

No. 222.

AN ACT

To incorporate the town of Pinegrove, in the county of Schuylkill, into a borough.

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 Pinegrove, in the county of Schuylkill, shall be, and the same is hereby erected into a borough, to be called the borough of Pinegrove, which is comprised within the following boundaries, to wit: beginning in the middle of the river Swatara, on a line of lands of Peter Filbert, Ley and Hoch thence south eighty seven and a half degrees; west through lands of Ley and Hoch and church land, sixty-nine and a half perches to a post; thence through land of John Keyser, north seventeen degrees, east fifty-eight perches to a hickory; thence through the same, south eighty-six and one half degrees, west sixty-one perches to a pine; thence through land of Jacob Hubler, Lehman and Gratz, and John Zimmerman's lands, north two hundred and eleven perches to a post; thence through John Zimmerman's land, north eighty-seven and a half degrees, east ninety perches to the middle of the river Swatara; thence down the middle of the river Swatara, the several courses and distances to the place of beginning.

Annual elect-
ion of officers.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for all persons entitled to vote for members of the legislature, who have resided in the said borough six months previously to such election, to meet at the house of Henry W. Conrad, in said borough, or at such other house as the town council may hereafter direct, on the third Monday of April next, and on the Friday preceding the third Saturday of March, in each year, and then and there elect by ballot, between the hours of one 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 and one person as high constable, 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, inspectors and clerks, before they enter upon the duties

Manner of
conducting
election.

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 as aforesaid administered to him by one of the other judges shall administer the oaths or affirmations to the other judge 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 inspector, in the presence of the judges; 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 or removal 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.

Notice to persons elected, &c.

Provision for supply of vacancies.

SECT. 3. *And be it further enacted by the authority aforesaid,* That from and after the third Monday in April 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 the borough of Pinegrove, 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 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, 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.

Incorporation of officers.

Privileges and liabilities.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person or 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

Penalty on refusal to serve of persons elected or appointed to office.

refusing, shall forfeit and pay a fine of twenty dollars; and if any other person duly qualified as aforesaid, shall be duly elected or appointed to any other office in said borough, created 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 ten 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 of said county, 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, and the same shall be conclusive to all parties.

Proviso.
Term of service.

Right of appeal, &c.

Oaths of office.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the burgess shall take and subscribe an oath or affirmation before one of the associate judges or a justice of the peace for the county of Schuylkill, 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 burgess of the borough of Pinegrove, and when so qualified, he shall administer an oath or affirmation to the council, high constable and 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.

Of the meetings and general powers of the town council.

SECT. 6. *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 laws of the United States or of this

Proviso.
Constitutionality of the by-laws.

Commonwealth: *And provided also*, That no tax shall be laid by them in any one year to exceed one 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 citizens 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. 7. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the town clerk to attend all meetings of the town council when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties which may be enjoined upon him, by virtue of this act, or of the acts of the corporation, and his attestation with the seal of the corporation shall be good evidence of the thing or act so certified.

SECT. 8. *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 demand being made by the burghess for that purpose.

SECT. 9. *And be it further enacted by the authority aforesaid*, That the street commissioners, treasurer, 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 adjusted and settled accordingly, shall be forthwith published by the said council, showing particularly the amount of taxes laid and collected, and of the expenditures.

SECT. 10. *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 four 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.

SECT. 11. *And be it further enacted by the authority aforesaid*, That the burghess, 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

2d proviso.
Rate of taxation limited.

Duties of the town clerk.

Security of treasurer.

Annual settlement and publication of accounts.

High const. to give notice of and hold election.

Court of appeal from improper assessment of taxes.

Authority to enforce collection.

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.

Provision for the absence, &c. of burgess.

SECT. 12. *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.

Quorum of town council.

SECT. 13. *And be it further enacted by the authority aforesaid,* That in any meeting of the burgess and town council, it shall require at least four to form a quorum to transact business.

Township const. to publish and hold first election.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the constable of Pinegrove township shall publish the first election for borough officers on the third Monday in April next after the passing of this act, at the place appointed by law for holding the elections for said borough, and he is 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.

JOHN LAPORTE,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

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

GEO. WOLF,

No. 223.

AN ACT

Concerning proceedings in partition on the property of Seth Craige, deceased.

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 proceedings heretofore had, or which may