

No. 167.

AN ACT

For the relief of Abraham Frayer.

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 State Treasurer be and he is hereby authorised and required to pay to Abraham Frayer, of Butler county, or order, three hundred dollars, in full, for a tract of donation land, which was granted to John Miller, a soldier of the revolutionary war, whose right and interest has become legally vested in the said Abraham Frayer, situate in what is commonly called the Struck donation, in the second district, number three hundred and fifty-two, containing two hundred acres, which had previously to the date of the patent, been appropriated by actual settlement: *Provided,* That the said Frayer, shall first deposit in the office of the Secretary of the Land office, his title papers, and a release thereof.

\$300 granted
for donation
land of J.
Miller.

Proviso.
Title papers
to be filed.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

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

GEO. WOLF.

No. 168.

AN ACT

To erect Youngstown, in the county of Westmoreland, 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 Youngstown, in the county of Westmoreland, shall be, and the same is hereby erected into a borough, under the name and title of "the borough of Youngstown;" the extent and boundaries of which shall be as follows: beginning at Keenan's mill; thence east ninety degrees sixty-nine perches, to a white oak; north fourteen

Borough
boundaries.

degrees, east forty-seven perches, to a stump; south eighty six degrees, east fifty-two perches, to the turnpike at John Rawan's; south forty-seven degrees, east twenty-two perches, to Martin West's; south forty-two degrees, west sixty-one perches, to Francis Littel's; south thirty-two degrees, west fifty-eight perches, to a post; north forty-seven degrees, west twenty-six perches, to the meeting house; south eighty-seven degrees, west twenty-six perches, to a beech; south twenty five degrees, west twenty-eight perches, to a mill dam; north twenty six and one fourth degrees, west fifty perches, to the turnpike; north four degrees, east fifty perches, to the beginning.

SECT. 2. *And be it further enacted by the authority aforesaid,*
 First election for officers. That the inhabitants of the said borough, entitled to vote for members of the general assembly, and who have resided within the same for six months, immediately preceding the election hereinafter mentioned, shall, on or before the first Monday of May next, meet at the house of John Gibson, within the said borough, and then and there, between the hours of one and five in the afternoon, elect, by ballot, one citizen, who shall be styled chief burgess, and one other citizen, who shall be styled assistant burgess; six citizens to be a council, and one citizen to be a high constable; all of whom shall be inhabitants of said borough; but previously to the opening of said election, or at any subsequent election, held in pursuance of the provisions of this act, such of the inhabitants who may be present, at the said house of John Gibson, shall choose two citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated, throughout, according to the general election laws of this commonwealth; and who shall be subject to the same penalties, for mal-practices, as by the said laws are imposed; and the said judges, inspectors, and clerks, shall take an oath or affirmation, before a judge or justice of the peace, to perform the same with fidelity and impartiality; 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, of the candidates for the same office, shall have an equal number of votes, the preference shall be determined by lot, to be drawn in the presence of the inspector and clerks; whereupon, a certificate of the said election shall be signed by the said judges, a copy whereof shall be transmitted by the clerks to each person elected, and the original be recorded in the record book of the corporation; and in case of death, resignation, removal, or refusal to accept, of any of the said officers, a new election shall be held for the purpose of supplying such vacancy, in the manner hereinafter provided.

Burgesses, council and high constable.

Conduct of election.

Vacancies.

SECT. 3. *And be it further enacted by the authority aforesaid,*
 Classification of council. That on the Monday next after said election, the members

of the council, elected as aforesaid, shall be convened at the house of John Gibson, in the said borough, by the chief burgess or assistant burgess, and then and there shall, by lot, divide themselves into three classes; and the seats of the members of the council of the first class, shall be vacated at the expiration of the first year; of the second class at the expiration of the second year, and of the third class at the expiration of the third year: counting the year as commencing, for corporate purposes, on the third Friday of April.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said borough, entitled to vote as aforesaid, shall, on the first Monday in May, next ensuing the election aforesaid, and on the same day in every year thereafter, meet at the house of John Gibson, as aforesaid, and elect, in manner aforesaid, one chief burgess, one assistant burgess, one high constable, and two members of the town council, to supply the place of the members of the council vacated in the manner hereinbefore mentioned; and the certificate of such election shall be signed by the said judges, a copy thereof transmitted by the high constable of the preceding year to each person so elected, and the original recorded in the record books of the corporation. *And in case of the death, resignation, removal, or refusal to accept, of any of the said officers, or if it should at any time happen, that no election shall be holden on the day, or in the manner aforesaid, the chief burgess, or in his absence or inability, or refusal to act, the assistant burgess, shall issue his precept, directing the high constable to hold an election in manner aforesaid, to supply such vacancy, giving at least ten days notice of such election, in one of the newspapers in the said borough, or by five advertisements, set up in the most public places within the same; in the mean time, the officers within the said borough, elected for the last year, shall continue, to all intents and purposes, to hold their respective offices, and exercise all the powers appertaining thereto, as fully and effectually, as if their term of office had not expired.*

Annual elec- tion.

Vacancies from any cause how supplied.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the inhabitants of said borough, in manner aforesaid, shall elect two street supervisors, one assessor, and two assistant assessors of county taxes, for the said borough, at such times, and under like regulations, and for the same purposes, as are, or shall be hereafter directed by law, in the several townships within this commonwealth; which said street supervisors, assessors, and assistant assessors, so elected, shall have, use, and exercise, all and every the powers, rights, and privileges, perform all and every the same duties, and be subject to all and every the same fines, penalties, and forfeitures, within the said borough respec-

Election of supervisors and assessors.

tively, which are, or hereafter lawfully may be used, had, and exercised, or which are, or shall be, suffered by and imposed upon like officers of the several townships within this commonwealth; and the names of the said street supervisors shall be returned to the next court of quarter sessions of the county, for the same purposes as is, or shall be declared by law, as to supervisors of roads in the several townships within this commonwealth.

SECT. 6. *And be it further enacted by the authority aforesaid,*

Incorporation That from and after the first Monday in May next, the chief burgess and assistant burgess, and council, duly elected as aforesaid, and their successors, shall be one body politic and corporate, by the name and style of "the burgess and council of the borough of Youngstown," and shall have perpetual succession; and shall be capable, in law, to have, acquire, receive, hold purchase and possess, goods, chattels, lands and tenements, rights, 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, let, assign the same goods, lands, chattels, 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 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.

Title.

Privileges, liabilities, &c.

SECT. 7. *And be it further enacted by the authority aforesaid,*

Penalty on refusal to perform duties of office. That if any person duly elected as chief burgess, assistant burgess, member of the 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, or having taken upon himself 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 other fines and forfeitures incurred and made payable in pursuance of this act, or of any of their by-laws and ordinances of the burgess and councils, shall be for the use of the said corporation, and shall be recoverable before any justice of the peace of said county, in the same manner that debts of equal amount are or shall hereafter be by law recoverable, and when so recovered, shall be forthwith paid to the treasurer of the borough, and it shall be the duty of the officers of said borough, on receiving any money belonging to the corporation to pay the same to the treasurer forthwith: *Provided*, That no person elected as aforesaid, be liable to a fine for refusing or neglecting to serve more than once in five years.

How recovered and appropriated.

Proviso. Term of service.

SECT. 8. *And be it further enacted by the authority aforesaid,*

Oaths of office That the chief burgess, assistant burgess and members of the

council and high constables, and each of them, before entering on the duties of their respective offices, shall take and subscribe an oath or affirmation before a judge or justice of the peace of the 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; and the certificates of such oaths or affirmations shall be recorded among the records of the corporation.

SECT. 9. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the chief burgess, or in case of his absence, inability or refusal to attend, of the assistant burgess, and at least four members of the council to hold sessions; in all of which the chief burgess or assistant burgess as the case may be, shall preside; and in case of an equal division of the council, he shall give the casting vote, on the third Saturday of May, July, October and February in each year, and oftener if occasion should require, of which notice shall be given in manner aforesaid, by the chief burgess or assistant burgess, at which session they may enact or ordain, revise, repeal and amend all such by-laws, ordinances, rules and regulations as shall be deemed expedient to promote the peace, good order, benefit and accommodation of the citizens of the said borough, to provide for the regulation of the market, improve, repair and keep in order the streets, alleys and highways, ascertain the depth of vaults, sinks, pits or privies, make permanent rules, relative to the foundations of buildings, party walls and fences; they shall further have power to enact by-laws, to impose fines and penalties and partial or total forfeitures, to assess apportion and appropriate such taxes as shall be adjudged necessary for carrying the said by-laws, ordinances, rules and regulations, from time to time into complete effect; which by-laws, ordinances, rules and regulations shall be signed by the president of the council, attested by the secretary, and recorded in the record books of the corporation; and also to appoint annually a secretary, treasurer, clerk of the market, and a collector and such other officers as may from time to time be thought necessary; and the same officers from time to time to remove for misdemeanor in office, which sessions of the said burgess and council shall be held at the house of John Gibson, or such other place in said borough as the burgess and council may from time to time agree upon: *Provided,* That no by-laws, ordinances, rules or regulations of the same 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 a breach of any by-law, ordinance, rule or regulation made as aforesaid, until ten days shall have expired after the promulgation thereof, in at least one English newspaper if any there be printed in said borough, or by at least five advertisements set up in the most public places.

General powers of burgess and council.

Proviso. Of the by-laws, and their publication.

2d proviso.
Limit to rate
of tax.

within the said borough: *And provided also*, That in laying such tax, due regard shall be had to the valuation of all such taxable property assessed or hereafter to be assessed for the purpose of raising county rates and levies, so that the said tax shall not in any one year exceed one half cent in the dollar of such valuation, unless some object of general utility require the same, in which case the consent thereto of a majority of the taxable inhabitants of the said borough, shall be previously obtained in writing.

Collection of
taxes.

SECT. 10. *And be it further enacted by the authority aforesaid*, That the chief burgess elected and qualified agreeably to this act, or in his absence, inability or refusal to act, the assistant burgess is hereby authorised and empowered to issue his precept as often as occasion may require, directed to the high constable, or in case of his inability to act to some other fit person, commanding him to collect all taxes assessed by this act or by the ordinances, by-laws, rules and regulations of the corporation, and to cause the same to be paid over to the treasurer; and the said burgess is hereby authorised to carry into effect, all by-laws enacted by the said chief burgess or assistant burgess and council.

Lot holders
making pave-
ments to have
credit on ac-
count of tax.

SECT. 11. *And be it further enacted by the authority aforesaid*, That if any person or persons, being lot-owners in the said borough, have already made or shall hereafter make, a good and sufficient pavement of either stone or brick, in front of his or their lot, in such manner as to be approved of by the street supervisors, the person or persons so doing, shall have a credit on their borough tax, from year to year, until their tax will have amounted to the value of such improvement, the valuation of which improvement shall be fixed by three reputable citizens, to be chosen by the street supervisors, and the citizens making such improvement.

Duty of se-
cretary.

SECT. 12. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the secretary, to attend all sessions of the burgess and council, when assembled on business of the corporation, and perform the duty of the clerk thereto, and to keep and preserve the 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 the acts of the corporation, whose attestation with the seal of the corporation, shall be good evidence of the act or thing so certified.

Security of
treasurer.

SECT. 13. *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 safe delivery of all monies, books and accounts appertaining thereto, into the hands of his successor, upon the demand made for that purpose.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the street supervisors, treasurer, high constable, clerk of the market, and collector, as well as all other officers, who may be appointed in the corporation, by the chief burgess, or assistant burgess and council, shall at their session on the third Saturday in May, of each and every year, render their accounts to the said burgess and council for settlement, and the said accounts being adjusted accordingly, shall be forthwith published by the said council, showing particularly the amount of taxes laid and collected, and all monies paid into the treasury, and the particular items of expenditures.

Annual settle-
ment and pub-
lication of ac-
counts.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the chief burgess, assistant burgess, and three members of the council, to be appointed at the first session in each year, or any three of them, shall constitute a court of appeal; and prior to the collection of any borough tax, the collectors shall inform each inhabitant of the amount of his or her tax, and of the time and place of appeal; *Provided,* That the said court of appeal, shall have no other power as such, than to determine the justice of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same.

Court of ap-
peal.

Proviso.
Power limited

SECT. 16. *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 in said borough, in at least one newspaper printed therein, or by setting at least five advertisements in the most public places therein, at least ten days previous thereto. He shall attend and see that the election is opened, at the time and in the manner directed by this act: *Provided,* That James Keenan and William T. Baldridge, of the said borough, or either of them, shall publish and superintend the election to be held on the first Monday of May next, as hereinbefore directed.

Notice of an-
nual election.

Proviso:
Of first elec-
tion.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the chief burgess, or in case of his inability or refusal to act, the assistant burgess and council, shall from time to time fix the salaries or fees of the high constable, secretary, treasurer, clerk of the market, and such other officers as may be appointed under this act, which salaries or fees shall be paid out of the borough treasury, by orders drawn thereon, signed by the chief burgess or assistant burgess, as the case may be, and attested by the secretary, which salaries or fees shall not be increased or diminished, during the time said officers shall have been appointed respectively: *Provided,* That if any person appointed by the said burgess, and council as aforesaid, shall neglect or refuse to take on himself the duties of the office, to which he shall be appointed, he shall for such neglect or refusal, forfeit and pay for the use of the corporation, the sum of ten dollars, unless he can ren-

Salaries and
fees of officers

Proviso.
Penalty on
refusal to ac-
cept.

der to the said chief burgess and council, a satisfactory reason, why he should be exonerated from such service.

SECT. 18. *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, or of any by laws or ordinances made under the authority of the same, except what relates to the assessing and collecting of the borough tax, 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 same 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 to them appear just and reasonable, the same shall be conclusive and binding all parties.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 169.

A SUPPLEMENT

To the act erecting the town of Birmingham, in the county of Allegheny, 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 from and after the passage of this act, the citizens of the borough of Birmingham, in the county of Allegheny, shall enjoy all the rights, privileges and immunities and be subject to all the liabilities of a separate township, and from and after the first Monday of May next, it shall be lawful for the citizens of said borough, to elect their borough officers on the second Tuesday of January, annually, and any thing in the act to which this is a supplement, which is hereby altered or supplied, is repealed.

Separation
from town-
ship.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

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

GEO. WOLF.