

SECTION 2. In the assessment and collection aforesaid, shall be included those parts of the townships of Adams and Nippenose, only, which were within the bounds of Nippenose, when the debt was contracted.

WM. PATTERSON,

Speaker of the House of Representatives.

JACOB KERN,

Speaker of the Senate.

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

GEO: WOLF.

No. 225.

AN ACT

Erecting the town of Mount Jackson, in the county of Beaver, into a Borough.

Mt. Jackson
erected into a
borough.

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 Mount Jackson, in the county of Beaver, be and the same is hereby erected into a borough, which shall be called Mount Jackson, and be comprised within the following bounds, viz: Beginning at the numbered corner of the land of John Nesbitt; thence south by lands of William Woods, one hundred and thirty-four perches and one-fourth to a post; thence by land of James Wallace, eighty-nine perches to a post; thence north one hundred and thirty-four and one half to a post; thence west, eighty-nine perches to the place of beginning:

Election of
officers.

SECTION 2. It shall and may be lawful, for all persons entitled to vote for members of the Legislature, who have resided in the said borough three months previously to such election, to meet at the house now occupied by Mathew A. Calvin, 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 five citizens residing therein, who shall be a town council; also, one town clerk, one high constable and one street commissioner; but previously to such election, the inhabitants present shall appoint 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, as far as relates to receiving and counting votes, and who shall be subject to

the same penalties for mal-practices 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 or removal, or refusal to accept, or neglect or refusal to act, after acceptance, of any of the said offices, 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.

SECTION 3. 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 Town Council of the borough of Mount Jackson," 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, hereditament, to them and their successors, in fee simple or otherwise, not exceeding the yearly value of two 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.

Style of corporation.

Privileges & liabilities.

SECTION 4. 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

Penalty for refusal to serve as burgess.

qualified as aforesaid, shall be duly elected 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 three 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, and the same shall be conclusive to all parties.

SECTION 5. 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 Beaver, 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 Mount Jackson, 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.

SECTION 6. 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 Commonwealth: *And provided also*, That no tax shall be laid by them in any one year to exceed 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 frecholders 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 their said borough, shall as nearly as the same is practicable be assessed and collected conformably to the laws for raising county rates and levies.

SECTION 7. 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 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
town clerk.

SECTION 8. 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 moneys, books and accounts appertaining thereto, upon demand being made by the burgess for that purpose.

Treasurer to
give security.

SECTION 9. The street commissioner, treasurer, constable and clerk of the market, 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.

Certain offi-
cers to render
their acc'ts to
town council.

SECTION 10. It shall be the duty of the high constable to give notice of the elections, 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.

High const.
to give notice
of election.

SECTION 11. It shall and may be lawful for all persons entitled by law to vote for burgesses and other officers of the borough of Mount Jackson, 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 authority, 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 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 said borough.

Constables,
how chosen.

SECTION 12. The burgess, president of the council and treasurer, or any two of them, shall constitute a court of appeal, and

C't of appeal, prior to the collection of any borough tax, they shall appoint a day for the hearing of appeals, of which and 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

Collect taxes, 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.

In absence of burgess, how to proceed. SECTION 13. 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.

4 a quorum. SECTION 14. In any meeting of the burgess and town council, it shall require at least four to form a quorum to transact business.

J. Ferguson and R. Paden to superintend 1st election. SECTION 15. John Ferguson and Robert Paden, 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.

WM. PATTERSON,

Speaker of the House of Representatives.

JACOB KERN,

Speaker of the Senate.

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

GEO: WOLF.

No. 226.

AN ACT

Authorizing patents to be issued to Catharine Zeigler and Joseph Chapman, and for the sale of certain lands late of Dickinson college, and for other purposes.

Preamble:

WHEREAS, Catharine Zeigler late Catharine Reinick, hath represented to the Legislature of this Commonwealth, that her father Christian Reinick, was entitled to three hundred acres of