

[No. 99.]

AN ACT

To erect Gaysport, in the the county of Huntingdon, 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 Gaysport, in the county of Huntingdon, shall be and the same is hereby erected into a borough, which shall be called Gaysport, and shall be comprised within the following boundaries, to wit: beginning at a post at the river below the dam; thence by land of Thomas Jackson south seventy degrees, west one hundred and twelve perches, to a post at the mouth of Reigart's lane; thence by land of Thomas Jackson north forty-four degrees, west ninety-eight perches, to a post on the side of the hill; thence by other land of Thomas Jackson north twenty degrees, east fifty-four perches, to a post beside the turnpike; thence by land of James A. M'Cahen, north sixty-four degrees, east thirty-five perches to the river; thence by the courses and distances of the river, down to the place of beginning, including the whole town of Gaysport.

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 previous to such election, to meet at the school house, on the third Friday of March, in every year, except the first year, when they shall meet on Tuesday, the first of June, 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, but previously to such election, the inhabitants present shall elect two respectable citizens as judges, one as inspector, and two as clerks of said election, which shall be regulated and conducted according to the general election law of this Commonwealth, so far as relates to receiving and counting votes, and who shall be subject to the same penalties and malpractices, as by the said law is imposed, and the said judges, inspectors, 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 the 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*

Borough
erected -

Boundaries

Annual elec-
tionBurgess and
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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 elections 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 inspectors, 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, 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 first Tuesday of June next, the burgess and the town council, duly elected as ^{Name} aforesaid, and their successors, shall be one body politic and corporate in law, by the name and style, of the burgess and council of Gaysport, 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, land 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 give, grant, sell, let, and assign the same lands, tenements, hereditaments, rents; and by the same 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 ^{Rights, &c} one common seal, the same Seal from time to time at their will to change and alter.

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 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 five dollars, which fines, forfeitures, and all others in pursuance of this act, or of the by-laws of ^{Penalty for refusing to execute office}

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 three 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.

Proviso

Appeal

Oath

SECTION 5. The burgess shall take and subscribe an oath or affirmation, before one of the associate judges or justice of the peace for the county of Huntingdon, 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 the borough of Gaysport, and when so qualified, he shall administer an oath or affirmation to the council, high constable or town clerk, in the 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.

Meetings

By-laws

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, street commissioner, overseer of the poor, 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 and laws of the United States or 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 freeholders 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

Tax

Proviso

2d proviso

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 town 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.

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.

SECTION 9. The street commissioners, treasurer, constable and overseer of the poor, as well as all other officers who may be appointed by the corporation or council, 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.

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

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 Gaysport, 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, 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 borough constables within this Commonwealth; 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. And the said constable of the borough of Gaysport, shall have, exercise and possess within the said borough and township of Blair, all the powers and duties of the constables elected in the several townships in the said county of Huntingdon; and before he shall enter upon the duties of his office, shall take and

Bond

subscribe the same oath as other constables, and shall, if *not* possessed of a freehold estate in his own right, clear of all incumbrances, of the value of one thousand dollars, enter into a bond to that amount, with at least one sufficient surety, to be approved of by the court of quarter sessions of said county, in the same manner as now, with reference to the several constables of the several counties within the Commonwealth, and for the same uses and trusts to all intents and purposes, and the same penalties imposed for neglect or refusal to serve, the said court shall have the power to appoint another person, as the court of quarter sessions in the several counties in this Commonwealth, have and possess by law, to appoint a constable in any of the townships in the several counties of this Commonwealth.

Court of appeal

SECTION 12. The burgess, president of the council and treasurer, or any two of them, shall constitute a court of appeal; and prior to the collection of any borough tax, they shall appoint a day for the hearing of appeals, of which and of 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, 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.

First named council—his duties, in certain cases

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.

Quorum

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

First election, how and by whom held

SECTION 15. Jeremiah C. Betts and Thomas Jackson, of said town, or either of them, shall publish and superintend the first election for borough officers, to be held on Tuesday, the first of June next, after the passage of this act, at the place appointed by law for holding the annual elections for said borough; and they are hereby directed to give five days notice by advertisement, as before directed in other cases of elections, of the time and place of holding the same.

SECTION 16. That all land contained within the bounds of Assessments said borough, that is not laid out in lots, is not to be assessed higher than the county rates and levies.

SECTION 17. From and after the passage of this act, the borough of Gaysport shall be a separate school district, shall elect school directors, receive their share of this years and every other years State appropriations, and do and perform all other acts, and receive all moneys which other school districts are entitled to perform and receive. Separate sch^l district

SECTION 18. The said town of Gaysport shall, after the passage of this act, be a separate election district, and hold their general elections at the school house aforesaid; the election for inspector and judges for the first year, to be held on the first day of June. Separate elec- tion district

WM. A. CRABB,

Speaker of the House of Representatives.

JN. H. EWING,

Speaker of the Senate

APPROVED—The twenty-first day of April, one thousand eight hundred and forty-one.

DAVID R. PORTER.

[No. 100.]

A SUPPLEMENT

To an act entitled "An act to establish a District Court in the counties of Erie, Crawford and Venango," 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 on and after the first day of May next the provisions of the act passed the twenty-third day of March, one thousand eight hundred and thirty-nine, entitled an act to establish a district court in the counties of Erie, Crawford and Venango, shall be extended to the county of Mercer, as fully and effectually as if the said county had been named and embraced in said act, and all the provisions thereof expressly applied to said county. And the president of said district court shall hold two terms annually, in the county of Mercer, by the name and style of "The District Court of Mercer Name county." District court extended to Mercer co

SECTION 2. That the terms of said court shall be held on Terms the third Mondays in May and fourth Mondays in January,