

No. 75.

AN ACT.

To incorporate the town of Bloomfield, in the county of Perry, 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 Bloomfield, in the county of Perry, shall be and the same is hereby erected into a borough, to be called the borough of Bloomfield, which is comprised within the following boundaries, to wit: beginning at a post at the east corner of a bridge, over George Barnett's mill race; thence through said Barnett's land, south fifty-nine degrees, west thirty-two perches, to a post on the line of John Clesse's land; thence south fifteen degrees, east perches, to the corner of said Clesse's land; thence along the same, and lands of Casper Lupfer, south sixty-one and a fourth degrees, west thirty-seven and two tenths perches, to a post and stones; thence by lands of said Lupfer, so as to include lands of John Clesse, John D. Creigh, Dr. Jonas Ickes, A. M. Axe, John Rice, M. Hubler and Samuel Klinepeter, to a post on the line of said Lupfer, at the north west corner of said Klinepeter's clear land; thence through said Klinepeter's land, to the south west corner of J. M. Duncan's land; thence along the line thereof, north, so as to include the same, to the north west corner of the county land; thence by the same, to the north east corner thereof; thence north seventy-three degrees, east forty-four perches, to a black oak on George Barnett's land; thence south thirty-nine degrees, east one hundred and thirty perches, to a black oak on the road leading from Barnett's to M'Cown's; thence south fifteen degrees, west fifty-six perches, to the bridge and place of beginning.

Borough boundaries.

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 the said borough three months previously to such election, to meet at the court house in said borough on the third Friday in March, in every year, and then and there elect by ballot, between the hours of twelve and six o'clock of the same day, one respectable citizen residing therein, who shall be styled the burgess of said borough, and seven citizens residing therein, who shall be a town council, and two citizens to be street commissioners; but previously to such election the inhabitants present shall elect two respectable citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated and conducted according to

Annual election for officers.

Burgess, council, &c

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 mal practices as by the said law is imposed; and the said judges, inspector and clerks, before they enter upon the duties of their offices, shall each take an oath or affirmation before any justice of the peace of said county, but if no justice of the peace be present at the election, one of the judges, after first having the oath or affirmation required as aforesaid, administered to him by one of the other judges, shall administer the oaths or affirmations to the other judges and to the inspectors and clerks, to perform the same with fidelity; and after the said election shall be closed, shall declare 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 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 or removal, refusal to accept or neglect or refusal to act after acceptance of any of the said officers, 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 when he refuses or neglects to act, then any of the members of the town council shall advertise and hold an election in the manner aforesaid, to supply such vacancy, giving at least ten days notice thereof, by advertisements, set up at four of the most public places in the said borough.

SECT. 3. And be it further enacted by the authority aforesaid,

That from and after the third Friday in March, 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 council of the borough of Bloomfield, and shall have perpetual succession; and the said burgess and 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 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, 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.

Manner of
conducting
election.

Returns
thereof.

Vacancies
from any
cause.

How supplied

Burgess and
council incor-
porated.

Privileges
and liabilities

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person or inhabitant of the said borough, duly qualified to elect as aforesaid, shall be elected to the office of burgess, and having notice of his election, shall refuse to undertake and execute that office, every person so refusing shall forfeit and pay a fine of ten dollars; and if any other person duly qualified as aforesaid, shall be duly elected or appointed, in pursuance of this act, to any other office in said borough, and having notice of his election or appointment, shall refuse to undertake and execute the duties of that office, every person so refusing shall forfeit and pay a fine of five dollars; which fines, forfeitures and all others, in pursuance of this act or of the by-laws of the said council, shall be recoverable before any justice of the peace of said county, for the use of said corporation: *Provided,* That no person shall be compelled to serve more than one year in any term of four years; and that if any person or persons shall conceive himself or themselves aggrieved by the judgment of any justice of the peace, by virtue of this act, he or they may appeal to the next county court of common pleas, upon giving security according to law, to prosecute his or their appeal with effect; who shall, on the petition of the party, take such order therein as to them shall appear just and reasonable, and the same shall be conclusive to all parties.

Penalties on persons elected or appointed refusing to serve.

How recover- ed.

Proviso. But one year in four.

Right of persons aggrieved to appeal.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the burgess shall take and subscribe an oath or affirmation before one of the associate judges or a justice of the peace for the county of Perry, to support the constitution of the United States and of this state, and an oath or affirmation well and truly to execute the office of burgess of the borough of Bloomfield; and when so qualified, he shall administer an oath or affirmation to the council, high constable and town clerk, in manner and form aforesaid, before they shall enter on the duties of their respective offices; the certificates of which oaths and affirmations, shall be filed among the records of the said corporation.

Oaths of office.

To be filed.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the town council may meet, by their own authority, as occasion may require, or upon the summons of the burgess; they shall have power to enact by-laws, and to make such rules, regulations and ordinances as shall be determined on by a majority of the whole council, necessary to promote the peace, good order and general welfare of the inhabitants of the said borough, and for the purpose of improving and keeping in order the streets, lanes, alleys, public squares and common ground belonging to said town, within the said borough, for removing nuisances and obstructions therefrom, and the same to annul, alter or make anew as the occasion may require; and also to assess, levy and collect a tax for said purposes; and also, annually, to appoint a town

Meetings of council.

General powers.

Proviso.
Of the by-
laws, &c.
2d proviso.
Limit of tax.

clerk, treasurer and such other officers as may be deemed necessary, with all other powers required for the well ordering and better government of the said borough: *Provided*, That the said ordinances, rules and regulations shall not be repugnant to the constitution or laws of the United States or of this commonwealth: *And provided also*, That no tax shall be laid by them in any one year, to exceed one half of a cent in the dollar on the valuation of taxable property, taken from the then assessment, made in pursuance of the several acts of assembly for raising county rates and levies, unless some object of general utility shall be thought necessary, in which case a majority of the freeholders of said borough, by writing under their hands, shall approve and certify the same to the town council, who shall proceed to assess the same accordingly; and all taxes which may be assessed or laid in their said borough, shall as nearly as the same is practicable, be assessed and collected conformably to the laws for raising county rates and levies; they shall also have power to levy and collect a tax on the owners of dogs and bitches, not exceeding fifty cents for each dog or two dollars for each bitch, in any one year.

May tax
dogs, &c.

Duties of
town clerk.

SECT. 7. *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.

Security of
treasurer.

SECT. 8. *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 moneys, books, and accounts, appertaining thereto, upon demand being made by the burgess for that purpose.

Annual settlement and
publication of
accounts.

SECT. 9. *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; and in case any of the said officers shall fail or neglect to perform any duty enjoined upon him by this act, or by the ordinances of the town council, he shall forfeit and pay a fine for the use of the said corporation, at the discretion of the said council, not exceed-

Penalty on
neglect of
duty.

ing five dollars, and may be removed from office by the council, and his place be supplied by the appointment of another person.

SECT. 10. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the high constable, to give notice of the election, by setting up advertisements, in three public places in the said borough, ten days previously thereto, and shall attend and see that the same is opened at the time and in the manner directed by this act.

Duty of high constable relative to election:

SECT. 11. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for all persons entitled by law to vote for burgesses and other officers of the borough of Bloomfield, at the same time and place where they vote for said officers, to elect two reputable citizens of the said borough, and return the names of the persons so elected to the next court of quarter sessions of the said county, one of whom shall be appointed constable of said borough, in the same manner, with like power and authority and receive like fees, and be subject to the same regulations and penalties as are provided and contained in the laws now existing, or that may be hereafter passed, concerning constables within this commonwealth, and shall serve and execute all manner of process which may by law be directed to the constable of said borough; and the constable so appointed, shall do and perform all the duties required to be done by the high constable of said borough, in pursuance of this act and of the by-laws and ordinances of said borough.

Election of constable.

His powers.

To supply place of high constable.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the burgess and town council shall constitute a court of appeal, and prior to the collection of any borough tax, they shall appoint a day for the hearing of appeals, of which and of the amount of his or her tax and the place where the appeal will be held, the collector shall notify each taxable by a written notice in the usual manner, at least ten days before the day of appeal; and where the said tax shall have been properly adjusted, it shall be the duty of the burgess, or in case of his absence or inability to act, of the treasurer, and he is hereby authorised to issue his precept directed to the collector, commanding him to collect all taxes so assessed, and vesting him with like powers and authorities given to the collectors of county rates and levies by the laws of this commonwealth; and the amount so collected shall be paid into the treasury for the use of the corporation.

Court of appeal from assessment of taxes.

Collection of same.

SECT. 13. *And be it further enacted by the authority aforesaid,* That in the absence from the borough or inability of the burgess, it shall be the duty of the first named of the town council, who may be present, to perform the duties which are enjoined on the burgess by this act, or which may

Provision for the absence of burgess.

be enjoined by the by-laws which may be passed in pursuance of the same.

SECT. 14. *And be it further enacted by the authority aforesaid,* That in any meeting of the burgess and town council, it shall require at least four of the council to form a quorum, who shall have power to transact business.

SECT. 15. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the burgess and town council to cause public notice of any by-law or ordinance which they may ordain, to be given in written or printed hand-bills, to be set up at three of the most public places within said borough, at least five days before any such by-law or ordinance shall take effect.

SECT. 16. *And be it further enacted by the authority aforesaid,* That hereafter nothing contained in the general road laws of this commonwealth shall extend to the said borough, but it shall be the duty of the street commissioners, under the direction of the burgess and town council, to keep all the public streets in said borough in good order for the accommodation of the public; and for neglect thereof, the burgess, members of the town council and street commissioners shall be liable to indictment in the court of general quarter sessions of the peace in the county of Perry, and may be convicted and punished in the same manner as supervisors of highways: *Provided,* Nothing herein contained shall interfere with the assessment and collection of county taxes as heretofore.

SECT. 17. *And be it further enacted by the authority aforesaid,* That in case the election shall not be held on the day appointed by this act, the old officers shall continue in office until the next annual election.

SECT. 18. *And be it further enacted by the authority aforesaid,* That George Barnet, David Lupler, Dr. Jonas Ickes and Col. John Wilson, of said town, or either of them, shall publish and superintend the first election for borough officers, on the second Friday of March next, after the passing of this act, at the place appointed by law for holding the elections for said borough, and they are hereby directed to give five days notice by advertisements as before directed in other cases of election, of the time and place of holding the same.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourteenth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.