

them by the said act, the said justices of the peace and sheriff in the said county, shall be subject to all fines, penalties and forfeitures to which the justices and sheriffs in other counties by the said act are subject or liable.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the commissioners of said county are hereby authorised and empowered to pay to the persons who are appointed, by this act, to fix the place where the building for the accommodation of the poor in the said county shall be erected, such sums of money as will be sufficient to re-imburse them for their expenses, and also to pay to each of the said directors, such sum of money, as, together with the annual sum allowed them by this act, in the opinion of the commissioners, shall be a reasonable compensation for their services during the term they are employed in erecting the building aforesaid.

County commissioners to defray expenses of viewers and compensate directors.

SECT. 16. *And be it further enacted by the authority aforesaid,* That so much of the laws of this commonwealth, relating to the poor, as are by this act altered or supplied, be and the same is hereby repealed, so far as they affect the county of Lebanon.

Repealing clause.

FRED'K SMITH, *Speaker*
of the House of Representatives.

DANIEL STURGEON,
Speaker of the Senate.

APPROVED—the sixteenth day of March, A. D. one thousand eight hundred and thirty.

GEO. WOLF.

No. 61.

AN ACT

Incorporating the town of Wellsborough into a borough.

SECT. 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 Wellsborough, in the county of Tioga, shall be and the same is hereby erected into a borough, under the name and title of the "Borough of Wellsborough," bounded and limited as follows: Beginning at a

Borough
limits.

post the south corner of the out-lots, thence north one hundred and thirty-nine perches to a post, thence north forty-five degrees east two hundred and twenty-two perches to a post, thence south forty-five degrees east two hundred and four perches to a post, thence south forty-five degrees west one hundred and forty-two perches, to Shumway's road, thence north seventy-six degrees west four perches, to a post, thence south forty-five degrees west seventy-five perches to a post, thence west one hundred and forty perches to the beginning.

Who may
vote, and
manner of
conducting
the first elec-
tion.

SECT. 2. *And be it further enacted by the authority aforesaid;* That it shall and may be lawful for all persons entitled to vote for members of assembly, who have resided in said borough six months previous to any election, and within that time paid a borough tax, to meet at the court house in said borough, or at such other place as may be hereafter appointed, on the first Monday of May next, and then and there elect by ballot, between the hours of one and six in the afternoon, one citizen residing therein, who shall be styled the burgess of said borough, four citizens residing therein, to be a town council, one citizen as town constable, one person as overseer of the poor, and one person as supervisor; but previously to the opening of such election, the citizens present shall elect three persons to discharge the duties of judge, inspector and clerk, according to the general election laws of this commonwealth, who shall be subject to the same penalties for mal-practices as by the said election laws are imposed, and the said judge, inspector and clerk, before they enter on the duties of their respective offices, shall take an oath or affirmation, before some judge or justice of the peace, to perform the same with fidelity, and after the said election shall be closed, shall declare the persons having the greatest number of votes duly elected; whereupon duplicate certificates of said election shall be signed by the said judge, inspector and clerk, one of which shall be transmitted to the prothonotary's office of said county, and the other filed among the records of said corporation; and it shall be the duty of the clerk of said election, to give notice in writing to each of the persons so elected as aforesaid, and in case of vacancy by death, resignation or otherwise, the burgess, or in case of his inability, any two of the town council shall issue a precept to the constable of said borough, or other suitable person, requiring him to hold an election to supply such omission, or to fill such vacancy, he giving at least ten days notice by advertisements set up at four of the most public places in said borough: *Provided,* That the citizens of said borough shall be entitled to vote at the first election, although they have not paid a borough tax.

Returns of
election.

Vacancies.

Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid,* That on the Monday next after the said election, the members of the town council, elected as aforesaid, shall be convened at some suitable place in said borough, and shall then and there by lot divide themselves into two classes, and the seats of the members of the first class shall be vacated at the end of one year, of the second class at the expiration of the second year, counting the year as commencing for corporate purposes on the first Monday of June.

Classifica-
tion of coun-
cil.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the burgess and town council elected as aforesaid, and their successors forever, shall be one body politic and corporate in law, by the name of the burgess and town council of the borough of Wellsborough, and shall have perpetual succession, and the said burgess and town council aforesaid, and their successors forever, shall be capable in law to have, get, receive, hold, and possess lands, tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors, in fee simple or otherwise, all goods, chattels and other things of what nature or kind soever, not exceeding the yearly value of two thousand dollars, and to have, grant, sell, let and assign the same lands, tenements, hereditaments, rents, goods and chattels, and by the name aforesaid they shall be capable in law to sue and be sued, plead and be impleaded, in any of the courts of this commonwealth, or before any justice of the peace of Tioga county, in all manner of actions whatsoever, and to have and use one common seal, and the same from time to time at their will to change and alter.

Incorporation.

Style.

Powers and
privileges.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the inhabitants of said borough, entitled to vote as aforesaid, shall on the first Monday of May next ensuing the aforesaid election, and on the same day in every year thereafter, meet at the place appointed, and elect in manner aforesaid one burgess, one town constable, one overseer of the poor, one supervisor, and two members of council to supply the places of the members of council vacated in the manner aforesaid, which election shall be held and conducted in all respects as hereinbefore required.

Annual elec-
tions.

Officers.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if any person duly elected burgess, member of council, town constable, overseer of the poor or supervisor, as aforesaid, or appointed to any office as herein-after provided, and having received notice thereof, as required by this act, shall refuse or neglect to take upon himself the execution of said office, or having taken upon himself the execution of such duties, shall neglect

Penalty for
refusal to
act.

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 and forfeitures incurred and made payable by this act, or any of the by-laws and ordinances of the town council shall be for the use of the said corporation, and may be recovered before any justice of the peace, in the same manner that debts of equal amount are by law recoverable, and when so recovered shall be forthwith paid to the treasurer of the borough: *Provided*, That no person elected or appointed as herein provided, shall be liable to a fine for refusing or neglecting to serve more than one in four years.

How recovered.

Proviso.
No one compelled to serve more than one year in four.

Oath of borough officers.

SECT. 7. *And be it further enacted by the authority aforesaid*, That the burgess, town council and constable, and each of them, shall take an oath or affirmation, before some judge or justice of the peace of the said county, or burgess of the said borough, to support the constitution of the United States and of this state, 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 the said corporation.

Powers of the burgess and council.

SECT. 8. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the burgess and town council to meet as often as occasion may require, and enact, ordain, revise, repeal and annul all such by-laws, rules, regulations and ordinances, assess, apportion and appropriate such taxes as shall be determined by a majority of them, necessary to promote the peace, good order, benefit and advantage of said borough, to repair and keep in good order the streets, alleys and highways, and also to appoint a town clerk, treasurer, collector and such other officers as may be deemed necessary by the said burgess and council, but no by-law, rule or ordinance enacted as aforesaid, shall be repugnant to the constitution and laws of the United States or of this state, and no person shall be punished for a breach of any law or ordinance enacted for the regulation of said borough, unless the same shall have been published for three successive weeks in some newspaper printed in said borough, or a true copy thereof set up at four of the most public places in said borough, and no by-law, ordinance or regulation shall be carried into effect in less than three weeks after such publication: *Provided*, That in laying such tax, due regard be had to the valuation of taxable property assessed or hereafter to be assessed, for the purpose of raising county rates and levies, and that no tax for the support and regulation of the streets, alleys and highways, or for the support of the poor, shall exceed in any one year for either of these purposes one cent in

Proviso.

Limit of tax.

the dollar of such valuation, unless some object of general utility should require the same, in which case a majority of the taxable inhabitants of said borough, by writing under their hands, shall approve of and certify the same to the burgess and council, who may then proceed to assess the same accordingly.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the burgess elected agreeably to this act, is hereby authorised to issue his precept to the constable, collector or other fit person, commanding him to collect all taxes assessed and fines and forfeitures imposed by this act, or by the ordinances and regulations of the burgess and council, and the same to pay over to the treasurer, and the said burgess is hereby empowered to carry into effect all by-laws enacted by the council, and whatever else shall be enjoined on him for the well ordering and governing said borough; he shall have judicial jurisdiction in all cases of fines imposed by this act, or the by-laws and ordinances of the council, and in all disputes between the corporation and individuals, arising under and by virtue of this act, or under and by virtue of the laws and ordinances of the council, and for these purposes may issue process of summons, subpoena and writs of execution and such other writs as may be necessary in the exercise of such jurisdiction, directed to the constable of the borough, or in case of his inability to execute such process, to the supervisor.

Collection of borough tax.

Duties of burgess.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the burgess, president of the council pro tem, treasurer and town clerk, 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 of appeal, of which and the amount of his or her tax, and the place where the appeal will be held, the collector shall notify each resident taxable, by a written notice, at least ten days before the day of appeal, and when the said tax shall have been properly adjusted, it shall be the duty of the burgess, or in his absence or inability to act, of the treasurer, and he is hereby authorised to issue his precept to the collector, commanding him to collect all taxes so assessed, and vesting him with the 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 forthwith paid into the treasury for the use of the corporation.

Court of appeal.

When held.

Collector to notify taxables.

Treasurer to act in absence of burgess.

SECT. 11. *And be it further enacted by the authority aforesaid,* 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, keep and preserve the common seal and records

Duty of town clerk.

of the corporation, and be answerable for the same, and also for the faithful discharge of all duties which may be enjoined on 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 certified, in all cases wherein the original would have been received.

Treasurer.

All officers to render accounts, to be published annually.

SECT. 12. *And be it further enacted by the authority aforesaid,* That 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 successor of all monies, books and accounts pertaining thereto, upon demand being made by the burgess or council, that the treasurer, constable or collector, as well as all other officers who may be appointed by the council, shall render their accounts whenever so required to do, which accounts being adjusted and settled, shall be published once in each year, in some newspaper printed in the borough, or by advertisements set up at four of the most public places in said borough, particularly showing the amount of taxes laid and collected, and the expenditures.

Constable to give notice of annual elections.

His duty and powers.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the constable shall give notice of the annual election in the same way as is prescribed in regard to township elections, and shall have the same power as other constables of this commonwealth, for keeping the peace; he shall execute all process or precepts directed to him by the burgess, and shall be liable to a fine of twenty dollars for neglect of duty, and shall have the compensation that is allowed to other constables for the same or similar services, and shall at the next court of quarter sessions of Tioga county, after his election, deliver to the clerk of said court a certificate of his election, certified by the judge, inspector and clerk of the election, and shall give bond and security for the faithful performance of his duty, as other constables are by law required to do, which bond shall be for the same uses and intents, and in all things as available, as the bonds of other constables in this commonwealth, and he shall have similar powers with other constables to execute process, civil and criminal, issued by justices of the peace of the county of Tioga, and directed to him as constable of the borough of Wellsborough.

Persons aggrieved by this act may appeal to common pleas.

SECT. 14. *And be it further enacted by the authority aforesaid,* That if any person or persons shall think him, her or themselves aggrieved by any thing done in pursuance of this act, of any law or ordinance under the authority of the same, except what relates to the assessing and collecting of borough taxes and appointments made by the burgess and council as aforesaid, he, she or they may

appeal to the next court of common pleas, to be held for the county of Tioga, upon giving security according to law to prosecute his, her or their appeal with effect, and the said court having taken such order therein as to them shall seem just and reasonable, the same shall be final and conclusive.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the burgess shall preside in all meetings of the council, and in case of his absence or inability to act, a president pro tem may be appointed by the members present. President and council.

SECT. 16. *And be it further enacted by the authority aforesaid,* That nothing contained in the general road laws shall be deemed to extend to the said borough; the general elections held therein and returns thereof shall remain as heretofore, except that an inspector of the general election, assessor and assistant assessors shall be elected by the inhabitants thereof, at the same time and under the same regulations, and subject to similar duties and liabilities, as inspectors and assessors are now by law authorised to be elected by the several townships, and that judges and clerks shall be appointed to superintend and assist at the general elections as those officers are now appointed in the several townships. Road laws not to apply.
Inspector, &c of general election.

FRED'K SMITH, *Speaker*
of the House of Representatives.

DANIEL STURGEON,
Speaker of the Senate.

APPROVED—the sixteenth day of March, A. D. one thousand eight hundred and thirty.

GEO. WOLF.

No. 62.

AN ACT

Relative to constables in Susquehanna and Beaver counties.

SECT. 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 so much of the act of the twentieth of March, one thousand eight hundred and ten, as provides "that no