

vehicles, carts or carriages as are or may be used on said road by said company, subject to the same tolls and restrictions as are imposed by this act.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

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

GEO. WOLF.

No. 95.

AN ACT

To erect the town of New Cumberland, in the county of Cumberland, 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 New Cumberland, in the county of Cumberland, shall be and the same is hereby erected into a borough, which shall be called the borough of New Cumberland, and shall be bounded and limited as follows, viz: beginning at the mouth of Yellow Breeches creek; thence up said creek to the most southermost alley of said village; thence up said alley to the north line of said village, bounded by lands of John Crist; thence down said line to the river Susquehanna; thence down said river to the place of 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, (if such tax shall have been assessed,) shall have power, on the second Friday of May next, to meet at the house of John Poist, innkeeper, in the said borough, and annually thereafter, at such convenient place in the said borough, as shall have been fixed on by the by-laws of the corporation for that purpose; and then and there between the hours of one and six in the afternoon, elect by ballot, one respectable citizen residing therein, who shall be styled the chief burgess, one other citizen who shall be styled the assistant burgess, and five

Borough limits.

Time and place of election for borough officers

Burgesses and town council.

- High constable. 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 place of election, 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 laws of this commonwealth, and who shall be subject to the same penalties as for mal-practices as by the said laws are imposed; and the said judges, inspector and clerks, before they enter on the duties of their respective offices, shall take an oath or affirmation before any justice of the peace of the 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 should have an equal number of votes, the preference shall be determined by lot, to be drawn by the two 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 the person elected chief burgess, 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 corporation shall not on that account be dissolved; but 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 eight days notice by six advertisements set up in the most public places in said borough: *Provided*, That the citizens of said borough shall be entitled to vote at the first election, although they shall have paid no borough tax.
- Manner of conducting election. *SECT. 3. And be it further enacted by the authority aforesaid,* That from and after the second Friday in May 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 New Cumberland, 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, in fee simple or otherwise, not exceeding the yearly value of three thousand dollars; and also to grant, sell, let and assign the same goods and chattels, lands, and tenements;
- Vacancies or omissions, how supplied and remedied.
- Proviso. Voters at first election.
- Officers elect, incorporated.
- General powers.

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, until it be otherwise directed by law.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person duly elected chief burgess, assistant 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 him 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 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 recoverable before any justice of the peace, in the same manner as debts not exceeding one hundred dollars are recoverable by the laws of this commonwealth, and shall be forthwith paid to the treasurer of the borough; and it shall be the duty of the officers of said borough, on receiving the 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 once in five years.

Penalty on refusal to accept office.

How recovered and appropriated.

Proviso. Exemption 4 years out of 5.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the town council shall meet on the first Monday next after their election in each year, at such place as a majority of them shall agree upon, and choose one of their number president, who shall preside at all their meetings; and it shall be the duty of the said council, (three of whom shall be a quorum,) to hold quarterly meetings on the third Saturdays in April, July, October and January in each year, and oftener if occasion requires, at which meetings they may enact, alter, revise, repeal and amend all such by laws, 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 markets, improving, repairing and keeping in good order, the streets, lanes, alleys and highways, ascertaining the depth of vaults, sinks, pits for necessary houses, and making permanent rules relative to the foundation of buildings, party walls and fences; they shall 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 to appoint a town clerk, treasurer, street

Meetings of town council.

3 a quorum.

Duties, powers, privileges, &c.

supervisor, 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: *Provided*, That no by-laws, rules or ordinances of the 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 of the said corporation, until ten days have expired after the promulgation thereof, by at least three advertisements set up in the most public places in the 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 on cent in the dollar of such valuation, unless some object of general utility shall be thought necessary; in which case three fourths of the taxable inhabitants of said borough shall approve and certify the same in writing under their hands, to the town council, who shall proceed to assess the same accordingly: *And provided further*, That before the chief burgess, assistant burgess, members of the town council and high constable, shall enter on the duties of their respective offices, they 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, which certificates of said oaths and affirmations shall be filed among the records of the said corporation.

SECT. 6. 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 so assessed, and the same to pay over to the treasurer; and the said 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 whatever else shall be enjoined on 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 when it shall appear that the person or persons so fined, did not offend intentionally, or on their having some or other just and reasonable excuse to plead in his or their behalf.

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 upon business of the corporation, and perform the business of clerk thereto; and keep and preserve the common seal and records of the corporation, and be answerable for the same; and also for

Proviso.
Of the by-
laws.

2d proviso.
Limit to rate
of tax.

3d proviso.
Oaths of
office.

Collection of
taxes.

Powers of
chief burgess.

Duties of
town clerk.

the faithful discharge of the duties which may be enjoined upon him by virtue of this act or by the by-laws and ordinances of the corporation; and his attestation, with the seal of the corporation, shall be good evidence of the act or thing so certified.

SECT. 8. *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 delivery of all moneys, books and accounts appertaining thereto, into the hands of his successors, upon demand made for that purpose. Security of treasurer.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the street supervisor, treasurer, high constable, clerk of the market and collector, as well as other officers that may be appointed by the corporation or council, shall in the month of May, yearly, render their accounts to the said council for settlement; and the said accounts being so adjusted and settled, shall be forthwith published by the council, shewing particularly the amount of taxes laid and collected, and all moneys paid into the treasury, and the amount of expenditures. Annual settlement of accounts.

SECT. 10. *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 nevertheless,* That the 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. Court of appeal. Proviso. Power restricted.

SECT. 11. *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 the said borough, to be held in pursuance of this act, by setting up five advertisements in the most public places in said borough at least ten days previous thereto; he shall attend and see the election is opened in time and in the manner directed by this act: *Provided,* That the constable of the township of Allen, for the time being, shall publish and superintend the election to be held on the second Friday in May next, as hereinbefore directed. High constable to give notice of annual election. Proviso. Constable of Allen township to superintend first election.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the town council shall from time to time fix the compensation of the high constable, town clerk, treasurer, clerk of the market and such other officers as may be appointed under this act, which compensation shall be paid out of the borough treasury by orders drawn thereon, signed by the president of the council, and shall not be increased or diminished during the time for which said officers were ap- Compensation of borough officers.

Proviso.
Penalty on
refusal to
serve.

2d proviso.
Once in five
years.

Right of ap-
peal by per-
sons aggriev-
ed.

pointed, 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, he shall for the same forfeit and pay for the use of the corporation, the sum of ten dollars, unless he can render to the said council a satisfactory reason why he should be exonerated from such service: *And provided also*, That no person appointed as aforesaid, shall be liable to fine for refusing or neglecting to serve more than once in five years.

SECT. 13. *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 appointments made by the town council, 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.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

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

GEO. WOLF.

No. 96.

AN ACT

Authorising the laying out a state road from the ferry, on the Ohio river, opposite the town of Economy, in the county of Beaver, to intersect the roads leading from Frankford and Georgetown, to Pittsburg, at the village of Clinton, in the county of Allegheny.

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 David Scott and James Johnston, of Beaver county, and Nathaniel Patterson, of Allegheny county, are hereby appointed commissioners to lay out by courses and distances, a state road, beginning at the ferry, on the Ohio river, opposite the town of Economy, in the county of Bea-

Commission-
ers appointed
to lay out
road.