

nothing therein contained shall prevent the said trustees, or any two of them, from doing and performing all and singular the duties, and exercising the same powers and privileges as are enjoined and given by the sections aforesaid, to the president and managers of the said company.

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. 98.

AN ACT

Incorporating the towns of Lawrenceville and Covington, in Tioga county.

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 Lawrenceville, in the county of Tioga, shall be and the same is hereby erected into a borough, under the name and title of the borough of Lawrenceville, bounded and limited as follows: beginning at the western bank of the Tioga river, at low water mark, at the New York state line; thence up the several courses of the said river, to the south line of Ira Kilbun's land, on the west side of said Tioga river; thence north eighty-six degrees, west parallel to the west line of James Ford's land; thence to and along the said western line of James Ford's land, to the New York state line; thence along the said line, to the place of beginning.

Borough boundaries of Lawrenceville.

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 assembly, who have resided in said borough six months previous to any election, to meet at some convenient house in said borough, to be selected and agreed upon by the burgess and council of said borough, on the fourth Monday of May next, and then and there to elect by ballot, between the hours of one and six in the afternoon, one citizen residing therein, who shall be styled the burgess

Election of officers pro tem.

of said borough, three citizens residing therein to be a town council; one citizen as town constable, one person as overseer of the poor, and one person as supervisor to repair the streets and alleys, in said borough; but previously to the opening of such election, the citizens present shall elect three persons to discharge the duties of judge, inspector and clerk, according to the general election laws of this commonwealth, who shall be subject to the same penalties for mal-practices as by the said election laws are imposed; and the said judges, inspector and clerk, before they enter on the duties of their respective offices, shall take an oath or affirmation before some judge or justice of the peace, to perform the same with fidelity, and after the said election shall be closed, shall declare the persons having the greatest number of votes duly elected; whereupon, duplicate certificates of said election shall be signed by the said judge, inspector and clerk, one of which shall be transmitted to the prothonotary's office of said county, and the other filed among the records of said corporation; and it shall be the duty of the clerk of said election, to give notice in writing to each of the said persons so elected as aforesaid; and in case of vacancy by death, resignation or otherwise, the burgess, or in case of his inability, any two of the town council, shall issue a precept to the constable of said borough, or other suitable person, requiring him to hold an election to supply such omission or 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: *Provided*, That the citizens of said borough shall be entitled to vote at the first election, although they have not paid a borough tax.

Manner of
conducting
election.

Vacancies.

Proviso.
Qualification
of voters.

Classification
of council.

SECT. 3. *And be it further enacted by the authority aforesaid*, That on the Monday next, after the said election, the members of the town council, elected as aforesaid, shall be convened at some suitable place in said borough, and shall then and there, by lot, divide themselves into two classes, and the seats of the members of the first class shall be vacated at the end of one year; of the second class, at the expiration of the second year, counting the year, as commencing for corporate purposes, on the first Monday of June.

Burgess and
council incor-
porated.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the burgess and town council, elected as aforesaid, 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 Lawrenceville, and shall have perpetual succession; and the burgess and town council, aforesaid, and their successors, forever, shall be capable, in law, to have, get, receive, hold and possess lands, tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors, in fee simple, or otherwise, all goods, chattels and other things, of what nature or kind soever, not ex-

General pow-
ers.

ceeding the yearly value of two thousand dollars; and to have, grant, sell, let and assign the same lands, tenements, hereditaments, rents, goods and chattels; and by the name aforesaid they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of this commonwealth, or before any justice of the peace in Tioga county, 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.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the inhabitants of said borough, entitled to vote as aforesaid, shall, on the fourth Monday of May next, ensuing the aforesaid election, and on the same day in every year thereafter, meet at the place appointed, and elect, in manner aforesaid, one burgess, one town constable, one overseer of the poor, one supervisor, and two members of council, to supply the places of the members of council, vacated in the manner aforesaid; which election shall be held and conducted in all respects as hereinbefore required.

Annual election of officers

SECT. 6. *And be it further enacted by the authority aforesaid,* That if any person, duly elected burgess, member of the council, town constable, overseer of the poor, or supervisor, as aforesaid, or appointed to any office, as hereinafter provided, and having received notice thereof, as required by this act, shall refuse or neglect to take upon himself the execution of said office, or having taken upon himself the execution of 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 by this act or any other of the by-laws and ordinances of the town council, shall be for the use of the said corporation, and may be recovered before any justice of the peace in the same manner that debts of equal amount are by law recoverable; and when so recovered, shall be forthwith paid to the treasurer of the borough.

Penalty on refusal to accept offices.

How recovered and appropriated.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the burgess, town council, and constable and each of them, shall take an oath or affirmation, before some judge or justice of the peace of said county or burgess of the said borough, 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.

Oaths of office.

SECT. 8. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the burgess and town council to meet as often as occasion may require, and enact, ordain, revise, repeal and annul, all such by-laws, rules, regulations and ordinances, assess, apportion and appropriate

Meetings and duties of burgess and council.

such taxes as shall be determined by a majority of them necessary to promote the peace, good order, benefit and advantage of said borough; to repair and keep in good order the streets, alleys and highways, and also to appoint a town clerk, treasurer, collector, and such other officers as may be deemed necessary by the said burgess and council; but no by-law, rule or ordinance, enacted as aforesaid, shall be repugnant to the constitution and laws of the United States or of this state; and no person shall be punished for a breach of any law or ordinance, enacted for the regulation of said borough, unless the same shall have been published for three successive weeks in some newspaper printed in said borough, or a true copy thereof set up at four of the most public places in said borough; and no by-law, ordinance or regulation shall be carried into effect in less than three weeks after such publication: *Provided*, That in laying such tax due regard be had to the valuation of taxable property, assessed or hereafter to be assessed for the purpose of raising county rates and levies, and that no tax for the support and regulation of the streets, alleys and highways, or for the support of the poor, shall exceed in any one year, for either of those purposes, one cent on the dollar of such valuation, unless some object of general utility should require the same, in which case a majority of the taxable inhabitants of said borough, by writing, under their hands, shall approve of and certify the same to the burgess and council, who may then proceed to assess the same accordingly.

Proviso.
Limit to rate
of tax.

Collection of
taxes.

General pow-
ers of burgess

SECT. 9. *And be it further enacted by the authority aforesaid*, That the burgess elected agreeably to this act, is hereby authorised to issue his precept to the constable, collector, or other fit person, commanding him to collect all taxes assessed, and fines and forfeitures imposed by this act, or by the ordinances and regulations of the burgess and council, and the same to pay over to the treasurer; and the said burgess is hereby empowered to carry into effect all by-laws enacted by the council and whatever else shall be enjoined on him for the well ordering and governing said borough; he shall have judicial jurisdiction in all cases of fines imposed by this act or the by-laws and ordinances of the council, and in all disputes between the corporation and individuals arising under and by the virtue of this act, or under and by virtue of the laws and ordinances of the council, and for these purposes may issue process of summons, subpoena, and writs of execution, and such other writs as may be necessary for the exercise of such jurisdiction, directed to the constable of the borough; or in case of his inability to execute such process, to the supervisor.

Court of ap-
peal from bo-
rough tax.

SECT. 10. *And be it further enacted by the authority aforesaid*, That the burgess, president of the council pro tem. treasurer and town clerk, or any two of them, shall consti-

tute a court of appeal, and prior to the collection of any borough tax they shall appoint a day of appeal, of which, and the amount of his or her tax, and the place where the appeal will be held, the collector shall notify each resident taxable by a written notice, at least ten days before the day of appeal; and when the said tax shall have been properly adjusted, it shall be the duty of the burgess, or in his absence or inability to act, of the treasurer, and he is hereby authorised to issue his precept to the collector, commanding him to collect all taxes so assessed, and vesting with him the 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 forthwith paid into the treasury for the use of the corporation.

SECT. 11. *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 duties which may be enjoined on him by virtue of this act or the acts of the corporation; and his attestation with the seal of the corporation shall be good evidence of the thing or act certified in all cases where the original would have been received. Duty of town clerk.

SECT. 12. *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 pertaining thereto, upon demand being made by the burgess or council; that the treasurer, constable or collector, as well as all other officers who may be appointed by the council, shall render their accounts whenever required so to do, which accounts being adjusted and settled, shall be published once in each year in some newspaper printed in the borough, or by advertisements set up at four of the most public places in said borough, particularly showing the amount of taxes laid and collected, and the expenditures. Security of treasurer.
Annual publication of accounts.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the constable shall give notice of the annual election in the same way as is prescribed in regard to township elections, and shall have the same power as other constables of this commonwealth for keeping the peace; he shall execute all process or precepts directed to him by the burgess, and shall be liable to a fine of five dollars for neglect of duty, and shall have the compensation that is allowed to other constables for the same or similar services, and shall, at the next court of quarter sessions of Tioga county after his election, deliver to the clerk of said court a certificate of his election, certified by the judge, inspector and clerk Duty of constable.
Fine of \$5 for neglect.

of the election, and shall give bond and security for the faithful performance of his duty, as other constables are by law required to do, which bond shall be for the same uses and intents, and in all things as available as the bonds of other constables in this commonwealth; and shall have similar powers with other constables to execute process, civil and criminal, issued by justices of the peace of the county of Tioga, and directed to him as constable of the borough of Lawrenceville.

His bond, &c.

Persons aggrieved may appeal to court upon giving security, &c.

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, of any law or ordinance under the authority of the same, except what relates to the assessing and collecting of borough taxes, and appointments made by the burgess and council as aforesaid, he, she or they may appeal to the next court of common pleas to be held for the county of Tioga, 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 to them shall seem just and reasonable, the same shall be final and conclusive.

Presiding officer of council.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the burgess shall preside in all meetings of the council, and in case of his absence or inability to act, a president pro tem. may be appointed by the members present.

Exemption from operation of road laws, &c.

SECT. 16. *And be it further enacted by the authority aforesaid,* That nothing contained in the general road laws shall be deemed to extend to the said borough; and the general elections held therein, and returns thereof shall remain as heretofore.

Persons named to superintend first election.

SECT. 17. *And be it further enacted by the authority aforesaid,* That Job Geer, Micajah Seelye and Henry H. Potter, of said borough, or either of them, shall publish and superintend the first election for borough officers, on the fourth Monday in May next after the passage of this act, at the place appointed by law for holding the general election in 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.

Borough boundaries of Covington.

SECT. 18. *And be it further enacted by the authority aforesaid,* That the town of Covington, in the county of Tioga, shall be, and the same is hereby erected into a borough, under the name and title of the borough of Covington, bounded and limited as follows: beginning at a post at the junction of Trout-alley and the east and west state road; thence south five degrees, east along the west side of said alley, thirty-four perches to a post; thence north eighty-five degrees, east seventy-three perches to a post; thence north half a degree, west along the line of land owned by Ephraim B. Gerould and John Rush, sixty perches to a post; thence

south eighty-five degrees, west seventy perches to a post; thence south five degrees, east thirty-nine perches to the place of beginning.

SECT. 19. *And be it further enacted by the authority aforesaid,* That the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and sixteenth sections of this act, shall be applicable to, and in full force and virtue with regard to the borough of Covington, in Tioga county; and that James Wicks, Hiram Thomas and Francis E. Youngs, or either of them, shall publish and superintend the first election for borough officers, on the fourth Monday of May next, (and the school house in said borough shall be the place of holding the borough elections until altered by a majority of the taxable inhabitants of the said borough,) and they are hereby directed to give five days notice of the time of holding such election.

Fifteen of the foregoing sections made applicable to Covington.
First election for officers.

SECT. 20. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, it shall not be lawful for any horses, cattle, sheep or swine, to run at large within the incorporated bounds of said borough, except by an ordinance of the corporation especially for that purpose, the right to pass or enact which shall be vested in the burghess and town council, any law to the contrary notwithstanding.

Swine, cattle, &c. running at large.

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. 99.

AN ACT

Authorising the laying out a state road from the junction of the Philadelphia and Great Bend, and Easton and Belmont turnpike roads, in the county of Pike, to the public road leading from Priceburg to the Delaware Water Gap, in the county of Northampton.

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 Robert Levers and Joseph Houser, of Northampton county, and John Price, of Pike county, are hereby appointed to lay out road.

Commissioners appointed to lay out road.