

which shall be lawful for them to do, for the well being of the said company.

Repealing  
clause.

SECTION 5. The legislature reserves the power to alter, revoke or annul the privileges and charter hereby granted, whenever in their opinion, the same may be injurious to the citizens of the commonwealth.

WM. HOPKINS,  
*Speaker of the House of Representatives.*

W. T. ROGERS,  
*Speaker of the Senate.*

APPROVED—The third day of April, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 105.]

## A N A C T

To incorporate the town of Edinboro, in the county of Erie, into a borough.

Borough  
created

Boundaries.

Name and  
style.

Annual elec-  
tion.

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 Edinboro, in the county of Erie, and territory included within the following boundaries, to wit: beginning at the south-east corner of tract number four hundred and twenty-nine; thence west along the south line of said tract three hundred and twenty perches, to the south-west corner of said tract; thence north along the west line of said tract two hundred and fifteen perches, to the north-west corner of said tract; thence east along the north line of said tract three hundred and twenty perches, to the north-east corner of said tract; thence south along the east line of said tract two hundred and fifteen perches to the place of beginning, is hereby erected into a borough, which shall be called and styled the borough of Edinboro.

SECTION 2. That the inhabitants of said borough entitled to vote for members of the general assembly, having resided therein one month immediately preceding the election, shall

on the third Friday of April next, and annually thereafter, on the same day which now is or hereafter may be fixed by law for the election of constable and other township officers within this commonwealth, meet at the school house in said borough, and then and there between the hours of eight o'clock in the forenoon, and seven o'clock in the afternoon, elect by ballot, one of the citizens who shall be styled the burgess of said borough, and four other citizens to be styled the town council, one assessor and two assistant assessors of the county rates and levies, the necessary school directors as provided by law for a school district, and three auditors of the public accounts of the said borough, which election shall in all respects be conducted in the same manner as is provided for the election of township officers within this commonwealth, except that the certificates of the election of burgess, town council and auditors, shall be filed among the records of the corporation: *And provided*, that in case of the death, resignation, removal, or refusal to accept of any of said offices, the vacancy may be supplied by a new election, in all cases where by the existing laws there is not provision made for supplying vacancies by appointment: *And provided further*, that for the first election to be held under this act, it shall be the duty of Abel Whitney, Henry R. Terry, George M. Sisson, any one of them to give notice, and perform all the duties enjoined upon constables by the existing laws relative to township elections, and in case no election shall be held on the first day mentioned, they shall appoint some other day and perform the said services, but previous to opening of such election, such of the citizens entitled to vote as aforesaid, as may be present at the time and place of opening the same, shall choose one judge and two inspectors, and two clerks thereof, who shall be sworn or affirmed in the same manner as is provided by law for swearing or affirming election officers, and they shall perform the duties required of them by law relative to township elections.

Burgess,  
council, assessors,  
school directors and auditors.

How held and conducted.

Proviso.

2d Proviso.

Notice.

Judge, inspectors & clerks.

SECTION 3. That the burgess shall be president of the council, and shall have and exercise all the rights and privileges of a member thereof in every respect.

President.

SECTION 4. That the burgess and town council shall meet on the first Monday next succeeding their election, 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 quorum 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 the case of death, resignation, refusal to accept or to act, 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

Annual meeting.

Quorum.

President pro tem.

Special meetings.

the council, but in all cases of special meetings personal notice shall be given to every member, unless absent from the borough; the burgess and members of the town council shall in all cases continue to hold and exercise the duties of their respective offices, until their successors shall be duly elected and qualified.

Penalty on neglect or refusal to execute office.

SECTION 5. 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, and every other officer elected or appointed by virtue of this act, or the by-laws or ordinances of the town council aforesaid, who shall refuse or neglect to take upon himself the execution of such office, or having accepted the same, shall refuse or neglect to perform the duties thereof, shall for every such refusal or neglect pay a fine of not exceeding five dollars, at the discretion of the burgess, which fines, and all other fines that may be incurred under this act, or any of the by-laws or 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 Edinboro, as debts of like amount are recoverable by law: *Provided*, That no person shall be compelled to serve more than one year in any term of three, and that the payment of a fine shall be equivalent to a service of one year in any office: *And provided further*, That nothing herein contained shall be construed to exonerate any constable or other officer from the payment of any fine or penalty imposed by the existing laws, or that may hereafter be enacted for refusing to serve in such office.

Proviso.

2d Proviso.

Oath or affirmation.

Burgess may administer oaths, &c.

SECTION 6. The burgess shall take and subscribe an oath or affirmation, before one of the judges of the court of Common Pleas, or a justice of the peace of the said county of Erie, to support the constitution of the United States and of the state of Pennsylvania, and an oath or affirmation to execute the office of burgess of the borough of Edinboro with fidelity, and when so qualified he shall administer an oath or affirmation to each of the members of the town council, high constable, town clerk, clerk of the market, (if one shall be appointed) and such other officers as shall be appointed or elected under this act, or any by-law or ordinance of said borough, before they shall enter upon the duties of their respective offices, which oath or affirmation so taken and subscribed shall be filed among the records of said corporation.

SECTION 7. That from and after the third Friday in April 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 Edinboro," 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, 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, and 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.

Liberties and franchises.

Income limited.

SECTION 8. That the town council shall have power to pass and enact by-laws, rules, regulations, and ordinances as they may determine necessary to promote the peace, good order, and general welfare of the inhabitants, and well being of the said borough, and for the purpose of improving and keeping in good order the streets, lanes, alleys, public squares, and common grounds, land, wharfs, landings, or other property whatsoever, that has heretofore, at any time, been granted to the use of the citizens of Edinboro, or that may hereafter be granted to the use of the corporation, and for removing nuisances and obstructions therefrom, and the same to alter, make anew, or annul, as the occasion may require, and also to assess, levy, and 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: They shall have the same authority, in obtaining materials for improving the streets, lanes, alleys, landings, wharfs, and public grounds, as the supervisors of the highways, within this commonwealth, have, and for neglect of their duty, in keeping the same in good order, they may be proceeded against, by indictment in the court of quarter sessions of said county, and be subject to the like fines and penalties, as the supervisors are, for any neglect of duty in relation to keeping the public highways in good order: They shall annually appoint a town clerk, treasurer, collector of taxes, clerk of the market, when necessary, and such other offices as they may deem expedient, 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 as members of the town council: The council may remit any fines or penalties that may be incurred under this act, or any of the by-laws or ordinances, when, in their judgment, it may be proper so to do, except any fine or penalty that may be imposed upon them by the court of quarter ses-

By-laws.

Taxes.

Improvements authority to make.

Neglect of duty how punished.

Clerk and other officers.

Compensation

Remit fines.

Proviso. sions of the county for neglect of duty : *Provided*, No by-law, rule, regulation, or ordinance of the said corporation, shall be repugnant to the constitution and laws of the United States, or of this commonwealth ; and that no person shall be subjected to any fine or punishment for a violation of any by-law or ordinance of the said borough, until after six days shall have expired, after the promulgation thereof, by at least four copies of the same put at the most public places within the said borough, and signed by the president or president pro tem., and attested by the town clerk. It shall 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 all such other services, as may be enjoined on him by the same.

Duty of Burgess. SECTION 9. 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, a list or duplicate of which, shall be made out and delivered to said collector, and to pay the same to the treasurer ; and the said collector shall have the power and authority in the collection of said taxes, as the collectors of county rates and levies, and may be proceeded against in the same manner that county treasurers or county commissioners are authorized, by law, to proceed against the collectors of county taxes, when they neglect to collect or 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 shall seem best at any time, and also exonerate the collector from the payment of any tax that may be impracticable to collect, and in all cases of any tax assessed upon any vacant or unseated lot within said borough, and the taxes remain unpaid, it shall be lawful for the collector to certify the same to the county commissioners of Erie county, in the same manner as supervisors of the roads are authorized by law to return road taxes on unseated lands, and the county treasurer shall, in the like manner, collect the said taxes, or sell and convey the lot or lots for the payment of the same, and pay the money out of the treasury of the borough, common school, or to whatever it may belong.

Warrant to collect taxes. List. Power of collector. Proviso. Lots sold for taxes. SECTION 10. 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 corporate 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 this act, or of the acts of the corporation ; he shall keep a fair journal of the proceedings of the council in a book to be provided for that purpose, and shall enter all by-laws and ordinances adopted by the council in a separate book for that purpose, and when signed by the president,

Duty of clerk. Journal.

shall attest the same: he shall keep a fair index to the same: Book how  
 he shall certify copies under the seal of the corporation, which kept and sur-  
 copies of any book, paper, by-laws, ordinance, or proceeding rendered.  
 of the council when so certified and attested by the clerk shall  
 be good evidence of the thing certified; he shall deliver over  
 to his successor theseal, and all the books, papers and other  
 things belonging to the corporation, and upon neglect or re- Forfeiture for  
 fusals so to do upon demand made, he shall forfeit and pay a refusing to  
 fine of not less than fifty dollars, and be accountable for all surrender  
 damages sustained by the corporation, to be recovered as like book, &c. to  
 debts and damages are by law recoverable. successor.

SECTION 11. That it shall be the duty of the treasurer to  
 receive all moneys due to the corporation, whether for taxes, Moneys how  
 fines, donations, or in any other way, and to pay out the same received and  
 on orders of the president or president pro tem.; he shall paid.  
 keep fair accounts of his receipts and payments, and settle  
 his accounts with the auditors whenever they shall require the  
 same to be done, and pay over all moneys or balances found  
 in his hands, and deliver to his successor in office all books,  
 papers and accounts belonging to the corporation or pertain-  
 ing to his official duties when demanded, for which he shall  
 give bond to the burgess and town council, with sureties Bond.  
 therein, as they may require.

SECTION 12. That no moneys shall be drawn from the Money how  
 treasury but by authority of the council on orders signed by drawn.  
 the president thereof, and attested by the clerk. It shall be  
 the duty of the auditors to settle the accounts of the several  
 officers, annually, and to cause a fair statement, showing the  
 receipts into the treasury and how the same shall have been  
 expended, to be published by the town clerk every year, in  
 the month of March, by setting up at least four copies thereof  
 in the most public places within the borough.

SECTION 13. It shall and may be lawful for all persons en- Who may  
 titled by law to vote for burgess and other officers of the bor- votc.  
 ough of Edinboro', at the same time and place where they  
 vote for borough officers, to elect two respectable citizens of  
 said borough for constables, and return the names of the per- Constable.  
 sons 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 like manner with the like powers and au- Powers, fees,  
 thority, and receive like fees, and be subject to regulations and penalties.  
 penalties as are provided and contained in the laws now ex-  
 isting, or that may hereafter be passed, concerning constables  
 within this commonwealth, and the said constable so appoint-  
 ed shall do and perform all the duties required to be done by Duties.  
 the high constable of said borough, in pursuance of this act,  
 and of the by-laws and ordinances of said borough.

SECTION 14. That the territory within the limits of the  
 said borough shall be a separate district for school purposes,

Separate school district with powers, &c. and for the levy and collection of county rates and taxes, and in all other respects shall be separate from the township of Washington, in said county, and that all jurisdiction of the officers of said township from the third Friday of April next, shall cease, except so far as to collect any taxes that may then be due and owing to them from the inhabitants of said borough; *Provided*, That nothing herein contained shall be construed to effect the election district as now formed, but that the township of Washington including the borough of Edinboro', shall be and remain an election district, the same as election dis't. though this act had not been passed.

Proviso.  
Edinboro' &  
Washington  
township one  
election dis't.

WM. HOPKINS,

*Speaker of the House of Representatives.*

W. T. ROGERS,

*Speaker of the Senate.*

APPROVED—The third day of April, Anno Domini one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 106.]

## A FURTHER SUPPLEMENT

To an act to enable the Governor to incorporate a company for making an artificial road, by the best and nearest route, from the borough of Sunbury, in the county of Northumberland, to the borough of Reading, in the county of Berks, and for other purposes.

Company  
may alter  
course of road

To avoid  
Phil'a. and  
Reading rail  
road.

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 it shall and may be lawful for the president, managers and company of the "Centre Turnpike Road," leading from Reading to Sunbury, to alter the course of their road from a point at or near where the said road crosses the river Schuylkill, at the south east side of the said river, to Mount Carbon, and to construct a new turnpike road between said points so as to avoid any inconvenience and danger from the Philadelphia and Reading rail road, running near to the said turnpike road and any interfering with it between said point; *Provided*, That the turnpike so to be