

CHAPTER CXXXIV.

AN ACT

To incorporate the town of Stoystown in the county of Somerset.

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 Stoystown in the county of Somerset, Borough of Stoystown shall be, and the same is hereby erected into a borough, which shall be called the borough of Stoystown, bounded and limited as follows: Beginning at a black oak south of George Hartzel's tan-yard, and a corner of John Lehmer's land near a spring run, from thence through said Lehmer's land to a small locust tree near the Somerset road, thence to a black oak at a spring in said Lehmer's meadow, thence through said meadow in a direct line to where the said spring run crosses the Berlin road, such a distance until it strikes a straight line with the eastern line of the meeting-house lot, and to the east corner thereof, thence a straight line to the first bridge on the turnpike road east of Stoystown, thence up the run to the said John Lehmer's land north of Stoystown, thence with the said line to a corner of George Kimmel's and Lehmer's land, and on the west of the Connemaugh road, thence to the north corner of the old burying ground on the west of Stoystown, thence including the same and running across the turnpike road to the lower part of the hollow in Peter Kimmel's field, thence a straight line with said hollow to the first spring, and thence along said spring run to the beginning.

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, immediately preceding the election, and within that time paid a borough tax, shall have power on the first Tuesday of May next, and on the first Tuesday in May in every year thereafter, to meet at the house now occupied by John Kennedy in said borough, (or at such other place as may hereafter 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, and five citizens to be a 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 said John Kennedy's, 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 law of this commonwealth,

Their duties. and who shall be subject to the same penalties for mal-prac-
 tices as by the said law is imposed ; and the said judges, in-
 spectors 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 the said election shall be closed, shall de-
 clare the person 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 deter-
 mined by lot, to be drawn by the two judges in presence of
 the inspectors 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 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 shall issue his
 precept, directed to the high constable, to hold an election in
 manner as 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 Stoystown aforesaid, shall be entitled to
 vote at the first election although they have paid no borough
 tax.

Oath, &c. to be taken.

Certificates of election.

Duty of high constable.

Vacancies how supplied

Proviso.

Corporation.

Name and style.

Powers and privileges.

Penalty for not executing or discharging the duties of chief bur- gess, &c.

SECT. 3. *And be it further enacted by the authority afore-
 said*, That from and after the first Tuesday in May next, the
 chief 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 and Town Coun-
 cil of the borough of Stoystown," and shall have perpetual
 succession, and the said chief 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 man-
 ner of actions whatsoever, and to have and to use one com-
 mon seal, and the same from time to time, at their will, to
 change and alter, until it be otherwise directed by law.

SECT. 4. *And be it further enacted by the authority afore-
 said*, That if any person duly elected as chief 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 such duties, 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 any of the by-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 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 the 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 one in four years.

How recovered.

And payable.

Provido.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the chief 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 corporations.

Oath, &c. to be taken.

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 meetings on the third Tuesday in April, July, October and January, in each year, and oftener if occasion requires; at which meetings they may enact, revise, repeal and amend all such by-laws, 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 appoint a town clerk, treasurer, and 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 such convenient place as a majority of them shall think proper in said borough, until a town-house is erected:

Quorum.

Powers and duties of the town council.

Town clerk, treasurer, supervisors, clerk of the market, collector, &c. to be chosen.

Proviso. *Provided*, No by-laws, 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 violation 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 year exceed one half 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 and assess the same accordingly.

By-law to be published.

2d proviso.

Power and duty of chief burgess. **SECT. 7.** *And be it further enacted by the authority aforesaid*, That the chief burgess elected and qualified agreeably to this act, 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 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.

Duty of the town clerk. **SECT. 8.** *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 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 the treasurer. **SECT. 9.** *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 successors upon demand and for that purpose.

SECT. 10. *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 in the month of April yearly, render their accounts to the said council for settlement, and the said accounts being so adjusted and settled, shall be forthwith published by said council, shewing particularly the amount of the taxes laid and collected, and of monies paid into the treasury and the amount of expenditures. Supervisors, &c. to render their accounts annually.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the chief burgess and president of the council, 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: Court 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 taxes, and to remedy any grievance that may occur in imposing the same. Proviso.

SECT. 12. *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 said borough hereafter 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; he shall attend and see that the election is opened at the time and in the manner directed by this act: Notice of elections to be given by the high constable. *Provided,* That George Graham and John Lehmar of said borough, and the constable of Quinnamahoning township, shall publish and superintend the elections to be held on the first Tuesday of May next, as hereinbefore directed. Proviso.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the judges and inspectors, and clerks of the elections aforesaid, shall be allowed each one dollar a day for their services in holding said election; and the town council shall from time to time affix the salaries of the high constables, 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: Pay of the judges, inspectors and clerks. Salaries of high constable, &c. *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 be liable to the same forfeit and pay for the use of the corporation of ten dollars, unless he can render to the said council a satisfactory reason why he should be exonerated from such service. Proviso. Penalty for not discharging an office.

SECT. 14. *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, Appeal to the 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.

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

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and nineteen.

WILLIAM FINDLAY.

CHAPTER CXXXV.

AN ACT

Authorising the Governor to incorporate a company for making an artificial road from Meansville in the county of Bradford, in a southern direction by the shortest route, to the borough of Wilkesbarre, in the county of Luzerne.

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 Hodgdon, Benjamin Tilghman and Richard Peters, junior, of the city of Philadelphia; George Calhoun, Benjamin Dorrance and Joseph Burgess, of the county of Luzerne; and William Means, Reuben Hale and Jacob Bowman, of the county of Bradford, be, and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned: That is to say, They shall on or before the first Monday of September next, procure two or more books, and enter in each of them as follows, to wit: " We whose names are hereunto subscribed do promise to pay unto the president, managers and company of the Meansville and Wilkesbarre turnpike road, the sum of fifty dollars for every share of the said stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company in pursuance of an act of the general assembly of this commonwealth, entitled " An act, authorising the Governor to incorporate a company for making an artificial road from Meansville in the county of Bradford, in a southern direc-*

Commissioners named.

Books to be procured.

Engagement of subscribers.