

demned to suffer death by hanging for any crime of which he or she shall have been convicted, the said punishment shall be inflicted on him or her within the walls or yard of the jail of the county in which he or she shall have been convicted; and it shall be the duty of the sheriff or coroner of the said county to attend and be present at such execution, to which he shall invite the presence of a physician, attorney general or deputy attorney general of the county and twelve reputable citizens, who shall be selected by the sheriff; and the said sheriff shall, at the request of the criminal, permit such ministers of the gospel, not exceeding two, as he or she may name and any of his or her immediate relatives to attend and be present at such execution, together with such officers of the prison and such of the sheriff's deputies as the said sheriff or coroner in his discretion may think it expedient to have present, and it shall be only permitted to the persons above designated to witness the said execution: *Provido.*
Provided, That no person under age shall be permitted on any account to witness the same. *No minor to be present.*

SECTION 2. After the execution, the said sheriff or coroner shall make oath or affirmation in writing, that he proceeded to execute the said criminal within the walls or yard aforesaid at the time designated by the death warrant of the Governor, and the same shall be filed in the office of the clerk of the court of Oyer and Terminer of the aforesaid county, and a copy thereof published in two or more newspapers, one at least of which shall be printed in the county where the execution took place. *Sheriff or coroner to make oath of the execution warrant, &c.*

WM. PATTERSON,

Speaker of the House of Representatives.

JACOB KERN,

Speaker of the Senate.

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

GEO: WOLF.

No. 128.

AN ACT

To erect Ligonier and New Alexandria, in the county Westmoreland, into Boroughs.

SECTION 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 Ligonier, in the county of Westmoreland, shall be, and the same is hereby erected into a borough, Ligonier.

Name. under the name and title of the borough of Ligonier, the extent and boundaries of which shall be as follows: Beginning at the south east corner of lot number eighty-seven; thence west by an alley to the south west corner of lot number one hundred and twenty-eight; thence north by an alley to the south east corner of lot number twenty-nine; thence west to the south west corner of lot number thirty-three; thence north to the north west corner of lot number thirty-four; thence east to the corner of lot number thirty; thence north by an alley to the north west corner of lot number one hundred and twenty-four; thence east by an alley to the north east corner of lot number eighty-six; thence south by an alley to the place of beginning; which boundaries include the whole plot of the said town, as recorded in the office for recording of deeds in, and for the county of Westmoreland.

Election of chief burgess, ass't burgess, council and high constable. **SECTION 2.** The inhabitants of the said borough, entitled to vote for the members of the General Assembly, and who have resided within the same for six months, immediately preceding the election hereinafter mentioned, shall on the first Monday of May next, meet at the place where the election of members of the General Assembly are held, or at such other place, within the said borough, as the burgess and council by ordinance may direct, and then and there between the hours of one and five in the afternoon elect, by ballot, one citizen who shall be styled chief burgess; and one other citizen, who shall be styled assistant burgess; six citizens to be a council; and one citizen to be a high constable, all of whom shall be inhabitants of said borough; but previously to the opening of said election, or any subsequent election, held in pursuance of the provisions of this act, such of the inhabitants who may be present at the place where the election is to be held, shall choose two citizens as judges; one as inspector; and two as clerks of the said election, which shall be regulated throughout according to the general election laws of this Commonwealth, and who shall be subject to the same penalties for mal-practices as by the said laws are imposed; and the said judges, inspector, and clerks, shall take an oath or affirmation, before a judge or justice of the peace, to perform the same with fidelity and impartiality; and after the said election shall be closed, shall declare the persons having the greatest number of votes to be duly elected; and in case any two or more of the candidates, for the same office, shall have an equal number of votes, the preference shall be determined, by lot to be drawn, in the presence of the inspector and clerks, whereupon a certificate of the said election shall be signed by the said judges, a copy whereof shall be transmitted by the clerks to each person elected, and the original to be recorded in the record book of the corporation; and in case of death, resignation, removal or refusal to accept of any of the said offices, a new election shall be held for the purpose of supplying such vacancy, in the manner hereinafter provided.

SECTION 3. On the Monday next after the said election, the members of the council, elected as aforesaid, shall be convened at the house where the election has been held in the said borough, by the chief burgess or assistant burgess; and then and there shall, by lot, divide themselves into three classes; and the seats of the members of the council of the first class, shall be vacated at the expiration of the first year; of the second class, at the expiration of the second year; and of the third class, at the expiration of third year, counting the year as commencing for corporate purposes on the first Monday of May.

Council to be
divided into
classes.

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

Subsequent
elections.

SECTION 5. The inhabitants of said borough, in manner aforesaid, shall elect one assessor and two assistant assessors of county taxes, for the said borough, at such times, and under like regulations, and for the same purposes as are or shall be hereafter directed by law in the several townships within this commonwealth, which said assessor and assistant assessors, so elected, shall have, use and exercise, all and every the powers, rights and privileges, perform all and every the same duties, and be subject to all and every the same fines, penalties and forfeitures within the said borough, respectively, which are or hereafter lawfully may be used, had, and exercised, or which

Election of
assessor and
ass't assessor.

are or shall be suffered by, and imposed upon, like officers of the several townships within this commonwealth.

Style. SECTION 6. From and after the first Monday in May next, the chief burgess and assistant burgess and council, duly elected as aforesaid, and their successors, shall be one body politic and corporate, by the name, style, and title of "The burgess and council of the borough of Ligonier," and shall have perpetual succession, and shall be capable, in law, to have, acquire, receive, hold, purchase and possess goods, chattels, lands and tenements, rights, liberties, jurisdictions, franchises and hereditaments to them and their successors, in fee simple or otherwise, not exceeding the yearly value of five thousand dollars, and also give, grant, let, assign the same goods, lands, chattels, tenements, hereditaments and rents, and by the name and style aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded, in any of the courts of this commonwealth; in all manner of actions, whatsoever, and to have and use one common seal, and the same, from time to time, at their will to change and alter.

Capacities & privileges.

Penalty for refusing office. SECTION 7. If any person, duly elected as chief burgess, assistant burgess, member of the council, or high constable, as aforesaid, and having received notice thereof, as directed by this act, shall refuse or neglect to take upon himself the execution of the said office, or having taken upon himself the duties of said office, shall neglect to discharge the same according to law, every person, so refusing or neglecting, shall, for every such offence, forfeit and pay the sum of ten dollars, which fine, and all other fines and forfeitures incurred and made payable, in pursuance of this act, or of any of their by-laws and ordinances of the burgess and councils, shall be for the use of the said corporation, and shall be recoverable before any justice of the peace of said county, in the same manner that debts of equal amount are, or shall hereafter be, by law recoverable, and when so recovered, shall be forthwith paid to the treasurer of the borough, and it shall be the duty of the officers of the said borough, on receiving any money belonging to the corporation, to pay the same to the treasurer, forthwith: *Provided*, That no person, elected as aforesaid, be liable to a fine, for refusing or neglecting to serve more than once in five years.

Proviso.

Oath of office SECTION 8. The chief burgess, assistant burgess and members of the council and high constable and each of them, before entering on the duties of their respective offices, shall take and subscribe an oath or affirmation before a judge or justice of the peace of the said county to support the constitution of the United States and of this State, and to perform the duties of their respective offices with fidelity, and the certificates of such oath or affirmation shall be recorded among the records of the corporation.

SECTION 9. It shall be the duty of the chief burgess, or in case of his absence, inability or refusal to attend, of the assistant bur-

gess and at least four members of the council to hold sessions, in all which the chief burgess, or assistant burgess, as the case may be, shall preside, and in case of an equal division of the council, he shall give the casting vote, on the third Saturdays of May, July, October and February in each year and oftener if occasion should require, of which notice shall be given in manner aforesaid by the chief burgess or assistant burgess, at which session they may enact or ordain, revise, repeal and amend all such by-laws, ordinances, rules and regulations as shall be deemed expedient to promote the peace, good order, benefit and accommodation of the citizens of the said borough ; to provide for the regulation of the market ; improve, repair and keep in order the streets, alleys and highways ; ascertain the depths of vaults, sinks, pits or privies ; make permanent rules relative to the foundations of buildings, party walls and fences. They shall further have power to enact by-laws ; to impose fines and penalties, and partial or total forfeitures ; to assess, apportion and appropriate such taxes as shall be adjudged necessary for carrying the said by-laws, ordinances, rules and regulations from time to time into complete effect ; which by-laws, ordinances, rules and regulations shall be signed by the president of the council, attested by the secretary and recorded in the record books of the corporation ; and also to appoint annually a town clerk, treasurer, clerk of the market and a collector and such other officers as may from time to time be thought necessary, and the same officers from time to time to remove for misdemeanor in office ; which sessions of the said burgess and council shall be held at the place of holding the elections or such other place in said borough as the said burgess and council may from time to time agree upon: *Provided*, That no by-laws, ordinances, rules or regulations of the same corporation shall be repugnant to the constitution or laws of the United States or of this Commonwealth, and that no persons shall be punished for a breach of any by-law, ordinance, rule or regulation made as aforesaid, until ten days shall have expired after the promulgation thereof in at least one English newspaper, if any there be printed in said borough, or by at least five advertisements set up in the most public places within the said borough : *And provided also*, That in laying such tax due regard shall be had to the valuation of such taxable property assessed or hereafter to be assessed, for the purpose of raising county rates and levies, so that the said tax shall not in any one year exceed one half cent in the dollar of such valuation, unless some object of general utility require the same, in which case the consent thereto of a majority of the taxable inhabitants of said borough shall be previously obtained in writing.

SECTION 10. The chief burgess elected and qualified agreeably to this act, or in his absence, inability or refusal to act, the assistant burgess is hereby authorized and empowered to issue his precept as often as occasion may require, directed to the

Meetings and powers of the burgesses and council.

Proviso.

2d proviso.

Collection of taxes, &c.

high constable, or in case of his inability to act, to some other fit person, commanding him to collect all taxes assessed by this act, or by the ordinances, by-laws, rules and regulations of the corporation, and to cause the same to be paid over to the treasurer; and the said burgess is hereby authorized to carry into effect all by-laws enacted by the said chief burgess or assistant burgess and council.

Pavements,
&c.

SECTION 11. If any person or persons being lot owners in the said borough, have already made or shall hereafter make a good and sufficient pavement of either stone or brick in the front of his or their lot in such manner as to be approved of by the burgess, the person or persons so doing shall have a credit on their borough tax from year to year until their tax will have amounted to the value of such improvement, the valuation of which improvement shall be fixed by three reputable citizens, to be chosen by the burgess and the citizens making such improvement.

Duty of the
clerk.

SECTION 12. It shall be the duty of the town clerk to attend all sessions of the burgess and council, when assembled on business of the corporation, and perform the duty of clerk thereto; and keep and preserve the seal and records of the corporation, and be answerable for the same; and also, for the faithful discharge of all the duties which may be enjoined upon him, by virtue of this act or the acts of the corporation, whose attestation with the seal of the corporation shall be good evidence of the act or thing so certified.

Treasurer to
give security.

SECTION 13. The treasurer shall give sufficient security for the faithful discharge of the duties of his office, and for the safe delivery of all moneys, books and accounts appertaining thereto into the hands of his successor, upon the demand made for that purpose.

Acc'ts to be
settled and
published.

SECTION 14. The treasurer, high constable, clerk of the market, and collector, as well as all other officers, who may be appointed, in the corporation, by the chief burgess or assistant burgess and council, shall at their sessions, on the third Saturday in May of each and every year, render their accounts to the said burgess and council for settlement; and the said accounts being adjusted accordingly, shall be forthwith published by the said council, shewing particularly the amount of taxes laid and collected, and all moneys paid into the treasury, and the particular items of expenditures.

C't of appeal.

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

Proviso.

SECTION 16. It shall be the duty of the high constable to give notice of the annual election in said borough, in at least one newspaper printed therein, or by setting up at least five advertisements in the most public places therein, at least ten days previous thereto. He shall attend and see that the election is opened at the time and in the manner directed by this act: *Provided*, That Robert Graham and Peter Aurants, of the said borough, or either of them shall publish and superintend the election, to be held on the first Monday of May next, as hereinbefore directed.

High const. to give notice of elections.
Proviso.
Notice of first election.

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

Compensat'n of officers.
Proviso.

SECTION 18. If any person or persons shall think him, her or themselves aggrieved by any thing done in pursuance of this act, or of any by-laws or ordinances made under the authority of the same, except what relates to the assessing and collecting of the borough tax, and appointments made by the burgess and council as aforesaid, he, she or they may appeal to the next court of common pleas to be held for the same county, upon giving security according to law, to prosecute his, her or their appeal with effect; and the said court having taken such order therein, as shall to them appear just and reasonable, the same shall be conclusive and binding upon all parties.

Appeal to the C. P.

SECTION 19. The inhabitants of said borough, in manner aforesaid, shall elect two street supervisors, of the said borough, at such times, and under like regulations, and for the same purposes as are or shall be hereafter directed by law, in the several townships in this commonwealth, which said supervisors, so elected, shall have, use and exercise all and every the same powers, rights and privileges, perform all and every the same duties, and be subject to all and every the same fines, penalties and forfeitures within the borough, respectively, which are, or hereafter lawfully may be used, had and exercised, or which are, or shall be suffered by and imposed upon like officers of the several townships within this commonwealth, and the names

Street supervisors

of the said supervisors shall be returned to the next court of Quarter Sessions of the county, for the same purpose as is or shall be declared by law, as to supervisors of roads in the several townships within this commonwealth.

Exemption
from road
taxes.

SECTION 20. The citizens of said borough shall be exempted from paying all road taxes to the township of Ligonier, for property within the limits of said borough, that may be assessed after the passing of this act.

Constables.

SECTION 21. It shall and may be lawful for the inhabitants of the said borough, entitled to vote for members of the town council, at the same time and under the same regulations as constables in the several townships are elected, to elect two suitable persons constables, said constables to reside within the bounds of said borough, and to return the names of the persons so elected, to the next court of Quarter Sessions of the county of Westmoreland, and the said court shall appoint one of them to be constable of said borough; and it shall and may be lawful for said constable, to perform all the duties and exercise all the authorities of the constables of the several townships of this commonwealth, and the said constable shall be entitled to the same fees, for the same services, that are by law allowed to other constables.

New Alexan-
dria, &c.

Name.

Boundaries.

SECTION 22. The towns of New Alexandria and Dennistown, in the county of Westmoreland, shall be and the same are hereby erected into a borough, under the name and title of the borough of New Alexandria, the extent and boundaries of which shall be as follows: beginning at the mouth of Spruce run, on the Loyalhanna creek, thence up the run, north sixty-one and three-fourths degrees, east sixteen perches to an iron wood, thence through land of E. A. Robison, north nine degrees, east fourteen perches to a white oak tree, thence through the same and land of George Michet, north ten and one-half degrees, west fifty-four perches to a post, thence by land of David McGinley, south seventy-nine and three-fourths degrees, west two hundred and twenty-two perches to the Loyalhanna creek, thence up said creek to the mouth of Spruce run, the place of beginning.

Election of
council and
other officers.

SECTION 23. The inhabitants of the said borough, entitled to vote for members of the general assembly, and who have resided within the same, for six months immediately preceding the election hereinafter mentioned, shall, on or before the second Tuesday of April next, meet at the school house in said borough, and then and there, between the hours of one and five o'clock in the afternoon, elect by ballot one citizen who shall be styled chief burgess, and one other citizen who shall be styled assistant burgess, and four citizens to be a council, and one citizen to be a high constable, and two street supervisors, and two overseers of the poor, all of which shall be members of said borough, but previously to the opening of said election, or at any subsequent election, held in pursuance of the provisions of

this act, such of the inhabitants who may be present at the said school house, shall choose two citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated throughout according to the general election laws of this commonwealth, and who shall be subject to the same penalties for mal-practices, as by the said laws are imposed, and the said judges, inspectors and clerks shall take an oath or affirmation, before a judge or justice of the peace, to perform the same with fidelity and impartiality, and after the said election shall be closed, shall declare the persons having the greatest number of votes to be duly elected, in case any two or more of the candidates, for the same office, shall have an equal number of votes, the preference shall be determined by lot, to be drawn in the presence of the inspector and clerks, whereupon a certificate of said election shall be signed by the said judges, a copy whereof shall be transmitted, by the clerks, to each person elected, within three days after said election, and the original be recorded in the record book of the corporation; in case of death, resignation, removal, or refusal to accept of any of the said offices, a new election shall be held for the purpose of supplying such vacancy in the manner hereinafter provided.

SECTION 24. On the Monday next after said election, the members of the council so elected as aforesaid, shall be convened at the school house in the said borough by the chief Council to be burgess or assistant burgess, and then and there shall by lot divided into divide themselves into two classes, and the seats of the mem- classes. bers of the first class shall be vacated at the end of the first year, of the second class at the expiration of the second year, counting the year as commencing for corporate purposes on the third Tuesday of April.

SECTION 25. The inhabitants of the said borough entitled to vote as aforesaid, shall on the second Tuesday of April next ensuing the election aforesaid, and on the same day in every year thereafter, meet at the school house as aforesaid and elect in manner aforesaid one chief burgess, one assistant burgess, one high constable and two members of the town council to supply the place of the members of council vacated in the manner hereinbefore mentioned, and the certificate of such election shall be signed by the said judges, a copy thereof transmitted by the high constable of the preceding year to each person so elected within three days after said election, and the original recorded in the record books of the corporation. And in case of death, resignation, removal or refusal to accept of any of the said offices, or if it should at any time happen that no election shall be holden on the day or in the manner aforesaid, the chief burgess, or in his absence or inability or refusal to act, the assistant burgess shall issue his precept directing the high constable to hold an election in manner aforesaid to supply such vacancy, giving at least ten days notice of such election in one of the newspapers of the said borough, or by five Subsequent elections.

advertisements set up in the most public places within the same; in the mean time the officers within the said borough elected for the last year shall continue to hold their respective offices and exercise all the powers pertaining thereto as fully and effectually as if their term of office had not expired.

Street supervisors.

SECTION 26. The inhabitants of said borough in manner aforesaid shall elect two street supervisors, whose power and authority shall extend to the repairing of all public roads within the limits of the borough and two overseers of the poor for the said borough, at such times and under like regulations and for the same purpose as are or shall be hereafter directed by law in the several townships within this Commonwealth, which said street supervisors and overseers of the poor so elected, shall have, use and exercise all and every the powers, rights and privileges, perform all and every the same duties and be subject to all and every the same fines, penalties and forfeitures within the said borough respectively which are or hereafter lawfully may be used, had and exercised, or which are or shall be suffered by and imposed upon like officers of the several townships within this Commonwealth; and the names of the said street supervisors shall be returned to the next court of Quarter Session of the county, for the same purpose as is or shall be declared by law as to supervisors of roads in the several townships within this Commonwealth.

Style.

Capacities & privileges.

SECTION 27. From and after the second Tuesday in April next, the chief burgess and assistant burgess and council duly elected as aforesaid and their successors, shall be one body politic and corporate, by the name, and title of "the burgess and council of the borough New Alexandria," and shall have perpetual succession and shall be capable in law to have, acquire, receive, hold, purchase and possess goods, chattels, lands and tenements, rights, liberties and jurisdictions, franchises and hereditaments to them and their successors, in fee simple or otherwise, not exceeding the yearly value of five thousand dollars; and also to give, grant, let and assign the same goods, lands, chattels, tenements, hereditaments and rents, and by the name and title aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of this Commonwealth in all manner of actions whatsoever, and have and use one common seal and the same from time to time at their will to change and alter.

Penalty for refusing office.

SECTION 28. If any person, duly elected as chief burgess, assistant burgess, member of the council as aforesaid, and having received notice thereof, as is directed by this act, shall refuse or neglect to take upon him the execution of the said office, or having taken upon himself the duties of said office, shall neglect to discharge the same according to law, every person so refusing or neglecting, shall, for every such offence, forfeit and pay the sum of ten dollars, which fine, and all other fines and forfeitures incurred and made payable in pursuance of this act, or of any

of their by-laws and ordinances of the burgess and councils, shall be for the use of said corporation, and shall be recoverable before any justice of the peace in said county, in the same manner that debts of equal amount are, or shall hereafter be, by law recoverable, and when so recovered shall be forthwith paid to the treasurer of the borough, and it shall be the duty of the officers of the said borough, on receiving any money belonging to the corporation, to pay the same to the treasurer, forthwith: *Provided*, That no person, elected as aforesaid, be liable to a fine for refusing or neglecting to serve more than once in three years. *Provide.*

SECTION 29. The chief burgess, assistant burgesses and members of the council and high constable, and each of them, before entering on the duties of their respective offices, shall take and subscribe an oath or affirmation, before a judge or justice of the peace of the said county, to support the constitution of the United States and of this State, and to perform the duties of their respective offices with fidelity, and the certificates of such oaths or affirmations shall be recorded among the records of the corporation. *Oath of office*

SECTION 30. It shall be the duty of the chief burgess, or in case of his absence, inability, or refusal to attend, of the assistant burgess, and at least three members of the council, to hold sessions, in all which the chief burgess or assistant burgess, as the case may be, shall preside, and in case of an equal division of the council, he shall have the casting vote, on the first Saturdays of May, July, October and February in each year, and oftener if occasion should require it, of which notice shall be given, in manner aforesaid, by the chief burgess or assistant burgess, at which session they may enact or ordain, revise, repeal and amend all such by-laws, ordinances, rules and regulations as shall be deemed expedient to promote peace, good order, benefit and accommodations of the citizens of said borough: to provide for the regulation of the market, improve, repair and keep in order the streets, alleys and highways, ascertain the depths of vaults, sink, pits or privies, make permanent rules relative to the foundations of buildings, party walls and fences; they shall further have power to enact by-laws, to impose fines and penalties, and partial or total forfeiture, to assess, apportion and appropriate such taxes as shall be judged necessary for carrying the said laws, ordinances, rules and regulations, from time to time, into complete effect, which by-laws, ordinances, rules and regulations shall be signed by the president of the council, attested by the secretary and recorded in the record book of the corporation, and also appoint, annually, a secretary, treasurer, clerk of the market and such other officers as from time to time may be thought necessary, and the same officers, from time to time, to remove for misdemeanor in office, which sessions of the said burgess and council shall be held at the school house, or at such other place, in said borough, as the burgess and *Meetings and powers of the burgesses & council.*

Proviso.

council may from time to time agree upon : *Provided*, That no by-laws, ordinances, rules or regulations, of the same corporation, shall be repugnant to the constitution or laws of the United States, or of this commonwealth, and that no person shall be punished for a breach of any by-law, ordinance, rule or regulation, made as aforesaid, until ten days shall have expired after the promulgation thereof, in at least one English newspaper, if any there be printed in said borough, or by at least five advertisements, set up in the most public places within the said borough : *And provided also*, That, in laying such tax, due regard shall be had to the valuation of all such taxable property assessed, or hereafter to be assessed, for the purpose of raising county rates and levies, so that the said tax shall not in any one year exceed one-half cent in the dollar, of such valuation, unless some object of general utility require the same, in which case, the consent thereto of a majority of the taxable inhabitants of the said borough, shall be previously obtained in writing, and that all lots of ground, that are not within the plot of said town, and that are within the limits of the borough, which are used for pasture, meadow, cultivation or woodland, shall not be taxed for borough purposes, and shall be subject only to state, county, road and poor tax, and that the road and poor tax be laid at no higher rate than that on lands of equal value, within the township of Derry, as taxed in each respective year, unless the wants of the poor of said borough may require a higher tax than that of the township : *Provided always*, That when any overplus of money may be in the borough treasury, arising from such road and poor tax, which are not needed for the keeping in repair so much of the township, county and state roads as are or may be within the limits of the borough, and that may not be needed for the use of the poor, that the borough officers shall have power and authority to use and apply such overplus, if any, to such borough purposes as may require the same, and that all building lots, that are not within the plot of said town, and which are within the limits of the borough, whereon dwellings are, or may hereafter be erected, shall be subject to and pay like tax of those that are within the said town plot, agreeably to each lot's respective valuation, excepting only such lots of ground as may be used for churches or church yards, public schools, and all such other property as may become the property of the corporation, which is to be exempted from borough tax.

2d proviso.

3d proviso.

Collection of
taxes, &c.

SECTION 31. The chief burgess elected and qualified agreeably to this act, or in his absence, inability or refusal to act, the assistant burgess is hereby authorized and empowered to issue his precept, as often as occasion may require, directed to the high constable, or in case of his inability to act, to some other fit person, commanding him to collect all taxes assessed by this act, or by the ordinances, by-laws, rules and regulations of the corporation, and to cause the same to be paid over to the

treasurer, and the said burgess is hereby authorized to carry into effect all by-laws enacted by the said chief burgess or assistant burgess and council.

SECTION 32. If any person or persons, being lot owners in the said borough, have already made, or may hereafter make a good and sufficient pavement of either stone or brick, in front of his or their lot, in such manner as to be approved of by the street supervisor, the person or persons so doing shall have a credit on their borough tax, from year to year, until their tax will have amounted to the value of such improvement, the value of which improvement shall be fixed by three reputable citizens, to be chosen by the street supervisors and the citizens making such improvement.

SECTION 33. It shall be the duty of the secretary to attend all sessions of the burgess and council, when assembled on business of the corporation, and perform the duty of the clerk thereto, and to keep and preserve the seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties which may be enjoined upon him by virtue of this act, or the acts of the corporation, whose attestation, with the seal of the corporation, shall be good evidence of the act or thing so certified.

SECTION 34. The treasurer shall give sufficient security for the faithful discharge of the duties of his office, and for the safe delivery of all moneys, books and accounts appertaining thereto, into the hands of his successor, on a reasonable demand made for that purpose.

SECTION 35. The street supervisor, treasurer, high constable, overseers of the poor, clerk of the market and collector, as well as all other officers who may be appointed in the corporation, by the chief burgess or assistant burgess and council, at their sessions on the first Saturday of April of each and every year, render their accounts to said burgess and council for settlement, and the said accounts being adjusted accordingly, shall be forthwith published by said council, shewing particularly the amount of taxes laid and collected, and all moneys paid into the treasury, and the particular items of expenditures.

SECTION 36. The chief burgess, assistant burgess, and three members of the council, to be appointed at the first session in each year, or any three of them, shall constitute a court of appeal; and prior to the collection of any borough tax, the collector shall inform each inhabitant of the amount of his or her tax, and of the time and place of appeal: *Provided*, That the said court of appeal shall have no other power, as such, than to determine the justice of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same.

SECTION 37. It shall be the duty of the high constable to give notice of the annual election of said borough, in at least one newspaper printed therein, or by setting at least five ad-

Duty of the
secretary.

Treasurer to
give security

Acc'ts to be
settled and
published.

C't of appeal

Proviso.

High const.
to give notice
of elections.

vertisements in the most public places therein, at least ten days previous thereto; he shall attend, and see the election opened at the time and in the manner directed by this act: *And further*, That he be vested with the same power and authority as that of any other township constable within this Commonwealth.

Compensation
of officers.

Proviso.

Election of
assessor and
as't assessors.

Appeal to the
C. P.

SECTION 38. The chief burgess, or in case of his inability or refusal to act, the assistant burgess and council shall, from time to time, fix the salaries and fees of the high constable, secretary, treasurer, clerk of the market, and such other officers as may be appointed by this act, which salaries or fees shall be paid out of the borough treasury by orders drawn thereon, signed by the chief burgess or assistant burgess, as the case may be, and attested by the secretary, which salaries or fees shall not be increased or diminished, during the time said officers shall have been appointed respectively: *Provided*, That if any person, appointed by said burgess and council as aforesaid, shall neglect or refuse to take on himself the duties of the office, to which he shall be appointed, he shall for such neglect or refusal forfeit, and pay for the use of the corporation, the sum of ten dollars, unless he can render to the said chief burgess and council a satisfactory reason, why he should be exonerated from such service.

SECTION 39. The citizens of said borough of New Alexandria qualified, as aforesaid, to vote for members of the General Assembly shall, hereafter, on days appointed by law for that purpose, elect, one assessor and two assistant assessors; and that said election be held at the public school house in said borough.

SECTION 40. If any person or persons shall think him, her or themselves aggrieved by any thing done in pursuance of this act, or any by-laws or ordinances made under the authority of the same, except what relates to the assessing and collecting of the borough tax, and appointments made by the burgess and council as aforesaid, he, she or they may appeal to the next court of common pleas, to be held for the same county, on giving security according to law, to prosecute his, her or their appeal with effect; and the said court having taken such order therein, as shall to them appear just and reasonable, the same shall be conclusive and binding all parties.

WM. PATTERSON,
Speaker of the House of Representatives.

JACOB KERN,
Speaker of the Senate.

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

GEO. WOLF.