

forth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired, which are laid out by order of the courts of quarter sessions of the peace, in the several counties of the commonwealth.

SECT. 3. *And be it further enacted by the authority aforesaid,* That each of the said commissioners, before entering upon the duties of his appointment, shall take and subscribe an oath or affirmation, before some justice of the peace, fully and impartially to perform the duties required of him by this act; and shall receive one dollar and fifty cents for each day necessarily employed in performing the duties required of him by this act, together with a reasonable allowance for chain carriers and one marker; and the accounts of said commissioners shall be adjusted by the commissioners of the respective counties through which the said road may pass, and paid by the treasurers of said counties by orders drawn on the county treasury, in proportion to the distance said road shall pass through each county.

JOHN GILMORE, *Speaker*
of the House of Representatives.

PHILIP S. MARKLEY,
Speaker of the Senate.

APPROVED—April the second, one thousand eight hundred and twenty-one.

JOSEPH HIESTER.

CHAPTER CXLVI.

AN ACT

To erect the town of Kittanning, in the county of Armstrong, 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 Kittanning, in the county of Armstrong, comprised within the following limits, to wit: Beginning at a post on the Allegheny river, thence north fifty-one degrees east one hundred and fifteen perches and one tenth to a post, thence south thirty-nine degrees east one hundred and sixty-three perches and nine-tenths to a post, thence south fifty-one degrees west thirty-five perches and five-

tenths to a post, thence south thirty-nine degrees east forty perches and seven tenths to a post, thence south fifty-one degrees west twenty-four perches and seven-tenths to a post, thence south thirty-nine degrees east thirty-six perches and seven-tenths to a white oak, thence south fifty-one degrees west fifty-four perches and nine-tenths to a walnut tree on the bank of the Allegheny river, thence west to low water mark of said river, thence up said river by low water mark to a point opposite the place of beginning, thence from said point in a direct line to the place of beginning, including the streets along which the said lines run, shall be, and the same is hereby erected into a borough, which shall be called the borough of Kittanning.

SECT. 2. *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 said borough for twelve months previously to such election, to meet at the court house in the town of Kittanning on the first Monday in May in each year, and then and there, between the hours of ten in the forenoon and six in the afternoon, to elect by ballot one reputable citizen residing therein who shall be styled the burgess of said borough, and five reputable citizens residing therein to be a town council, and also shall elect as aforesaid a high constable; but previously to any such election, the inhabitants entitled to vote as aforesaid shall elect three reputable citizens, one of whom shall preside as judge, one act as inspector, and the other discharge the duty of clerk, according to the general election law of this commonwealth, so far as relates to receiving and counting the votes, and subject to the same penalties for mal-practices as by the said election law are now or may hereafter be imposed; and the said judge, inspector and clerk, before they enter upon the duties of their respective offices, shall take an oath or affirmation before any justice of the peace of the county of Armstrong, to perform the same with fidelity, and shall hold said elections from time to time as occasion may require and receive and count the ballots and declare the persons having the greatest number of votes to be duly elected; whereupon duplicate certificates thereof shall be signed by the said judge, inspector and clerk, one of which shall be transmitted to each of the said persons elected, and the other filed amongst the records of the corporation for safe keeping; and in case of vacancy by death, resignation or otherwise of any of the said officers, the burgess, or in his absence or inability to act, the first named of the town council, shall issue his precept directed to the high constable, requiring him to hold an election to fill such vacancy, he giving at least ten days notice by advertisements set up at four of the most public places in said borough.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the burgess and town council duly elected as

Qualifications of electors.

Time of holding elections.

Officers to be elected.

Judge, inspector and clerk.

Regulation of elections.

Vacancy how supplied.

aforsaid and their successors forever shall be one body politic and corporate in law, by the name of "The Burgess and Town Council of the borough of Kittanning in the county of Armstrong," shall have perpetual succession; and the said burgess and town council aforsaid and their successors forever shall be capable in law to take by purchase or devise, hold and possess lands, tenements, rents, liberties, franchises and hereditaments to them and their successors in fee simple or otherwise, also goods, chattels and other things of what nature and kind soever, not exceeding the yearly value of five thousand dollars; and also to give, rent, let, sell and assign the same lands, tenements, hereditaments, rents, goods and chattels; and by the name aforsaid they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts 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. *Provided*, That no misnomer nor failure of the election of officers on the day appointed shall discontinue or dissolve the said corporation, but the officers respectively for the time being shall continue in until a new election shall be made at such time as the said council may direct.

Style of the corporation.

Powers and privileges.

Proviso.

SECT. 4. *And be it further enacted by the authority aforsaid*, That if any person duly elected, whether burgess or member of the town council as aforsaid, having been notified as before directed, shall refuse 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 ten 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, shall be for the use of the said corporation. *Provided*, That no person elected as aforsaid shall be liable to a fine for refusing or neglecting to serve more than two years in the term of six years.

Penalty for refusal to act as officers.

To what use payable.

Proviso.

SECT. 5. *And be it further enacted by the authority aforsaid*, That the burgess shall 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 well and truly to discharge the duties of his office, before he enters on the execution thereof; and the said burgess shall thereupon administer a similar oath or affirmation to each member of the town council and to the high constable, and the certificate of such oaths or affirmations shall be recorded in the books of the corporation; and the said burgess shall further have power and authority to administer oaths and affirmations when the same may be necessary on the investigation of any matter within the cognizance of the said corporation.

Officers to be under oath or affirmation.

SECT. 6. *And be it further enacted by the authority aforsaid*, That it shall and may be lawful for the town council.

A majority of the town council may constitute a quorum to make by-laws, &c.

of whom a majority shall form a quorum, to meet as often as occasion may require, and enact such by-laws and make such rules, ordinances and regulations, assess, apportion and appropriate such taxes as shall be determined by a majority of the town council, necessary to promote the peace, good order, benefit or advantage of the said borough; and also to appoint a town clerk, treasurer, and such other officers as may be deemed necessary by a majority of the town council: but no by-law, rule or ordinance enacted as aforesaid shall be repugnant to the constitution or laws of the United States or of this state, and no person shall be punished for the breach of any by-law or ordinance enacted for the regulation of the said borough of Kittanning unless a true copy of such by-law or ordinance be published for three weeks successively in a newspaper printed and published in said borough; but if there should be no newspaper so printed and published, then by a true copy set up in three of the most public places in said borough, and no by-law or ordinance shall be carried into operation in less than three weeks after the commencement of such publication. *Provided nevertheless,* That no tax shall be laid in any one year on the valuation of taxable property in said borough exceeding one cent in the dollar, unless some object of general utility should be thought necessary; in such case a majority of the taxable inhabitants of said borough by writing under their hands shall certify the same to the town council who shall proceed to assess the same as aforesaid.

Proviso.

High constable to collect taxes, fines and forfeitures, &c.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the burgess elected agreeably to this act is hereby authorised and empowered to issue his precept, directed to the high constable, commanding him to collect all taxes assessed from time to time as aforesaid, and all fines and forfeitures that may become due by virtue of this act or by the ordinances or regulations of the corporation, and the same to pay over to the treasurer to be appointed by the town council, and to carry into effect whatsoever is enjoined upon him for the well ordering and governing of the said borough.

Duties of the high constable,

SECT. 8. *And be it further enacted by the authority aforesaid,* That the high constable of the said borough is hereby required and directed within thirty days after he shall have received his warrant for the collection of the taxes as aforesaid, to make out a transcript or list of all the taxes that shall then remain due and unpaid upon any unseated lot or lots in said borough, and return the same to the commissioners of Armstrong county aforesaid, who shall thereupon issue their warrant in favor of said constable upon the treasury of said county for the amount of the taxes aforesaid, to be paid when collected; and the said commissioners are hereby enjoined and required to proceed to the collection of the taxes so as aforesaid returned to them in the same way and manner that road taxes on unseated land are by law collected.

And of the commissioners.

SECT. 9. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the treasurer, constable, town clerk and other officers appointed by the town council to render their accounts to the said council once in every year, which being settled and adjusted by the said council shall be published, shewing particularly the amount of taxes levied, and of all expenditures which shall have been made relative to the same

Officers to render accounts annually.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the burgess shall be and he is hereby required to cause the by-laws, rules and ordinances made as aforesaid to be recorded in a book to be kept for that purpose, and he shall cause the same to be carried into full execution without delay after the publication thereof as is directed by this act; and 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, records, books, papers and documents relating to the said corporation; the treasurer to be appointed pursuant to this act shall give such security for the faithful discharge of the duties of his office as a majority of the said council may deem reasonable and necessary; and the high constable shall give bond and security to the said corporation in such sum as the said council or a majority thereof shall deem necessary, conditioned for the faithful performance of all and singular the duties enjoined upon him either by this act or by the by-laws and ordinances of the said council. *Provided however,* That if the said treasurer or high constable shall make default in performing the duties enjoined upon them respectively, they or either of them may be removed from office by the burgess, on complaint of a majority of the said council. *Provided also,* That if any person 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 to prosecute his, her or their appeal with effect; which court shall make such order therein as may be just and reasonable, and the order of judgment so made shall be final and conclusive upon the parties.

Duties of the burgess,
And of the town clerk.
The treasurer and high constable to give bond, &c.
The said officers may be removed for default.
Proviso.

JOHN GILMORE, *Speaker*
of the House of Representatives.

PHILIP S. MARKLEY,
Speaker of the Senate.

APPROVED—April the second, one thousand eight hundred and twenty-one.

JOSEPH HLESTER,