

[No. 19.]

AN ACT

To incorporate the town of Milesburg, in the county of Centre, into a Borough.

Milesburg
borough
boundaries

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 Milesburg, in the county of Centre, and territory included within the following boundaries, to wit: Beginning at the junction of the Bald Eagle and Spring creek, at low water mark; thence up the banks of said Spring creek, to the line of James Irvin & Co's land; thence along the same south eighty-two degrees east thirteen perches to the corner of Joseph Miles' meadow; thence south sixty-nine degrees east forty-five perches to turn-pike road; thence north fifty-two degrees east along the division fence of Joseph Miles forty-four perches; thence twenty-seven degrees west fourteen perches to corner of William Lees' lot; thence north sixty-four degrees east sixteen perches to back line of town lots; thence north fifty-five degrees east along the same forty-three perches to the east side of Catharine street; thence north thirty-five degrees west along the east side of Catharine street forty perches and five-sixteenths, to the corner of the Baptist church lot; thence north fifty-five degrees east twelve perches to the east corner of school house; thence north thirty-five degrees west ten perches to north corner of grave yard; thence north eighty-six degrees west along the line of grave yard sixteen perches to Catharine street; thence north thirty-five degrees west along the east side of Catharine street thirty-two perches to Bald Eagle creek; thence along the same to the place of beginning; is hereby erected into a borough, which shall be called and styled the borough of Milesburg.

Election

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 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 new school house, in said borough, and then and there, between the hours of one o'clock 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, three school directors, one to serve for one year, one for two years, one for three years, and one annually thereafter, one street commissioner, two overseers of the poor, and two justices of the peace, one judge and two inspectors of elections, 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, school directors, and other borough officers, 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 vacancies may be supplied by a new election, in all cases whereby 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 Samuel J. Green, John T. Hoover, Isaac Buffington, 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 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.

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, 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 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 five 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 Milesburg, 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.

Penalty for
neglect &c

Fine

Proviso

2d proviso

Oath

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 Centre, to support the constitution of the United States and of the state of Pennsylvania, and to execute the office of burgess of the borough of Milesburg with fidelity; and when so qualified, he shall administer an oath 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 the corporation.

SECTION 7. 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 Name Borough of Milesburg," and shall have perpetual succession; and 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 three 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 Seal to time, at their will, to change and alter.

Liberties and franchises

SECTION 8. That the town council shall have power to pass and enact by-laws, rules, regulations and ordinances, as they By-laws may deem necessary to promote the peace and good order and general welfare of the inhabitants, and well being of said borough; and for the purpose of improving and keeping in good order, the side walks, streets, lanes, alleys, public squares, common grounds, lands, wharfs, landings, or other property, whatsoever, that has heretofore at any time been granted to the use of the citizens of Milesburg, 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, renew, 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, which said taxes shall not exceed in any one year three mills on the dollar, except by consent of three-fourths of the taxables of the borough, to be certified under their hands to the town council, for that purpose. They shall have authority to obtain materials for improving the streets, lanes, alleys, land-Improving streets ings, wharfs and public grounds, and order and direct the manner and ways in which the same shall be improved, repaired, and kept 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, 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: *Provided*, No by-Providio law, rule, regulation or ordinance, of 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

Compensation

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 being put up 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.

Taxes

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 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 their duplicate according to law: *Provided*, That the town council may hold appeals, hear any complaint in relation to the assessment of the said taxes, and grant 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 Centre 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.

Proviso

Clerk's duty

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, shall attest the same. He shall certify copies under the seal

of the corporation, which copies of any book, paper, by-laws, 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 fifty dollars, and be accountable for all damages sustained by the corporation, to be recovered as like debt and damages are by law recoverable.

SECTION 11. 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 town council 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 pertaining to his official duties, when demanded, for which he shall give bond to the burgess and town council, with sureties thereon, ^{Treasurer's duty} as they may require.

SECTION 12. That no moneys shall be drawn from the treasury but by authority of the council, on orders signed by the president thereof, and attested by the clerk. It shall be the duty of the town council to settle the accounts of street commissioner, overseers of the poor, and 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. ^{Money account &c}

SECTION 13. It shall and may be lawful for all persons entitled by law to vote for burgess, and other officers of the borough of Milesburg, 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 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 authority, and receive like fees, and be subject to regulations 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. ^{Constables}

School district

SECTION 14. That the territory within the limits of the said borough shall be a separate district for school purposes, and for the levy and collection of county rates and taxes, and shall be a separate election district, and hold all their elections at a separate window of the school house, in said borough; and in all other respects, shall be separate from the township of Boggs, in said county: and that all jurisdiction and powers of the officers of said township, from the third Friday of March next, shall cease and determine, except so far as to collect any taxes that may be then due and owing to them from the inhabitants of said borough.

HENDRICK B. WRIGHT,
Speaker of the House of Representatives.

B. CRISPIN,
Speaker of the Senate.

APPROVED—The third day of March, eighteen hundred and forty-three.

DAVID R. PORTER.

[No. 20.]

AN ACT

To authorize the Governor to incorporate the Erie Canal company.

Comms.

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 Charles M. Read, William Kelly and John Galbraith of Erie; Hugh Brawley, David Dick, Horace Cullum, Martin Martzall, John M'Namara, Charles Rich and Morrow B. Lowry, of Crawford; William S. Rankin, Lorin Lusk, James M. Power, John Reynolds, Samuel Kerr and Samuel Goodwin of Mercer; James Patterson, Daniel Agnew and Joseph Pollock of Beaver; Har-mar Denny, William Hays and William Robinson of Allegheny county; Frederick Fraley, John K. Kane and William J. Leiper of Philadelphia; William Beaty and William Stewart of Butler county, or any two of them, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall on or