

Oaths of view-
ers. the advantages derived by said Frederick Reidenower from said road passing through his lands; and before entering on the duties herein prescribed, they shall take and subscribe an oath or affirmation, before some justice of the peace, faithfully and impartially to perform the same, which oath or affirmation so taken and subscribed, shall accompany their proceedings, and be filed in the office of the clerk of the court of Quarter Sessions of Berks county.

JOHN LAPORTE,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The twentieth day of December, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.



No. 2.

AN ACT

To incorporate the town of Landisburg, in the county of Perry, into a borough, and to appoint trustees for the public school house therein,

Borough
boundaries.

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 Landisburg, in the county of Perry, and territory included within the following boundaries, (to wit:) beginning at a post at the north west corner of Henry Fetter's garden, thence south eighteen and one half degrees, east thirteen perches, north seventy and one half degrees, east two and three-tenth perches, south eighteen and one half degrees, east thirteen perches, north seventy and one half degrees, east six perches and five tenths, south seventeen degrees, east eighteen and five-tenth perches, north thirty-nine and three fourth degrees, east nineteen perches, north sixty-seven and one half degrees, east one hundred and one perches and five-tenths, north twenty-one degrees, west thirty-four perches, south eighty and one half degrees, west thirty-five perches, north twenty-one degrees, west nine and five-tenth perches, south seventy-nine and one half degrees, west twenty-three and three-tenth perches, north twenty-one and a half degrees, west twelve perches, south seventy degrees and five-tenths, west seventy-one and five

tenth perches, south forty-four and one fourth degrees, east eleven and three-tenth perches, south seventy and one half degrees, west twelve and four-tenth perches, south forty and one half degrees, east twenty-three perches, north eighty three degrees, east three and nine-tenth perches to the place of beginning, are hereby erected into a borough, which shall be called and styled "the borough of Landisburg."

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of said borough entitled to vote for members of the General Assembly, having resided therein at least six months immediately preceding the election, and having paid a borough tax within one year, shall, on the last Friday of December in the present year, and on the last Friday of December in every year thereafter, meet at the school house in said borough, or at such other place as the town council after their organization may appoint, and then and there, between the hours of one and five in the afternoon, elect, by ballot one citizen, who shall be styled the burgess of said borough, and four other citizens to be called the town council, and the burgess shall be president of the said council, and shall have and exercise all the rights and privileges of a member thereof in every respect, all of whom shall be resident within said borough, but previous to the opening of such election, such of the inhabitants entitled to vote as aforesaid, as may be present at the time and place of opening the same, shall choose one person to act as inspector, two as judges, and two as clerks thereof, who shall be sworn or affirmed by some justice of the peace of the said county, (or in case no justice can be conveniently obtained, then they may swear or affirm one another,) to conduct the said election with fidelity and impartiality, and according to law; the said election shall be conducted in the same manner as the general elections of this commonwealth, and the judges shall declare the person having the greatest number of votes to be duly elected; but in case any two or more candidates shall have an equal number of votes for the same office, the preference shall be determined by lot, to be drawn by the judges, in the presence of the inspectors and clerks, whereupon duplicate certificates of said election shall be signed by the said judges, and attested by the clerks, one of which shall be transmitted to each of the persons elected, and one filed among the records of the corporation, and it shall be the duty of the town clerk to give notice to each of the persons so elected, and in case of the death, resignation, removal, or refusal to accept of any of the said offices, or if it should so happen that no election should be holden on the day and in the manner aforesaid, a new election shall be held to supply any such vacancy, of which the burgess for the time being, or in his absence or inability to attend, the town clerk shall give eight days notice, by at least six advertisements, to be put up at the most public places within said

Election of
borough offi-
cers.

Mode of con-
ducting elec-
tion.

Proviso. Superintendants of first election. 2d Proviso. Qualifications of voters and notice to persons elected.

borough: *Provided*, That it shall be the duty of Jacob Albert, Samuel Murray and Henry Hipple, or any two of them, to give notice as aforesaid, of the first election to be held under this act, and in case no election shall be held on the day herein first mentioned, they shall appoint some other day for holding the same, of which they shall give notice as aforesaid: *And provided further*, That until the said borough shall be duly organised, and taxes assessed, under the authority of the same, the payment of a borough tax shall not be required to entitle any inhabitant, (otherwise qualified) to a vote for borough officers, and it shall be the duty of the inspector of the first election to notify the persons elected of their election.

Style of corporation. Privileges, immunities, &c.

SECT. 3. *And be it further enacted by the authority aforesaid*, That from and after the last Friday of December, in the present year, the burgess and town council, duly elected, and their successors, shall be one body politic and corporate, by the name and style of "the burgess and town council of the borough of Landisburg," and shall have perpetual succession, and the said burgess and town council, and their successors, shall be capable in law to have, 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 two thousand dollars, and also to grant, sell, let and assign the same, 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 at their will to change and alter.

Penalty on officers refusing to serve. How recovered. Proviso. Term of service.

SECT. 4. *And be it further enacted by the authority aforesaid*, That if any person duly elected burgess, or member of the town council, and having received notice thereof, as directed by this act, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, or having taken upon himself such duties, shall neglect to discharge the same according to law, every such person so refusing or neglecting, shall, for every such offence, forfeit and pay the sum of ten dollars, which fine, and all other fines that may be incurred under this act, or any of the by-laws or ordinances of the town council, shall be for the use of said corporation, and shall be recovered in the name of "the burgess and town council of the borough of Landisburg," as debts of like amount are or may be recoverable by law: *Provided*, That no person elected as aforesaid, or appointed under this act, shall be fined for refusing or neglecting to serve more than one in three years.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the town council shall meet on the second Monday of

January in each year, and as often thereafter as occasion may require, three members shall constitute a quorum to do business, and the proceedings of a majority of a quorum, when there is one formed, shall be valid; they shall have power in the absence of the burgess, to elect a president pro tem, who shall, in case of the death, resignation, refusal to accept, or inability of the burgess to attend, perform all and every duty enjoined on the burgess; the burgess, or in his absence, the president pro tem shall have power to call special meetings of the council, in which case personal notice must be given to every member; the burgess and members of the council shall in all cases continue to hold and exercise the duties of their respective offices until their successors shall be duly elected and qualified; before entering on their duties they shall take and subscribe an oath or affirmation, before some 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 offices with fidelity, and the certificates of the said oaths and affirmations shall be filed among the records of the corporation.

Meetings of town council.

Oaths of office.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the town council shall have power to pass all such by-laws, regulations and ordinances, as they may determine necessary for the good order and well being of the said borough, particularly for the regulation, improvement and keeping in order the public streets, lanes, alleys and highways, and for the prevention and removal of nuisances within the same, also for the preservation and improvement of any public ground or property whatsoever, that has heretofore at any time been granted to the use of the citizens of Landisburg, or that may hereafter be granted to the use of the corporation; they shall have power to assess, collect and appropriate such taxes as shall be necessary to carry their rules and ordinances into effect, and to make all necessary contracts and engagements for the same purpose; in assessing taxes they shall be governed by the valuation of property made for the purpose of raising county rates and levies, and shall not assess in any one year more than one half cent on the dollar of such valuation, unless some object of general utility shall be thought necessary, in which case a majority of the taxable inhabitants may approve of and certify the same in writing to the council, who may then proceed to assess the necessary amount of taxes to carry the same into effect, they shall also have power to tax the owners or keepers of dogs and bitches within said borough, not exceeding fifty cents for every dog, or two dollars for every bitch so owned or kept within the same; it shall be their duty to cause all the public highways, and all the public streets, lanes and alleys within said borough, to be kept in good repair, and shall have the same authority in obtaining

General powers of the town council.

materials, and in improving the same as the supervisors of the highways within this commonwealth, and may be proceeded against in the same manner, and be subject to the same fines and penalties as the said supervisors, for any neglect of duty in relation to keeping the said highways, streets, lanes and alleys in good order; they shall have power to appoint a treasurer, town clerk, collector of taxes, and such other officers as they may deem necessary, as often as occasion may require, and the same to remove at pleasure; the officers to be appointed by the council shall be allowed such compensation as the council may fix and agree on, but the members of the council themselves shall not be entitled to any compensation for their services; the council shall have power to remit any fines or penalties that may be incurred under this act, or the by-laws of the corporation, when in their judgment it may be proper to do so under the circumstances of the case: *Provided*, No by-law or ordinance of the corporation shall be repugnant to the constitution and laws of the United States or of this state, and no person shall be punished for a violation of any ordinance or by-law of said borough, until eight days shall have expired after the promulgation thereof by at least four advertisements, set up at the most public places within the same.

Proviso.

By-laws.

Collection of taxes.

SECT. 7. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the burgess to issue his warrant to the collector as often as occasion may require, commanding him to collect the taxes assessed by the town council, agreeably to this act, (a list or duplicate of which shall be delivered to the said collector,) and to pay the same to the treasurer, and the said collector shall have the same power and authority in the collection of the said taxes, as the collectors of county rates and levies, and in case he refuses or neglects to collect the said taxes, and pay them to the treasurer within ninety days after he shall have received the warrant and duplicate, the treasurer may proceed against him in order to compel him to pay the same, in the same manner that county treasurers are authorised by law to proceed against the collectors of county rates and levies, when they neglect to collect and pay over the amount of taxes in their duplicates, according to law: *Provided*, That the town council may hear any complaint in relation to the assessment of the said taxes, and grant such relief as to them shall seem just, at any time, and also exonerate the collector from the payment of any tax that may be impracticable to collect; it shall also be the duty of the burgess to cause all the by-laws and ordinances of the council to be carried into effect, and to do and perform such other services as may be enjoined on him by the same.

Proviso.

Appeal to council.

Duties of the town clerk.

SECT. 8. *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 council when assembled on the business of

the corporation, and perform the duties of clerk, he shall keep full and fair minutes of their proceedings, and shall enter, in a separate book, to be procured for that purpose, all the by-laws and ordinances adopted by the council, which shall be signed therein by the president of the council, and attested by the clerk, and to which he shall also keep a full and fair index. He shall have charge of the seal and records of the corporation: and certified copies under seal of the corporation attested by the clerk shall be good evidence of the thing certified: he shall give notice of the annual elections of said borough, by setting up at least six advertisements, in the most public places within said borough, at least eight days before the day of election: he shall serve all notices that may be required by the council, and do and perform such other things and acts as may be enjoined on him by the by-laws and ordinances of the council, and shall deliver all books, records, and every thing else in his hands belonging to the corporation, to his successor in office; and in case he neglects or refuses to deliver the said books and other property, in his hands, belonging to the corporation, to his successor upon demand being made, he shall forfeit and pay the sum of fifty dollars, and be accountable for all damages accruing to the corporation by reason of their detention.

SECT. 9. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the treasurer to receive all moneys due to the corporation, whether for taxes, fines, or in any other way, and to pay the same on orders drawn agreeably to law. He shall keep fair accounts of his receipts and payments, and pay over all moneys in his hands, and deliver all books and accounts to his successor in office, belonging to the corporation, or pertaining to his official duties, when demanded, for which he shall give bond to the burgess and council with such sureties as they may require. Of the treasurer.

SECT. 10. *And be it further enacted by the authority aforesaid,* That no money shall be drawn from the treasury but by authority of the council, on orders signed by the president thereof, and attested by the clerk. It shall be the duty of the council to settle the accounts of the several officers annually, and to cause a fair statement, showing the amount of receipts into the treasury, and how the same shall have been expended, to be published every year, in the month of December, and before the annual election, by setting up at least three copies thereof, in the most public places within the borough. Orders on the treasurer.
Settlement and publication of account.

SECT. 11. *And be it further enacted by the authority aforesaid,* That any person appointed to any office by the town council, who shall refuse or neglect to take upon himself the duties of the office to which he may have been appointed, Penalty on persons appointed by town council refusing to serve.

or having taken upon himself the same, and shall neglect his duty, shall forfeit and pay for every such offence the sum of five dollars.

SECT. 12. And be it further enacted by the authority aforesaid, That nothing contained in this act shall in any manner interfere with the election, appointment or jurisdiction, of the constables of Tyrone township, but the same shall be and remain in all and every respect as if this act had not been passed, except that at least one of the constables to be hereafter elected and appointed annually for the township of Tyrone, shall reside within the borough, neither shall it be construed to interfere in any manner with any election district, but they shall be and remain as heretofore, nor shall it in any manner interfere with the assessment and collection of county rates and levies, and state taxes, but the same shall be proceeded in as if this act had not been passed.

SECT. 13. And be it further enacted by the authority aforesaid, That from and after the second Monday in January next, the supervisors of Tyrone township shall cease to have any jurisdiction within the borough, except so far as to collect any taxes that may be then due and owing to them from the inhabitants of said borough.

SECT. 14. And be it further enacted by the authority aforesaid, That John Kibler, Henry Fetter and John Diven, senior, are hereby appointed trustees of the public school house within said borough, the first named of whom shall serve for three years, the second two, and the last one year, from the last Friday of December, instant; and it shall be lawful for the citizens of said borough, at the same time and place, and in the same manner that they elect borough officers, to elect a citizen to fill the place of the one whose term shall have expired, so that there shall be one elected every year after the first vacancy shall happen. And if a vacancy shall happen between the times of holding said elections, the remaining trustees shall appoint a suitable person to fill the vacancy, till the next annual election, when an election shall be holden as aforesaid, for the unexpired term of the one by whom the vacancy was created. It shall be the duty of the aforesaid trustees, and their successors in office, to cause the said school house to be repaired or rebuilt, and kept in suitable condition for a school house, for which purpose they shall receive such voluntary subscriptions as may be offered, or as can be obtained, and if any person who shall subscribe thereto shall neglect or refuse to pay the same, the said trustees and their successors in office may recover the same in the name of, "the trustees of the Landisburg school house," as debts of like amount are, or may be recoverable by law. It shall also be the duty of the said trustees and their successors, to examine the qualifications and fitness of any person who shall propose

to teach school in the said house. And no person shall be permitted to teach therein without first having obtained their consent and approbation in writing. They shall also attend at least once a month when a school is taught therein, and examine the progress of the scholars in learning, and the manner in which the school shall be conducted, and shall have power to dismiss any teacher therefrom for any misconduct, want of capacity to teach correctly, or for negligence and inattention to business.

JOHN LAPORTE,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-third day of December, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 3.

AN ACT

To authorise Minerva Rossiter to confirm a certain contract.

WHEREAS, Jesse M. Rossiter, late of the township of Schuylkill, in the county of Chester, died intestate, leaving a widow, Minerva Rossiter, and issue one child Susanna M. Rossiter, a minor, and seized in his demesne as of fee, of and in a certain messuage and tract of land, situate in the township aforesaid, and containing about one hundred and sixty-one acres, more or less: *And whereas*, the said Jesse, a short time previous to his death, contracted by parol for the sale of about fifty acres, part of the above mentioned tract, and divided off the part thus contracted to be sold from the rest of his land, and adjusted the corners thereof, and marked the same by permanent land marks, and previous to the day on which the said contract was to have been reduced to writing, and before possession was delivered, the said decedent died as aforesaid: *And whereas*, it appears that the estate of the said decedent would be greatly benefited by a sale of the said tract of fifty acres, according to the intention of the said decedent: Therefore,

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 said Minerva Rossiter, administratrix, &c. of the said Jesse M. Rossiter, be and she is hereby author-

Authorised to sell 50 acres of land.