

under the present existing laws, would be imprisonment in the jail and penitentiary house of Philadelphia, for any term less than one year, shall be sentenced by the proper court, to receive his or her punishment in the county jail, of the proper county.

Convicts here after sentenced to be removed to penitentiary at expense of county.

May remain in Philadelphia jail until completion of cells.

Time for the removal of prisoners by inspectors of Philadelphia jail.

Proviso. If penitentiary is ready.

SECT. 5. *And be it further enacted by the authority aforesaid,* That criminals sentenced, as directed in and by the third section of this act, shall be removed to the aforesaid state penitentiary, at the expense of the proper county, subject nevertheless, to be detained and confined in the jail and penitentiary house of Philadelphia, until a sufficient number of cells shall be finished in the said state penitentiary, to enable the inspectors thereof conveniently to receive said criminals.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the inspectors of the jail and penitentiary, on the first Monday in April, one thousand eight hundred and thirty-three, or as soon thereafter as conveniently may be, shall remove all the convicted criminals, who may then remain in said jail and penitentiary, to the aforesaid state penitentiary for the eastern district, there to be imprisoned, kept and punished according to law and their several sentences, until duly discharged: *Provided,* The said state penitentiary shall be prepared for the reception of said prisoners as hereinbefore provided for.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

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

GEO. WOLF.

No. 120.

AN ACT

Erecting the village of Athens, in the county of Bradford, 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 village of Athens shall be, and the same is hereby erected into a borough, by the name of the borough of Athens, and which borough shall be comprised within the following limits: beginning at Satterlee's landing or ferry, on the Susquehanna river, and running westerly along the

Borough limits.

road leading from the same to the road leading to Newtown; thence south to lands of Edward Herrick; thence westerly along the line of said lands to Chemung river; thence down the said river to lands of Henry Wells; thence easterly along the line of said lands to the bank of the river Susquehanna; thence up along the bank of said river to the place of beginning.

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 six months within the said borough, previously to said election, to meet at the house of D. A. Saltmarsh, 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 five citizens residing therein, who shall be a town council; and shall also elect as aforesaid, one citizen as high constable, two persons as overseers of the poor, one as supervisor, one as assessor, and two as assistant assessors; but previously to such election, the inhabitants 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 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 as by the said law is imposed; and the said judges, inspector and clerks, shall each 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 person having the greatest number of votes to be duly elected; and in case any two or more candidates having 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, removal, or refusal to accept, 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.

Annual election for borough officers

Manner of conducting election.

Vacancies how supplied.

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

That from and after the first Monday in April next, the burgess and town council, duly elected as aforesaid, and

Powers of incorporation.

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 Athens," and shall have perpetual succession; and the said burgess and council aforesaid, and their successors, shall be capable in law, to receive and hold goods and chattels, lands, tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors, in fee simple, or otherwise, not exceeding the yearly value of five thousand dollars; and also, give, 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 in this commonwealth, in all manner of actions whatever, and to have and to use one common seal, and the same from time to time to change and alter at their will.

Seal.

Penalties on refusal to accept borough offices.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person, an inhabitant of the said borough, and duly qualified to elect as aforesaid, shall be elected to the office of burgess or high constable, and having notice of his election, shall refuse to undertake and execute that office, any 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 to any other office in the said borough, enacted by this act, and having notice of his election, shall refuse to undertake and execute the duties of that office, any 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 the said county, for the use of the 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 find himself or themselves aggrieved by the judgment of any justice of the peace, or of any by-law decision or ordinance of the town council under this act, except what relates to the collection of borough taxes, and appointments made by the burgess and council aforesaid, may appeal to the next court of common pleas of Bradford county.

How recovered and appropriated. Proviso. Term of service.

Benefit of appeal.

Oaths of office

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 justices of the peace for the county of Bradford, to support the constitution of the United States and of this state, to well and truly execute the duties of the office of burgess of the borough of Athens; and when so qualified, he shall administer an oath or affirmation to the council, high constable, town clerk, and all other officers appointed under the provisions of this act, in manner and form as aforesaid, before they shall enter on the duties of their respective offices; the

certificates of which oaths or affirmations shall be filed among the records of the said corporation.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the town council so chosen, or a majority of them, shall have full power and authority to make and enact such ordinances, rules and regulations, as may be necessary for improving and keeping in order the streets, lanes, alleys, within said borough, and removing nuisances and obstructions therefrom; and the same to annul, alter, and make anew, as occasion may require; and also to assess, levy, and collect a tax for the said purposes; and also annually to appoint a town clerk, treasurer, and such other officers as may be deemed necessary; and shall have all other powers necessary for the well ordering and good government of the said borough: *Provided,* That the said ordinances, rules or regulations, shall not be repugnant to the constitution of the United States, or of this state: *And provided also,* That no tax shall be laid by them in any one year to exceed one half of a cent on the valuation of taxable property taken from the last assessment, unless some object of general utility shall be thought necessary, in which case a majority of the freeholders of the 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 within the said borough, shall, as nearly as the same is practicable be assessed and collected conformably to the laws for raising county rates and levies.

Powers of town council.

Proviso.

2d proviso.
Limit of rate of tax, &c.

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.

Duty of the town clerk.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the treasurer shall give security in a sum not less than one, nor more than three thousand dollars, at the discretion of the burgess and council, 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.

Security of treasurer.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the street commissioners, treasurer, constable and clerk, as well as all other officers, who may be appointed by virtue of the provisions of this act, by the corporation or council, shall render their accounts once in every year for settlement;

Annual settlement and publication of accounts.

Notice of elections.

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 it shall be the duty of the high constable to give notice of the elections, by setting up advertisements, in three public places in said borough, ten days previously thereto, and shall attend and see that the same is opened at the time, and in the same manner as is directed by this act.

Presiding officer of council.

SECT. 10. *And be it further enacted by the authority aforesaid,* That in all meetings held under this law, or under the by-laws enacted in pursuance of the same, it shall be the duty of the burgess to preside, or in his absence, the members who may be then present of the town council, first named in the return of the election, and it shall be the duty of the officers of the election to name in the return, the persons who may be elected according to the number of votes which each may have, placing first in return the name of the person who has the greatest number of votes, and so on, and if any of the persons elected shall have an equal number of votes, then the officers of the election shall decide, by lot, which of them shall be first named.

Provision for absence, &c. of burgess.

SECT. 11. *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 be enjoined by the by-laws, passed in pursuance of the same.

Of the high constable.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the high constable shall have authority to preserve the peace, to serve all process of the burgess, and any justice of the peace of the said county, and be entitled to the same fees as other constables, by virtue of the laws of this state, and shall at the next court of quarter sessions of Bradford county, after his election, deliver to the clerk of said court, a certificate of his election, and shall give bond and security, for the faithful performance of his duty, as other constables; that the overseers of the poor, assessor and assistants shall have the same powers, and bound to the discharge of the same duties, as other overseers and assessors are by the existing laws of this state.

In council, 4 a quorum.

SECT. 13. *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 to form a quorum to transact business.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

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

GEO. WOLF.