

SECT. 3. *And be it further enacted by the authority aforesaid,* That every company incorporated as aforesaid, shall be managed as the articles of association shall prescribe, which a majority of the stockholders shall have power to alter and amend: *Provided,* That said articles shall, before the granting of any charter, and any alteration afterwards made therein, receive the sanction of the court of Common Pleas of the proper county.

Companies to be chartered under articles of association. Proviso. Alterations to be sanctioned by courts.

JOHN LAPORTE,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of May, Anno Domini, eighteen hundred and thirty-two.

GEO. WOLF.

No. 181.

AN ACT

To incorporate the town of Liverpool, in the county of Perry, 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 Liverpool, in the county of Perry, and territory included within the following boundaries, to wit: Liverpool borough boundaries. beginning at a post on the bank of the Susquehanna river, being the south-west boundary of the town of Liverpool; thence north fifty-seven degrees west fifty-six perches, north thirteen degrees west thirty perches, north sixteen degrees east eight perches, north nineteen degrees west twenty-five perches, north thirty degrees west forty-six perches, north thirty-seven degrees east six perches, north thirty-four degrees west twenty perches, north fifty-seven degrees east twenty-one perches, north thirty-five degrees west four perches, north fifty-five degrees east ninety-one perches, north thirty-five degrees west twenty perches, north fifty-five degrees east thirty-six perches, south thirty-four degrees east twenty perches, north fifty-five degrees east two perches, south thirty-three degrees east one hundred perches, to the bank of the Susquehanna river; thence down the

meanderings of the same one hundred and seventy-two perches to the place of beginning, are hereby erected into a borough, which shall be called and styled the borough of Liverpool.

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 first Monday of May, and 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, 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 inspector 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 in the most public places within said borough: *Provided,* That it shall be the duty of George Mitchell, John Stehley, George Folker, or any two of them, to give notice as aforesaid of the first elec-

Annual election of burgess and town council.

Manner of holding and conducting election.

Proviso. Citizens named to hold first election.

tion 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 organized 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 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.

2d proviso.
Qualifications of voters.

Notice to persons elected.

SECT. 3. *And be it further enacted by the authority aforesaid*, That from and after the first Monday in May next, 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 Liverpool," 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.

Style of corporation.

Privileges and liabilities.

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 and 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 Liverpool," as debts of like amount are 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.

Penalty on refusal of persons elected to perform duties of offices.

Proviso.
Term of service.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the town council shall meet on the first Monday in May next, 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 quo-

Of the meetings, powers and duties of the town council.

rum, 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 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 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.

Oaths of
office.

Regulation of
the streets.

Assessment
and collection
of taxes, &c.

Appointment
authorized of
treasurer,
clerk, &c.

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 Liverpool, 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, 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 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.
Of the by-laws.

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 authorized 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.

Relative to
the collection
of taxes.

Proviso.
Town council
to hear and
act upon ap-
peals.

Duty of bur-
gess.

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 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.

Duties of the
town clerk.

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 the 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 all 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.

Of the treasurer.

SECT. 9. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the treasurer to receive all monies 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 monies 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 burghess and council, with such sureties as they may require.

Annual settlement, statement and publication of accounts.

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 have been expended, to be published every year in the month of April, and before the annual election, by setting up at least three copies thereof in the most public places within the borough.

Penalty on refusal to serve by persons appointed to office.

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, 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 constable of Liverpool township, but the same shall be

and (remain) in all and every respect as if this act had not been passed, 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.

This act not to interfere with township constable, election district, nor county taxes.

SECT. 13. *And be it further enacted by the authority aforesaid,* That from and after the first Monday in May next, the supervisors of Liverpool 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.

Jurisdiction of township supervisors to cease in borough.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the inhabitants of the borough of Pottsville entitled to vote for members of the general assembly, who shall have resided within the said borough for one year immediately preceding such election, and within that time have paid a borough or county tax, which shall have been assessed at least six months preceding such election, shall be entitled to vote at all borough elections, and that so much of any act as is hereby altered or supplied, be and the same is hereby repealed.

Qualifications of voters at borough elections in Pottsville.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the elections for borough officers in the borough of Strasburg, in Lancaster county, shall be hereafter held on the same day on which elections are now held for township officers, and not on the first Tuesday in April, as heretofore, at which elections every inhabitant of said borough entitled to vote for members of assembly shall be entitled to vote: *Provided,* he were a resident within said borough on the first day of May next preceding said election, and continued so to reside till the election, and within that time paid a borough tax.

Borough elections in Strasburg.

Qualifications of voters.

SECT. 16. *And be it further enacted by the authority aforesaid,* That so much of the act entitled, An act to incorporate the town of Strasburg, in the county of Lancaster, passed the thirteenth day of March, eighteen hundred and sixteen, hereby altered or supplied, be and the same is hereby repealed.

Repeal of former law rel. to Strasburg.

JOHN LAPORTE,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The fourth day of May, Anno Domini, eighteen hundred and thirty-two.

GEO. WOLF.