

No. 109.

AN ACT

To erect the towns of Lewisberry, Martinsburg and Claysville, into boroughs.

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 Lewisberry, in the county of ^{Lewisberry,} York county, shall be and the same is hereby erected into a borough, which shall be called the borough of Lewisberry, and shall be bounded and limited as follows, to wit: beginning at such a point in the line between the lands of John Cline and Samuel Grove, that a line bearing north thirty degrees, ^{Borough boundaries.} east through the lands of the said Samuel Grove, to the south east corner of the plot of the village; thence along the north eastern boundary of said plot to its extremity; thence along the north western boundary of said plot to its extremity; thence along the south western boundary of said plot to Second street; thence through the lands of Elijah Garretson and Hugh Foster, deceased, north sixty degrees, west until it strikes the line between the townships of Newberry and Fairview; thence along said line to Bennet's run; thence down said run to John Cline's line aforesaid; thence along said line 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 ^{Qualifications of voters.} 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 ^{Annual election of officers.} Hervey Hammond, 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 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 ^{Conduct of election.} 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, inspectors 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 the 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.

Notice there-
of.

Proviso.

Privileges and
liabilities of
corporation.

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 Lewisberry, 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, land and tenements, 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, assis-

tant 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 the 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 officers elected, refusing to serve.

How recovered and appropriated.

Proviso.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the town council shall meet on the first Mouday 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 and 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 be exonerated from the payment of all road taxes that may be assessed by the township of Newberry, for property within the borough limits, and also to appoint a town clerk, treasurer, street 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 misdemeanors in office: *Provided*, That no by-laws, rules or ordinances of the corporation, shall be repugnant to the constitution or laws of the

Powers and general duties of the town council.

Town clerk and other sub officers.

Proviso. Of the by-laws.

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 shall 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 one 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, 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.

2d proviso.
Of the taxes.

3d proviso.
Oaths of office.

Powers and
duties of the
burgesses.

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 authorized 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 authorized 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 other just and reasonable excuse to plead in his or their behalf.

Duties of the
town clerk.

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 duties 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 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 monies, 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, showing particularly the amount of taxes laid and collected, and all monies paid into the treasury, and the amount of expenditures.

Annual settlement and publication 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 power as such then, to determine the justness of the apportionment of said tax, but may remedy any grievance that may occur in imposing the same.

Court of appeal.

Proviso.

Power limited.

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 Newberry, for the time being, shall publish and superintend the election, to be held on the second Friday in May next, as hereinbefore directed.

Duty of high constable relative to annual election.

Proviso.

Superintendance of 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 appointed 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,

Compensation of borough officers.

Proviso.

Penalty on persons appointed refusing to serve.

2d proviso.

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 a fine, for refusing or neglecting to serve more than once in five years.

Right of appeal to court of Com. Pleas.

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.

Town of Martinsburg.

Borough boundaries.

SECT. 14. *And be it further enacted by the authority aforesaid*, That the town of Martinsburg, in the county of Bedford, shall be and the same is hereby erected into a borough, which shall be called the borough of Martinsburg, and shall be comprised within the following boundaries, to wit: beginning at the house of Frederick Nichodemus, so as to include the same; thence north twenty-two degrees east three hundred perches to a post on the line between Huntingdon and Bedford counties; thence with the same north sixty-five degrees, west two hundred perches to a post, on the lands of Abraham Stoner and the heirs of Jacob Snowberger, deceased; thence south twenty-two degrees west three hundred perches to a post on John Stoner's farm, and thence south sixty five degrees, east two hundred perches to the place of beginning.

Annual election for officers.

SECT. 15. *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 in the said borough six months previously to such election, within that time paid a borough tax, if such tax shall have been assessed, to meet at the house now occupied by Adam Snyder on the second Tuesday in May 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 seven citizens residing therein who shall be a town council; but previously to such election, the inhabitants present 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 for malpractices as by the said law is imposed; and the said judges, inspector and clerks, before they enter upon the duties of their offices, shall each take an oath or affirmation before

any justice of the peace of said county, but if no justice of the peace be present at the election, one of the judges, after first having the oath or affirmation required by the aforesaid act administered to him by one of the other judges, shall administer the oaths or affirmations to the other judges and to the inspectors and clerks, 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 shall have 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 neglect 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.

Manner of
conducting
election.

Requisite notice thereof.

SECT. 16. *And be it further enacted by the authority aforesaid,* That from and after the second Tuesday in May next, the burgess and town council duly elected as aforesaid and their successors, shall be one body politic and corporate in law, by the name and style of the burgess and council of Martinsburg, and shall have perpetual succession; and the said burgess and council aforesaid and their successors shall be capable in law to receive, hold and possess goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments to them and their successors in fee simple or otherwise, not exceeding the yearly value of three thousand dollars, and also to give, grant, sell, let and assign the same lands, tenements, hereditaments, 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 whatsoever, and to have and to use one common seal, and the same from time to time, at their will, to change and alter.

Powers, privileges and duties granted and enjoined.

SECT. 17. *And be it further enacted by the authority aforesaid,* That if any person, an inhabitant of the said borough, duly qualified to elect as aforesaid, shall be elected to the office of burgess, and having notice of his election, shall refuse to undertake and execute that office, every 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

Burgess and other officers elected.

Penalty on refusal to serve.

to any other office in said borough enacted by this act, and having notice of his election, shall refuse to undertake and execute the duties of that office, every 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 said county for the use of 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 shall conceive himself or themselves aggrieved by the judgment of any justice of the peace by virtue of this act, he or they may appeal to the next county court of Common Pleas upon giving security according to law to prosecute his or their appeal with effect, who shall, on the petition of the party, take such order therein as to them shall appear just and reasonable, which shall be conclusive to all parties.

Proviso.

Term of service.
Right of appeal.

Oaths of office.

SECT. 18. *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 a justice of the peace for the county of Bedford, to support the constitution of the United States and of this state, and an oath or affirmation well and truly to execute the office of the burgess of the borough of Martinsburg, and when so qualified, he shall administer an oath or affirmation to the council, high constable or town clerk in manner and form aforesaid, before they shall enter on the duties of their respective offices, the certificates of which oaths and affirmations shall be filed among the records of the said corporation.

General powers and duties of town council.

SECT. 19. *And be it further enacted by the authority aforesaid*, That the town council may meet by their own authority, as occasion may require, or upon the summons of the burgess, they shall have power to enact by-laws and to make such rules, regulations and ordinances, as shall be determined on by a majority of the whole council, necessary to promote the peace, good order and general welfare of the inhabitants of the said borough, and for the purpose of improving and keeping in order the streets, lanes, alleys, public squares and common ground, belonging to said town, within the said borough, for removing nuisances and obstructions therefrom, and the same to annul, alter or make anew, as the occasion may require, and also to assess, levy and collect a tax for said purposes, and also annually to appoint a town clerk, treasurer and such other officers as may be deemed necessary, with all other powers required for the well ordering and better government of the said borough: *Provided*, That the said ordinances, rules and regulations, shall not be repugnant to the constitution or the laws of the United States or of this commonwealth: *And provided also*, That no tax shall be laid by them in any one year, to exceed

Proviso.
Of the ordinances.
2d proviso.

one half of a cent in the dollar, 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 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 in 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.

SECT. 20. *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.

Duties of the town clerk.

SECT. 21. *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 monies, books and accounts appertaining thereto, upon demands being made by the burgess for that purpose.

Treasurer to give security.

SECT. 22. *And be it further enacted by the authority aforesaid,* That the street commissioners, treasurer, constable and clerk of the market, as well as all other officers who may be appointed by the corporation or council, shall render their accounts to the council once in every year for settlement, and the said accounts being adjudged and settled accordingly shall be forthwith published by the said council showing particularly the amount of taxes laid and collected and of the expenditures.

Annual statement and publication of accounts.

SECT. 23. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the high constable to give notice of the election, by setting up advertisements in three public places in the said borough, ten days previously thereto, and shall attend and see that the same is opened at the time and in the manner directed by this act.

Notice of election by high constable.

SECT. 24. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for all persons entitled by law to vote for burgesses and other officers of the borough of Martinsburg, at the same time and place where they vote for said officers, to elect two reputable citizens of the said borough, and return the names of the persons so elected to the next court of Quarter Sessions of the said county, one of whom shall be appointed constable of said borough, in the same manner, with like power and authori-

Election of constable.

ty, and subject to the same regulations and penalties as are provided and contained in the laws now existing, or that may be hereafter passed, concerning constables within this commonwealth, and all manner of process which may by law be directed to the constable of said borough, whose duty it shall be to execute the same according to the law, and the constable so appointed shall do and perform all the duties required to be done by the high constable of said borough, in pursuance of this act, and of the by-laws and ordinances of the said borough.

Court of appeal.

SECT. 25. *And be it further enacted by the authority aforesaid,* That the burgess, president of the council and treasurer, or any two of them, shall constitute a court of appeal, and prior to the collection of any borough tax, they shall appoint a day for the hearing of appeals, of which, and of the amount of his or her tax, and the place where the appeal will be held, the collector shall notify each taxable by a written notice in the usual manner, at least ten days before the day of appeal, and where the said tax shall have been properly adjusted, it shall be the duty of the burgess, or, in case of his absence or inability to act, of the treasurer, and he is hereby authorized to issue his precept, directed to the collector, commanding him to collect all taxes so assessed, and vesting him with 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 paid into the treasury for the use of the corporation.

Collection of taxes.

Provision for absence of burgess.

SECT. 26. *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 which may be passed in pursuance of the same.

At meetings of council, & a quorum.

SECT. 27. *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.

Persons named to superintend first election.

SECT. 28. *And be it further enacted by the authority aforesaid,* That Henry Breidenthall and John Bingham of said town, or either of them, shall publish and superintend the first election for borough officers, on the second Tuesday in May next after the passing of this act, at the place appointed by law for holding the elections for 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.

SECT. 29. *And be it further enacted by the authority aforesaid,* That the town of Claysville, in the county of Washington, shall be, and the same is hereby erected into a be-

rough, which shall be called the borough of Claysville, and shall be bounded and limited as follows, to wit: Beginning at a stake at the corner of land of Porter's and Dougherty's heirs; thence by lands of Porter's heirs, north thirty-one and a quarter, west two hundred and fifty-three perches to a white oak; thence by lands of Charles Wilson, north eighty-two and a quarter, east one hundred and sixty-three and three tenths perches to a white oak; thence by lands of James Worrel, south one quarter, east one hundred and ninety-eight and seven-tenths perches to a white oak; thence by lands of Thomas Stewart and Dougherty's heirs, south sixty-five and a quarter, west ninety-two perches to the place of beginning.

SECT. 30. *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 preceeding the election, and within that time paid a borough tax, (if such a tax shall have been assessed) shall have power on the second Friday of May next, to meet at the school house 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 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, inspectors 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

Incorporation
of the town of
Claysville.
Borough
boundaries.

Annual election
of officers.

Manner of
conducting
election.

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 the 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.

Proviso.

SECT. 31. *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 Claysville, 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 one thousand dollars; and also to grant, sell, let and assign the same goods and chattels, lands and tenements; 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.

Style of corporation.

Privileges and liabilities.

SECT. 32. *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

Penalty on refusal to serve by persons elected.

How recovered and appropriated.

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.

SECT. 33. *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 July, October, January and April 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 or 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 be exonerated from the payment of all road taxes that may be assessed by the township of Donegal for property within the borough limits; and also to appoint a town clerk, treasurer, street 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 one half 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

Proviso.

Stated and special meetings of the town council.

Their general duties and powers.

Township road tax.

Appointment of subordinate officers.

Proviso. Of the by-laws.

2d proviso. Of the borough taxes.

3d proviso.

Oaths of borough officers.

burgess, assistant burgess, members of the town council and high constable shall enter on the duties of their respective offices, 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.

Duties of the burgesses.

SECT. 34. *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 authorized 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 authorized 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 other just and reasonable excuse to plead in his or their behalf.

Duties of the town clerk.

SECT. 35. *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 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.

Treasurer's security.

SECT. 36. *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 monies, books and accounts appertaining thereto, into the hands of his successors, upon demand made for that purpose.

Annual settlement and publication of accounts.

SECT. 37. *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, showing particularly the amount of taxes laid and

collected, and all moneys paid into the treasury, and the amount of expenditures.

SECT. 38. *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 power as such then 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 established.

Proviso.

Power limited.

SECT. 39. *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 Donegal, 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 election.

Proviso.

Constable of Donegal to publish first election, &c.

SECT. 40. *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 appointed 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.

Compensation of officers.

Proviso.

Persons appointed to office must serve, under a penalty.

2d proviso.

SECT. 41. *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

Right of appeal by persons aggrieved by this act,

such order therein as shall seem to them just and reasonable. the same shall be conclusive.

JOHN LAPORTE,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

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

GEO. WOLF.

No. 110.

AN ACT

Relative to the settlement of the accounts of the supervisors of the highways and overseers of the poor in the county of Bedford, and relative to the poor in the township of Roxborough, in the county of Philadelphia.

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 it shall be the duty of the freeholders, or persons elected, to settle the accounts of the supervisors of the highways and of the overseers of the poor in and for the county of Bedford. and they are hereby required from and after the passing of this act, to notify the supervisors and overseers aforesaid to produce their accounts properly authenticated for settlement, on the twenty-fifth day of April, or within ten days thereafter, in each and every year; which said notice shall particularly set forth the time when, and place where said settlement shall be made, and shall be given at least five days previous to the time of settlement.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so much of the act entitled, "An act for laying out, making and keeping in repair, the public roads and highways within this commonwealth, and for laying out private roads," passed the sixth day of April, one thousand eight hundred and two, as is hereby altered, be and the same is hereby repealed, as far as respects the county of Bedford aforesaid.

SECT. 3. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, it shall and may be lawful for the overseers of the poor in the town-

Notice required to be given to the supervisors and overseers.

Repeal of act of 6th April, 1802, so far as regards Bedford.

Roxborough.