

[No. 78.]

A N A C T

To Incorporate the village of Clarion, in the county of Clarion, into a Borough, and for other purposes.

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 village of Clarion, in the county of Clarion, shall be and the same is hereby erected into a borough, which shall be called the borough of Clarion, and shall be bounded and limited as follows, viz: Beginning at a post the southwest corner of lot number three, thence along the western boundary of said town, north twenty-eight degrees, east one hundred and twenty-three and five tenths perches to the end of Liberty street; thence south sixty-two degrees east ten perches to the corner of out-lot number thirty-four; thence north twenty-eight degrees, east thirty-one and three-tenths perches to the corner of out-lot number thirty-five; thence along the northern boundary of said town south sixty-two degrees, east one hundred and twenty-three perches to the corner of out-lot number forty-five; thence south twenty-eight degrees, west nineteen and six-tenths perches to the out lots number forty-five and forty-six; thence south sixty-two degrees, east eighty-seven perches to the corner of out-lot number fifty; thence along the eastern boundary of said town, south twenty-eight degrees, west one hundred and thirty perches to the corner of out-lot number thirty-three; thence along the southern boundary of said town north sixty-two degrees, west two hundred and twenty perches to the place of beginning; including all the in and out-lots of said town as laid out by the commissioners appointed for that purpose.

SECTION 2. That the inhabitants of the said borough, entitled to vote for members of the general assembly, having resided within the bounds of said borough at least ten days immediately preceding the election, shall have power on the second Monday of May next, to meet at the court house of the said county of Clarion, and on the same day annually thereafter at the place aforesaid, and shall then and there, between the hours of one and seven in the afternoon, elect by ballot, one respectable citizen residing therein, who shall be styled the chief Burgess, and seven citizens to be a town council, and shall also elect as aforesaid one citizen as high constable; all of whom

Borough established

Boundaries

Annual election for borough officers when, where and how held

shall be residents of said borough, and entitled to vote for borough officers, agreeably to the provisions of this section. But previous to the opening of said election, such of the inhabitants qualified to vote as aforesaid, as are present at the said place of election, shall choose by viva voce or ballot, one citizen to act as judge, and two citizens to act as inspectors, and each of said inspectors shall appoint a clerk of said election, the judge and one inspector to be voted for by each voter, and the election to be conducted throughout according to the general election laws of this commonwealth, and the officers of the election shall be subject to the same penalties for malpractices, as by the said election laws are imposed. And the said judge, inspectors, and clerks, before they enter upon the duties of their respective offices, shall take the same oaths or affirmations, before any justice of the peace of the county, as are prescribed by the existing election laws of this commonwealth, and after the said election shall be closed, shall declare persons having the greatest number of votes to be duly elected. And in case any two or more candidates should have an equal number of votes, the preference shall be determined by lot, to be drawn by the two inspectors in presence of the judge. Whereupon duplicate certificates of said election shall be signed by the said judge, inspectors and clerks, one of which shall be transmitted to the chief burgess elect, and the other filed among the records of the corporation. And it shall be the duty of the high constable for the preceding year—and in the event of his absence or inability to act, such person as the officers of the election may direct—to give notice in writing to each of the persons so elected as aforesaid, and in case of the death, resignation, removal or refusal, to accept any of the said offices, or if it should at any time happen that no election should be holden on the day and in the manner aforesaid, the corporation shall not on that account be dissolved. But the chief burgess, or in event of his absence, death, resignation, removal or inability to act, the president of the town council shall issue his precept directed to the high constable, commanding him to hold an election in manner aforesaid, to supply such vacancy, giving at least eight days notice by six advertisements set up in the most public places in said borough.

SECTION 3. That from and after the fourteenth day of May next, the chief burgess and town council duly elected as aforesaid, and their successors shall be one body politic and corporate, by the name and style of "The Chief Burgess and Town Council of the borough of Clarion," and shall have perpetual succession, and the said chief burgess and town council, and their successors, shall be capable in law to have, get, receive, hold and possess, goods and chattels, lands and tenements, in fee simple, or otherwise, and also to grant, sell, let and assign, the same goods and chattels, lands and tenements, not exceed-

Duty of high constable

Failure of election

Name

Power and privileges

ing at any one time in value two thousand dollars, 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 of this commonwealth, in all manner of actions whatsoever and to have and use a common seal, and the same from time to time at their will to change and alter until it be otherwise directed by law. Seal

SECTION 4. That if any person duly elected chief burgess, member of the town council, or high constable as aforesaid, and having received due notice thereof, as directed by this act, shall refuse or neglect to take upon himself the execution of the said office to which he shall have been elected, or having taken upon himself the duties of the 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 twenty dollars, which fine and all other fines, penalties and forfeitures incurred and made payable in pursuance of this act, or any by-law or ordinance of the town council, shall be for the use of the said corporation, and shall be recovered by suit brought before the chief burgess,—to whom is hereby given the same power and authority in suits brought before him to recover the same as justices of the peace within the Commonwealth, by law have, where the demand does not exceed one hundred dollars—in the same form and manner, and with the same costs of suit that debts of like amount are by law recoverable, and the same when recovered shall be paid to the treasurer of the borough, and it shall be the duty of the officers of the borough, on receiving any money belonging to the corporation, to pay the same to the treasurer forthwith: *Provided*, That no person elected as aforesaid, shall be liable to a fine for refusing or neglecting to serve more than once in five years. Refusal to accept office
Penalty
How collected
Proviso

SECTION 5. That the chief burgess, members of the town council and high constable, and all the other officers of the borough appointed by the town council in pursuance of the further provisions of this act, before entering upon the duties of their respective offices, shall take and subscribe an oath or affirmation, before the chief burgess or any justice of the peace of said county, “to support the constitution of the United States, and of the State of Pennsylvania, and to perform the duties of their respective offices with fidelity,” and the certificates of such oaths and affirmations shall be filed among the records of said corporation. Oath

SECTION 6. That the town council shall meet on the first Monday next after their election in each year, at the court house, in said borough, or such other place as they may determine upon, and choose one of their number president, who shall preside at their meetings; and in event of the absence, death, resignation, removal or inability to act of the chief bur- Meeting of council
President

Powers	gess, shall possess all and singular the rights, privileges, powers and authorities of the said chief burgess, given him in this act or elsewhere. And further, to choose one of their number secretary of the town council, whose salary shall be fixed by the said town council, whose duty it shall be to take charge of all the papers, records and common seal of the said corporation, and be answerable therefor, and also for the faithful discharge of the duties enjoined upon him by this act, or by the by-laws and ordinances of the town council, and shall keep a fair and accurate record of all the proceedings, minutes, resolutions, by-laws and ordinances of the said town council, open at all reasonable times to the inspection of every qualified voter of said borough, and the attestation of the said secretary, with the seal of the corporation shall be good evidence of the act or things so certified. And it shall be the duty of the said town council (four of whom shall be a quorum) to hold quarterly meetings on the first Saturdays in April, July, October and January in each year, and such other meetings as occasion may require, at which meetings they may make, direct, alter, revise, repeal and amend all such by-laws, rules, regulations and ordinances as shall be determined by a majority of them necessary to promote the peace, good order, benefit and advantage of the said borough, particularly of providing for the regulation of markets, improving, repairing and keeping in order the streets, lanes, alleys and highways, ascertaining the depth of vaults, sinks, pits for necessary houses, and making permanent rules relative to the foundation of buildings, party-walls and fences. They shall have power to assess and apportion such taxes as shall be determined by a majority of them necessary for carrying the said rules, by-laws and ordinances, from time to time, into complete effect, and also to ap-
Quorum	
Duties--powers &c	point a treasurer, street commissioner, clerk of the market, overseer of the poor, and collector, annually, and such other officers as may be deemed necessary, from time to time, and the same officers from time to time to remove for misdemeanors in office; and the said town council shall further, at their first meeting aforesaid, appoint one gentleman learned in the law, who shall be a practicing attorney in the several courts of Clarion county, and a qualified elector of said borough, at a salary to be fixed by the town council, (not exceeding fifty dollars per annum) to be attorney for said borough, whose duty it shall be to attend to all suits for said corporation, and generally to act as counsel for the officers of the borough, in their official capacity: <i>Provided</i> , That no by-laws, rules or ordinances of said corporation shall be repugnant to the constitution and laws of this Commonwealth, and that no person shall be punished for the breach of any by-law or ordinance of the said corporation until ten days shall have expired after the promulgation thereof, by at least three advertisements,
Treasurer, commissioner, clerk, &c	
Attorney	
Proviso	

set up in the most public places in the said borough: *And* ^{2d proviso} *provided also*, That in assessing such tax due regard shall be ^{Tax} had to the valuation of taxable property, taken for the purpose of raising county rates and levies, so that the said tax shall not, in any one year, exceed one half cent on the dollar of such valuation, unless some object of general utility shall be thought necessary, in which case three-fourths of the qualified voters of said borough shall approve of and certify the same in writing, under their hands, to the town council, who shall proceed to assess the same accordingly: *Provided, also*, ^{Proviso} That the town council may lay such taxes upon dogs and ^{Dogs} make such regulations respecting them, and all domestic animals running at large within said borough, as they may see proper.

SECTION 7. That the chief burgess, elected and qualified agreeably to this act, or in the contingency aforesaid, the president of the town council, is hereby authorized and empowered to issue his precept as often as the occasion may require, directed to the collector, commanding him forthwith ^{Collect tax} to collect all taxes so assessed, and the same to pay over to the treasurer, which said precept shall be signed by the secretary of the town council, and to which the seal of the said corporation shall be affixed. And the said chief burgess, or ^{Enforce by laws} president of the town council, is hereby authorized to carry into effect all by-laws and ordinances enacted by the town council, and whatsoever else shall be enjoined upon him for the well ordering and governing said borough, and the town council alone shall have power to mitigate or remit such fines ^{Remit fines} and forfeitures.

SECTION 8. That the treasurer shall give sufficient security, ^{Treasurer security} to be approved by the town council, for the faithful performance of the duties of his office, and for the delivery of all moneys, books and accounts appertaining thereto, into the hands of his successor upon demand made for that purpose. And that the street supervisor, treasurer, high constable, and all other officers of said borough shall, in the month of April, yearly, render their accounts to said town council for settlement. And the said accounts, being adjusted and settled, shall ^{Settle acc'ts} be forthwith published by council, shewing particularly the amount of taxes laid and collected, and all moneys paid into the treasury, and the amount of expenditures.

SECTION 9. That the chief burgess, president and secretaries of the town council, or any two of them, shall constitute ^{Courts of appeal} a court of appeal, and prior to the collection of any borough tax, the collector shall inform each inhabitant of the amount of his tax, and of the time and place of appeal. *Provided* ^{Proviso} *nevertheless*, That the said court of appeal shall have no other power than to determine the justness of the apportionment of said tax, and to remedy any grievance that may occur in im-

posing the same. And that it shall be the duty of the high constable to give notice of the annual election of the said borough, to be held in pursuance of this act, by setting up five advertisements in the most public places in said borough; 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 the constable of the township of Clarion, for the time being, shall publish and superintend the election, to be held on the second Monday of May next, as hereinbefore directed.

Compensat'n and duty of officers SECTION 10. That the town council shall, from time to time, fix the compensation, and at their discretion declare the duties of all the officers elected, appointed, or to be appointed, under the several provisions of this act, which compensation shall be paid out of the borough treasury, by orders drawn by them, signed by the president and countersigned by the secretary, and the same shall not be increased or diminished during the time for which said officers were appointed respectively. *Provided*, That if any person appointed by the town council as aforesaid shall neglect or refuse to take upon himself the duties of the office to which he has been appointed, he shall for the same forfeit and pay, for the use of the corporation, the sum of ten dollars, unless he can render to the said council a satisfactory reason why he should be exonerated from said service. *Provided also*, That no person appointed as aforesaid shall be liable to fine for refusing or neglecting more than once in five years.

Appeal to common pleas SECTION 11. That if any person or persons shall think him, her or themselves aggrieved by any thing done by the chief burgess in his judicial capacity, or by any thing done in pursuance of this act, except in what relates to the appointments made by the town council, he, she or they may appeal to the next court of common pleas, to be held for the county of Clarion, upon giving security according to law in appeals from judgments from justices of the peace, to prosecute his, her or their appeal with effect. *Provided also*, That such appeals shall be determined in the same manner, and the proceedings therein shall be the same as in appeals from justices of the peace, and that such appeal shall be allowed, in cases where the judgment is given for a less sum than five dollars, thirty-four cents, as well as where it exceeds that sum.

Who may not hold office SECTION 12. That no Judge of any of the courts holden in said county shall be eligible to hold any corporate office in said borough; and that neither the chief burgess, or any officer of said borough, as such—excepting only the president of the town council, when not acting as burgess under the contingency of this act provided, and the secretary of the town council—shall have any voice in the enactment of by-laws and

ordinances for said borough, but that the same is hereby vested in the members of the town council exclusively, who, as members, shall receive no compensation for their services. Exec'sive power of council

SECTION 13. That it may be lawful for the said corporation to have and keep within the said borough two markets in each week, to wit: one market on Wednesday, and one market on Saturday, together with free liberties, customs, profits and emoluments to the said markets belonging. Markets

SECTION 14. That all property, offices, professions and persons made taxable by the laws of this Commonwealth for county rates and levies, shall be taxable after the same manner by the said borough, and all tax, rates and levies assessed, rated and leived therein shall be recovered in the same manner as the county rates and levies of the county of Clarion are by law recoverable. Taxable property

SECTION 15. That the said council shall have full power to pave or otherwise improve all or any or every of the footways and gutters within the borough, at the expense thereof. *Provided*, That every owner of property or ground shall have the right to pave the footways on the front of their own lots, at their own expense, according to the grade fixed by the commissioners and approved by the town council. *Provided*, They have it completed within sixty days after due notice in writing given for that purpose by the council or other agent. *And provided*, That nothing herein contained shall be construed to give power to the council to compel any person to pave at his own expense. Pave and improve

SECTION 16. That the high constable shall give bond and security to the said corporation in such sum as the said council shall approve, conditioned for the performance of all the duties enjoined upon him by this act as by the ordinances and by-laws of the council, and that from and after the passage of this act the citizens of the borough of Clarion shall be exempted from paying road and poor tax to the township of Clarion, and shall form a separate election and school district, and that the inhabitants of the said borough shall, at the time of holding borough elections, elect one assessor and two assistant assessors of county taxes for the said borough, under like regulations and for the same purposes as are or hereafter may be directed by law, in the several townships within this Commonwealth; which said assessor and assistant assessor 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 may be lawfully used, had and exercised, or which shall be suffered by or imposed upon like officers of the several townships of this Commonwealth; and in event of the said office of assessor and assistant assessors being vacant by death, removal. High constable
Assessors

resignation, non-election, or other cause, the town council shall fill the vacancy, and the person so appointed shall be subject to the restrictions aforesaid; and from and after the passage of this act the citizens and properties in the borough of Clarion shall be and remain distinct and separate from the township of Clarion, in the assessment and collection of all state and county taxes, rates and levies; and the citizens of said borough shall, also, on the said second Monday of May next, and on the same day annually thereafter, elect one constable, who shall have all the powers and do and perform all the duties required of township constables, and give like security, to be approved in the same manner; and shall also, on the same day, in May next, elect two justices of the peace, pursuant to the laws and constitution of this Commonwealth, and all general, special and borough elections; shall be held in the court house, in said borough, and at the time of holding said borough elections, the qualified voters of said borough shall elect two inspectors and one judge, to hold their next general election, and said borough shall, to all intents and purposes, be independent of the township of Clarion, in which it is situated.

Constable—
security, &c

Election
when held

Pay of elect'n
officers

Writs for
fines

Clarion county
commissioners
appointed by
Gov. to sur-
render to com-
missioners elect all
books, papers,
&c

SECTION 17. That the officers of the said borough election are hereby entitled to receive the sum of one dollar each, which shall be paid them by the treasurer upon an order signed by the president and countersigned by the secretary of the town council, and any qualified elector in said borough, may be an officer at said election, any existing law of this commonwealth to the contrary notwithstanding. *And it is further enacted by the authority aforesaid,* That the writs for the recovery of fines and for forfeitures, to be issued by the chief burgess or president of council, under the aforesaid contingency, and shall be in the form of writs of summons, capias, execution, and such other necessary writs as are issued by justices of the peace, in pursuance of the laws of this Commonwealth.

SECTION 18. That the commissioners appointed by the Governor of this Commonwealth, pursuant to the eighth section of an act entitled "An act to incorporate the Columbia academy, in the county of Lancaster, and for other purposes," passed the twenty-fifth day of June, one thousand eight hundred and thirty-nine, and the supplement thereto, passed the eleventh day of March, one thousand eight hundred and forty, shall within twenty days after the passing of this act, give over to the commissioners of Clarion county, elected by the people pursuant to the laws of this Commonwealth, all books, papers, conveyances, documents, bonds, contracts, obligations, moneys, debts, and evidences of debts, and all other papers whatever, which came into their hands as commissioners of the county of Clarion; and from and after that time, the powers and duties of the commissioners appointed by the Governor aforesaid, shall cease.

SECTION 19. The commissioners of the county of Clarion, shall have all and every remedy for the recovery of any money due or to become due to the county of Clarion, on account of any of the contracts, obligations, or evidences of debt coming into their hands, pursuant to the eighteenth section of this act, that the commissioners appointed by the Governor might or could have, and shall, in like manner be invested with all the real property conveyed to said commissioners, for the trusts and uses declared in the deeds of conveyance, and the laws of this Commonwealth passed relating thereto; and shall have like power to sell and convey the same that is invested in the commissioners appointed by the Governor as aforesaid. And all moneys arising from said sales, and all moneys found in the hands of said commissioners appointed by the Governor as aforesaid, shall be paid into the hands of the proper treasurer of Clarion county, and be applied as heretofore directed by law, and accounted for by the said treasurer, and settled by the county auditors, as other county accounts are audited.

Powers of
commissioners of
Clarion co

SECTION 20. It shall be the duty of the auditors of Clarion county, to settle the accounts of the commissioners appointed by the Governor as aforesaid, for which purpose they shall be invested with all the powers conferred on them by the laws of this Commonwealth, in relation to settling the accounts of county officers; and like appeal shall be allowed to be taken and presented in the same manner prescribed by the laws relating to the settlement of such accounts.

Duty of audi-
tors of Clarion
county

SECTION 21. It shall be the duty of the secretary of the Commonwealth, immediately after the passing of this act, to transmit a copy of the same, by mail, to the commissioners of Clarion county, who shall forthwith cause the contents thereof to be made known to each of the commissioners appointed by the Governor as aforesaid.

Duty of Sec.
Commonw'th

SECTION 22. That the several provisions of the act passed the sixteenth day of June, one thousand eight hundred and thirty-six, entitled "An act relating to the lien of mechanics and others, upon buildings," be and they are hereby declared to be extended to the counties of Clarion and M'Kean.

Mechanics'
lien law ex-
tended to
Clarion and
M'Kean

WM. A. CRABB,

Speaker of the House of Representatives.

JN. H. EWING,

Speaker of the Senate.

APPROVED—This sixth day of April, A. D. eighteen hundred and forty-one.

DAVID R. PORTER.