

Indian wars, to Frederick Tressler of Franklin county, for whom it was originally intended. Franklin co
error correc'd.

SECTION 8. That the said State Treasurer be, and he is hereby authorized and required to pay to James Gordon of Butler county, or to his order, the sum of forty dollars as a gratuity in full for his military services. Butler co.

SECTION 9. That the State Treasurer be, and he hereby authorized and required to pay to Hannah Posten of Monroe county, a gratuity of forty dollars, as a gratuity in full for the military services of her husband, Charles Posten, the said pensions and gratuities to be paid in conformity with the existing laws. Monroe co.

SECTION 10. That the treasurer of Allegheny county be directed to pay Charles Brooke, a pensioner of the State of Pennsylvania, who was placed on the pension list last session, as being in Fayette county, whereas the said Brooke lives in the county of Allegheny. Allegheny co.

WM. HOPKINS,
Speaker of the House of Representatives.
EBEN R. KINGSBURY, Jr.
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 151.]

. A N A C T

To authorize the administrators of the estate of Washington E. Pettit, to make and execute a deed to John Rutan, and to incorporate the town of Millsborough, in Washington county, into a borough.

WHEREAS, it appears that Washington E. Pettit, deceased, late of the state of Ohio, in his lifetime sold to John Rutan a tract of land in Morris township, Washington county, Pennsylvania, and died, having made no provision for the fulfilment of the contract; *And whereas*, it appears that the said John Rutan has presented his petition to the court of Common Pleas, in and for the county of Washington, for leave to make proof of said contract, and that said court has adjudged the same suffi- Preamble.

cient but could not decree a specific performance, as the said administrators lived in another state; Therefore,

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 administrators of Washington E. Pettit, deceased, late of the state of Ohio, be and are hereby

authorized and empowered to make and execute to John Rutan a deed for the land above described: *Provided,* That before the execution of the power hereby granted, the said Rutan shall have paid the purchase money for the same.

SECTION 2. That the town of Millsborough in the county of Washington, and territory included within the following boundaries, to wit: commencing at low water mark in the Monongahela river, thence south seventy-eight and a half degrees, west forty-two perches; thence south fourteen and three-fourths degrees, east five perches and two elevenths; thence south seventy-three degrees, west seventy-one and seven tenths perches;

thence south eleven degrees, west one hundred and thirty-nine perches; thence south twenty-one degrees, east forty-three and five-elevenths perches to low water in Ten Mile creek; thence following low water mark in Ten Mile creek and the Monongahela river, three hundred and fifty-one and two elevenths perches, unto the place of beginning, are hereby erected into a borough which shall be called and styled the borough of Millsborough.

SECTION 3. 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 March 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 the 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,*

Adm'rs of W. E. Pettit, to execute deed for land.

Proviso.

Millsborough Wash. co. erected into a borough.

Boundaries.

Style.

Annual elections, how, when & where held.

Burgess council, assessors, school directors

Certificates of elect'n where filed.

Vacancy.

That for the first election to be held under this act, it shall be the duty of the supervisor of East Bethlehem township, or 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.

SECTION 4. 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.

SECTION 5. 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 case of the 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 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.

SECTION 6. 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

First election,
how, when, &
where held.

President.

Meetings an-
nually.

Quorum.

Pres. pro tem.

Penalty for
neglect or re-
fusal to dis-
charge duties
of office.

Fines, how
applied.

of the burgess and town council of the borough of Millsborough 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,

SECTION 7. That 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 Washington, 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 Millsborough 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 8. That from and after the third Friday in March 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 Millsborough," 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 chattles, 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, implead 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.

SECTION 9. That the town council shall have power to pass and enact by-laws, rules, and regulation, 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 Millsborough, or that may hereafter be granted to the use of the corporation; and for removing nuisances

Proviso.

2d Proviso.

Oath of Burgess.

Power to administer oath &c.

Liberties and franchises.

Income limited.

By-laws.

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 a 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 highways in good order; they shall annually appoint a town clerk, treasurer, collector of taxes, clerk of the market, when necessary, and such other officers 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 Sessions 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, 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 town council to be carried into effect, and to do and perform all such other services as may be enjoined on him by the same.

SECTION 10. 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 same 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.

Contracts.

Improvements

Clerk, treasurer and other officers.

Compensat'n.

Remit fines,

Proviso.

Publication of ordinances,

Taxes how collected.

Proviso. 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 Washington 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 to the treasurer of the borough, common school, or to whatever it may belong.

Relief.

Unseated lot.

Duty of town clerk. SECTION 11. 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, shall attest the same. He shall keep a fair index to the same. He shall certify copies under the seal of the corporation, which copies of any book, paper, by-law, ordinance or proceeding 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 the seal and all the books, papers and other things belonging to the corporation, and upon neglect or refusal so to do, upon demand made, he shall forfeit and pay a fine of not less than five dollars, and be accountable for all damages sustained by the corporation, to be recovered as like debts and damages are by law recoverable.

Duties of treasurer. SECTION 12. That it shall be the duty of the treasurer to receive all moneys due to the corporation, whether for taxes, fines, donations, or in any other way, and to pay out the same on orders of the president or president pro tem.; he shall 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 successors in office all books, papers, and accounts belonging to the corporation, or pertaining to his official duties, when demanded, for which he shall give bond to the burgess and town council with sureties therein as they may require.

SECTION 13. That no moneys shall be drawn from the Money how treasury but by authority of the council, on orders signed drawn from by the president thereof and attested by the clerk. It shall be treasury. the duty of the auditors to settle the accounts of the several offi- Duties of au- ditor. cers 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 14. It shall and may be lawful for all persons entitled by law to vote for burgess and other officers of the borough of Millsborough, 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 persons so Constable. elected to the next court of Quarter Sessions of the said county, one of whom shall be appointed constable of the said borough, in the like manner with the like powers and authority, and receive like fees, and be subject to regulation and penalties as are provided and contained in the laws now existing, or that may hereafter be passed, concerning constables within this commonwealth; and the said 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.

SECTION 15. That the territory within the limits of the said borough shall be a separate district for school purposes, and School dis't, for the levy and collection of county rates and taxes, and in all power, &c. other respects shall be separate from the township of East Bethlehem, in said county, and that all jurisdiction of the officers of said township from the third Friday of March 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 Proviso. of East Bethlehem, including the borough of Millsborough, shall be and remain an election district, the same as though this act had not been passed.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.