thereof, in at least one English and one German newspaper, printed in the said borough, if such papers are printed in the same, and if not, then by six advertisements to be put 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 half a cent in 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 of and certify the same in writing under their hands, to the town council, who shall proceed to assess the same accordingly.

2nd proviso,
relative to taxes.

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 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 whatsoever else shall be enjoined upon him or them for the well ordering and governing said borough.

Burgess to issue
precept for col-
lecting taxes.

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.

Duty of town
clerk.

SECT. IX. *And be it further enacted by the authority aforesaid*, That the treasurer (if required) 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.

Treasurer to
give security.

SECT. X. *And be it further enacted by the authority aforesaid*, That the street commissioners, treasurer, high constable, clerk of the market and collector, as well as all other officers which may be appointed by the corporation or council, shall at the 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.

Duties of street
commissioners,
&c. relative to
their accounts.

Court of appeal. **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 his tax, and of the time and place of appeal: *provided nevertheless,* that said court of appeal shall have no other power than to determine the justness of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same.

High constable to give notice and superintend elections.
Proviso. **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 elections of the said borough, held in pursuance of this act, by setting up advertisements in the market house, and in four other public places in the 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 it shall be the duty of the present high constable to publish and superintend in like manner the election to be held on the third Friday in March next, as is herein before directed.

Compensation to judges, inspectors, &c.
President of council to draw orders, &c.
Proviso. Relative to refusal to serve offices. **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 services 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 shall not be increased or diminished during the time for which the 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, shall 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, of which they shall be the only judges: *provided also,* that no person shall be compelled to serve in any borough office aforesaid, more than one year in three years.

Appeal may be had to the court in case of grievance. **SECT. XIV.** *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 quarter sessions, 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 against all parties.

SECT. xv. *And be it further enacted by the authority aforesaid,* That the inhabitants of said borough and all persons holding property therein, shall be competent witnesses in all actions arising under this act or the by-laws and ordinances of said corporation. Competency of witnesses.

SECT. xvi. *And be it further enacted by the authority aforesaid,* That from and after the third Friday of March next, so much of the act entitled "An act for the erecting the town of Carlisle, in the county of Cumberland, into a borough, for regulating the buildings, preventing nuisances and encroachments on the commons, squares, streets, lanes and alleys of the same, and for other purposes therein mentioned," as is altered, supplied or amended by this act, be and the same is hereby repealed: and that so much of said act as authorizes the holding of fairs in said borough, be and the same is hereby repealed. Part of former act repealed.

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

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

APPROVED—the fourteenth day of March, one thousand eight hundred and fourteen.

SIMON SNYDER.

CHAPTER LXXXVII.

An ACT establishing an academy in the borough of Northampton, in Lehigh county and granting a sum of money thereto.

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 there shall be, and hereby is established in the borough of Northampton, in Lehigh county, an academy or public school for the education of youth in the English and other languages, in the useful arts, sciences and literature, by the name, style and title of "The Allentown Academy," under the care, direction and government of six trustees, *to wit*: Peter Rhoads, John Horn, John Miller, Taylor, James Wilson, George Reck, Adam Reep, and Jacob Martin, which said trustees and their successors to be elected as hereinafter mentioned, shall be and hereby are declared to be one body politic and corporate in deed and in law, by the name, style and title of "The trustees of the Allentown Academy," and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere, and shall be competent and capable in law and equity to take and to hold to them and their successors for the use of said academy, lands, tenements, hereditaments, goods and chattles of whatsoever kind, nature or quality, real, personal or mixed, by gift, grant, bargain, sale, convey-

Allentown academy established.
Trustees named.
Style of corporation.
Powers and privileges.