

CHAPTER LVI.

An ACT declaring a part of Big Cattawissa creek, in Luzerne county, and the south branch of Swatara creek, in Schuylkill county, and part of Beech creek, in Centre county, and part of Kittle creek, in Lycoming county, public highways.

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 Big Cattawissa creek, in the county of Luzerne, from its confluence with Little Cattawissa creek up to Andrew Gilbert's saw-mill, and the south branch of Swatara creek, in Schuylkill county, from the mouth thereof to Jacob Capp's saw-mill, Beech creek, in the county of Centre, from its mouth up to Eddy lick, and Kittle creek, in the county of Lycoming, from its mouth up to the Second fork, be, and they are hereby respectively declared public highways for the passage of boats, rafts and vessels, under the limitations and restrictions hereinafter specified, and it shall be lawful for any person or persons desirous of improving or using the navigation of either of said creeks, to remove all natural and artificial obstructions, excepting mill dams already built, and also to erect such slopes at the mill dams already built, and keep them in repair, as may be necessary for the passage of boats, rafts and vessels, and the ascent of fish: Provided, That such slopes be so constructed as not to injure the works of said dams: And provided also, That any person owning or possessing lands on said creeks respectively, shall have liberty to construct any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act of the general assembly of this commonwealth, passed the twenty-third day of March, one thousand eight hundred and three, entitled "An act to authorize any person or persons owning lands adjoining navigable streams of water declared public highways, to erect dams upon such streams, for mills and other water works."*

JACOB HOLGATE, *Speaker*
of the *House of Representatives.*

JOHN TOD, *Speaker of the Senate.*

APPROVED—the fourth day of March, one thousand eight hundred and fifteen.

SIMON SNYDER.

CHAPTER LVII.

An ACT to erect the town of Hanover, in the county of York, into a borough.

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 the town of Hanover, in the county of York, shall be, and the*

Hanover erected into a borough. same is hereby erected into a borough, which shall be called the "Borough of Hanover," which borough shall be comprised within the tract of land of Richard M'Alistar, deceased.

SEC. 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 six months previously to such election, to meet at the house of Jacob Eichelberger, in Frederick street, in said borough, (or at such other place as may hereafter be appointed,) on the first Tuesday in 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 citizen residing therein, who shall be styled "The Burgess of the borough of Hanover," and seven citizens residing therein who shall be a town council, and shall also elect as aforesaid one freeholder a high constable; but previously to such election, the inhabitants shall elect two 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 malpractices, 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 persons 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 offices, 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, and in case all the said officers should refuse or neglect, then in that case any two citizens of said borough may advertise and hold such election in manner aforesaid, to supply such vacancy or vacancies, giving at least ten day's notice thereof, by advertisements set up at four of the most public places in the said borough.

SEC. 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 Hanover," 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,

Qualification of electors.

Time and place of elections.

Mode of conducting elections.

Proceedings in case two candidates have an equal number of votes.

Persons re-elected have notice thereof.

How vacancies are to be supplied.

Style of corporation.

Powers and privileges.

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 twenty 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, may be recovered before any justice of the peace, and shall be for the use of the corporation.

Penalty on refusing to serve.

Fine how to be appropriated.

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

SECT. VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the 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 advantages 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 annually a town clerk, treasurer, two persons to act as street and road commissioners, and a clerk of the market, 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-half of a cent in the dollar, on the valuation of taxable property, taken for the purpose of raising county rates and levies, unless some object

Power to make by-laws, ordinances, &c.

Assess taxes.

And appoint officers.

Proviso.

No tax to exceed half cent in the dollar, except in certain cases.

of general utility shall be thought necessary, in which case a majority of the taxable inhabitants of said borough, by writing under their hands, shall approve of and certify the same to the town council, who shall proceed to assess the same accordingly.

Precept for collecting taxes.

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 the same to pay over to the treasurer; and 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.

Appeal as to amount of town tax to town council.

Proviso.

Duties of town clerk.

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.

Treasurer to give security.

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.

Accounts to be annually exhibited.

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, showing particularly the amount of taxes laid and collected, and of the expenditures.

Duty of constable relative to elections.

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 at 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 Michael Hellman and Henry Welsh, 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.

Proviso.

Appeal may be had to court of common pleas.

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.

JACOB HOLGATE, *Speaker*
of the House of Representatives.

JOHN TOD, *Speaker of the Senate.*

APPROVED—the fourth day of March, one thousand eight hundred and fifteen.

SIMON SNYDER.

CHAPTER LVIII.

An ACT to authorize the executors of Francis Rhoads, deceased, to convey a lot of ground in the town of Selins-Grove, in the county of Union.

WHEREAS it has been represented to the legislature, by petition of Francis Rhoads and Jacob Rhoads, executors of Francis Rhoads, late of Selins-Grove, in the county of Union, deceased, that the said Francis Rhoads was owner of lot number ten, in the said town of Selins-Grove, and did by his last will and testament, made before his purchase of said lot number ten, direct his executors to sell and convey his real estate, but no authority was given the said executors to dispose of lot number ten: And whereas, the said executors have since sold said lot number ten to Jacob Lechner: Therefore,

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 the said Francis Rhoads and Jacob Rhoads, executors of Francis Rhoads, deceased, are hereby authorized to make and execute a good and sufficient title to the said Jacob Lechner, his heirs and assigns, for the said lot number ten, situate in Selins-Grove, which title shall be as good and available in law as if it had been made by the said Francis Rhoads in his life time: Provided, That nothing in this act shall be understood to prejudice the right of any other person or persons.*

JACOB HOLGATE, *Speaker*
of the House of Representatives.

JOHN TOD, *Speaker of the Senate.*

APPROVED—the fourth day of March, one thousand eight hundred and fifteen.

SIMON SNYDER.