

CHAPTER LVI.

AN ACT

To erect the town of Milton, in the county of Northumberland, and the town of Butler, in the county of Butler, into boroughs.

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 Milton, in the county of Northumberland, shall be, and the same is hereby erected into a borough, which shall be called the "Borough of Milton," bounded and limited as followeth: Beginning on the west branch of the Susquehanna river at the lower or southern part of Daniel Bichley's farm, including the same; thence east along said line to the back of said farm; thence along the back line of said farm to the corner of D. Scudder's farm, including the same; thence north along said line, passing along the east line of Hill's farm, including the same; thence along the back line of William and Thomas Pollock's farm, including the same, until it reaches the southern line of David Marr's farm, excluding the same; thence west through the lane by the meeting house to the river; thence following the course of the river at low water mark, to the place of beginning.

Limits of the borough.

SECT. 2. *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 six months preceding the election, shall have power, on the Friday immediately preceding the third Saturday in March next, and on the same day in every year thereafter, to meet in said borough, and then and there, between the hours of one and five in the afternoon elect, by ballot, one chief burgess, one assistant burgess and seven citizens to be a town council, and shall also elect as aforesaid one high constable and two persons for the office of constable, and shall return the names of the persons so elected to the next court of general quarter sessions of the peace to be holden for said county, and the said court shall appoint one of them constable for said borough, which constable, when so appointed by the court, shall have the same power and shall be subject to all the penalties which constables have and are subjected to under 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," all of whom shall be citizens residing in the said borough; but previous to the opening of said election such of the citizens as are present, shall elect three reputable 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 Com-

Qualification of electors.

Time of electing borough officers.

What officers to be chosen.

Court to appoint one of the two constables elect, &c.

Judges, inspector and clerks to be appointed,

their duties, and penalty for malpractices, previous to acting to be sworn or affirmed.

Proceeding when two candidates have an equal number of votes.

Certificates to be transmitted to the officers elect.

Notice of election to be given by high constable.

Vacancies how to be supplied.

monwealth, and the judges, inspectors and clerks shall be subject to the same penalties for malpractices as by the said law are imposed; and before they act 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 the said election shall be closed, shall declare the persons having the greatest number of votes to be duly elected, and in case 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 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 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 that no election should be holden on the day and in the manner aforesaid, 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 six days notice of such election, by six advertisements set up in the most public places in said borough.

SECT. 3. *And be it further enacted by the authority aforesaid,* That from and after the Friday immediately preceding the third Saturday 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 Milton," 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; 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 of 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; and the said inhabitants may have two markets in each week, when an ordinance shall hereafter be passed for that purpose.

SECT. 4. *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

Style of corporation.

Their powers and privileges.

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 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 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 before a justice of the peace, and when so recovered shall be forthwith paid to the treasurer of the borough: *Provided*, That no person shall be compelled to serve more than once in any term of three years.

Penalty on refusing to serve,

how recovered, and how applied.

Proviso.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the chief burgess, assistant burgess, and 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 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 be sworn or affirmed.

SECT. 6. *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 stated meetings on the last Friday in February, May, August and November in each year, and oftener if occasion requires, at which meetings they may enact, revise, repeal or amend all such by-laws, rules, regulations and ordinances as shall be determined by a majority of the said council necessary to promote the peace, good order, benefits and advantages 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 privies, and making permanent rules relative to the foundations of buildings, party walls and fences, making ditches, drains and sewers to carry off the water of the said borough, regulating and making of pavements and causeways; and, moreover, they shall have power to assess, appropriate such taxes as shall be determined by a majority of them necessary for carrying the said rules, ordinances and by-laws from time to time into complete effect; and also to appoint a town clerk, treasurer, 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; and the meetings of the said town council shall be held at such convenient place as a majority of them shall think proper in said borough: *Provided*, That no rule or ordinances of the said corporation shall be repugnant

5 to be a quorum.

Time of meetings.

May make by-laws, &c.

Regulate markets, &c.

Assess taxes, &c.

Appoint treasurer, clerk of market & collector.

Proviso.

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 in at least one newspaper printed in the said borough, or by 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 half cent in the dollar of the last 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.

2d proviso, as to the quantum of tax which may be assessed.

Streets, &c. declared public highways. Supervisors to be chosen.

SECT. 7. *And be it further enacted by the authority aforesaid*, That all the streets, lanes and alleys in the said borough are hereby declared public roads and highways; and it shall be the duty of the electors in the said borough, and they are hereby empowered to choose and elect two persons as supervisors of the public roads and highways within the said borough, who shall be chosen and elected agreeably to the general road laws of this Commonwealth; and the said supervisors shall be subject to the same laws, entitled to the same emoluments, and vested with the same powers, within the said borough, as other supervisors are subject and entitled to within their respective townships in this Commonwealth.

Their powers, &c.

Chief burgess, &c. issue precept for collection of taxes.

SECT. 8. *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 assessed by the town council, and the same to pay over to the treasurer: and the chief burgess, or in his absence or inability to act the assistant burgess, is hereby authorised 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, and shall also have power to mitigate or remit fines and forfeitures in all cases where it shall appear that the person or persons so fined did not offend intentionally, or on their having some other just and reasonable excuse to plead in his or their behalf.

May remit fines.

Town clerk, his duties.

SECT. 9. *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 corporation, whose attesta-

tion, with the seal of the corporation, shall be good evidence of the act or thing so certified.

SECT. 10. *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. Treasurer to give bond, &c.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the 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, 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 particular items of expenditures. Accounts to be annually exhibited, and published.

SECT. 12. *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 time and place of appeal: *Provided,* That the said court of appeal shall have no other power, as such, other than to determine the justness of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same. Court of appeal. Proviso.

SECT. 13. *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 of said borough, held in pursuance of this act, by setting up four advertisements in the most public places in said borough, six days previous thereto, he shall attend and see that the election is opened at the time and in the manner directed by this act: *Provided,* That Thomas Comley and Arthur McGowan, of said borough, and the constable of Turbet township, or either of them, shall publish and superintend the election to be held on the first Friday immediately preceding the third Saturday in March next, as herein before directed. High constable, his duties. Proviso.

SECT. 14. *And be it further enacted by the authority aforesaid,* That 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 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. Council to affix salaries for the officers. How paid. Proviso. Penalty on refusing to serve.

2d proviso.

ed, shall, for the same, forfeit and pay for the use of the corporation the sum of five dollars, unless he can render to the said council a satisfactory reason why he should be exonerated from such service: *Provided also*, That no person shall be compelled to serve in any of the aforesaid offices more than one year in three.

Appeal to the
common
pleas.

SECT. 15. *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 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.

Borough of
Butler.

Its bounds.

SECT. 16. *And be it further enacted by the authority aforesaid*, That the town of Butler, in the county of Butler, shall be, and the same is hereby erected into a borough, which shall be called the "Borough of Butler," and contained within the following metes and bounds, the original plot or draft of the town of Butler: Beginning at a black oak on the bank of the mill-dam; thence north seventy-eight degrees west seven perches; thence south fifty-two degrees west eight perches; thence south eleven degrees west seven perches, south three degrees east ten perches, south thirty-six degrees east eight perches, south seventy-three degrees west eleven perches, north ten degrees west fourteen perches, north ten degrees east fourteen perches, north forty degrees west twelve perches, west sixteen perches, south fifty-nine degrees west twenty-three perches; thence south eleven degrees west thirteen perches, south twenty-five degrees east five perches, south twenty degrees west fourteen perches; thence south eighteen perches; thence south fifty-two degrees west twenty-six perches, south forty-one degrees west six perches, south sixty-one degrees west thirteen and one half perches, south fifty-seven degrees west seven and one half perches to a hickory; thence leaving the dam north seventy-seven degrees west nine perches; thence north fifty-seven degrees west fifty-nine perches to two hickories on the bank of the creek; thence north fifteen degrees west forty perches, north three degrees west one hundred and fifty-two perches and five-tenths; thence north eighty-seven degrees east one hundred and seventy-three perches; and thence south three degrees east one hundred and thirty-three perches and two-tenths to the place of beginning.

Qualifica-
tions of elect-
ors.

SECT. 17. *And be it further enacted by the authority aforesaid*, That the inhabitants of the said borough of Butler, entitled to vote for members of the General Assembly, having resided within the said borough at least six months preceding the election, shall have power, on the Friday immediately pre-

ceding the third Saturday in March next, of which election the constable of Butler township shall give due notice, and on the same day in every year thereafter, to meet in said borough, and then and there, between the hours of one and five in the afternoon, elect by ballot one chief burgess, one assistant burgess, and seven citizens to be a town council, and shall also elect as aforesaid one high constable, who shall have the power to execute process as other constables of the county, by entering into the securities required by law, all of whom shall be citizens residing in the said borough: but previous to the opening of said election, such of the citizens as are present shall elect three reputable 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 the judges, inspectors and clerks shall be subject to the same penalties for malpractices as by the said law is imposed; and before they act 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 the said election shall be closed, shall declare the persons having the greatest number of votes to be duly elected, and in case 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 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 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 that no election should be holden on the day and in the manner aforesaid, 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 six days notice of such election by six advertisements set up in the most public places in said borough.

SECT. 18. *And be it further enacted by the authority aforesaid,* That 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 Butler," hereby adopting all the provisions, powers, authorities, rights and privileges contained in the foregoing sections of this act, in as full and ample a manner as if the same were particularly enumerated, and subject to the same restrictions, penalties, fines and forfeitures as are

Notice of the time of election.

What officers to be chosen.

High constable, his powers, &c.

Judges, inspectors and clerks to be chosen.

How elections to be regulated, &c.

Officers of election to be sworn or affirmed.

Provision in case of two persons having equal number of votes.

Certificates to be transmitted to the persons elect

Vacancies] how to be supplied.

Style of the corporation.

Powers and privileges.

provided by this act, excepting the proviso in the thirteenth section.

REES HILL, *Speaker of the House of Representatives.*

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the twenty-sixth day of February, one thousand eight hundred and seventeen.

SIMON SNYDER.

CHAPTER LVII.

AN ACT

To authorise the Governor to incorporate a company for making an artificial road in Wayne county.

Commissioners named.

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 Samuel Preston, Sandford Clark, George W. Hubble, Joseph Tanner, Peter Spencer, Benjamin King and Thomas Meredith, be, and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, They, or a majority of them, shall, on or before the first day of July next, procure two or more books and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay to the president, managers and company of the Stockport and Mount Pleasant lumber and stone coal turnpike road company, the sum of twenty-five dollars for each and every share of stock in the said company set opposite to our respective names, in such manner and proportions and at such times as shall be determined by the said president and managers of the said company, in pursuance of an act of the General Assembly of the Commonwealth, entitled 'An act authorising the Governor to incorporate a company for making an artificial road in Wayne county.' Witness our hands the day of _____ in the year of our Lord one

When books to be opened.

Notice of opening the books.

thousand eight hundred and _____." And the said commissioners, or a majority of them, shall give notice in two public papers printed nearest the route of the road, and by written advertisements, one calendar month, of the times and places where the said books will be opened to receive subscriptions of stock for the said company; at which respective