

No. 191.

AN ACT

Erecting the town of Petersburg, in the county of Huntingdon,
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 Petersburg, in the county of Huntingdon, be and the same is hereby erected into a borough, which shall be called Petersburg, and be comprised within the boundaries as laid off in the original plan of said town, and according to the draft thereof, as recorded in the recorder's office in Huntingdon, including George Rung's tan-yard and house.

Limits.

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 the legislature, who have resided in the said borough three months previously to such election, to meet at the house now occupied by Joseph Jones, on the second Tuesday in May in every year, 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 seven 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 the 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 for malpractices as by the said law is imposed, and the said judges, inspector, 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 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 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 election 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 inspector;

Annual election of burgess and council.

Returns.

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, or removal, refusal to accept or neglect, or refusal to act after acceptance, of any of the said officers, 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 town.

Vacancies.

Incorporation.

Title.

Privileges and liabilities.

SECT. 3. And be it further enacted by the authority aforesaid, That from and after the second Tuesday in May next the burgess and town council duly elected as aforesaid, and their successors, shall be one body politic and corporate in law, by the name and style of "The burgess and council of the borough of Petersburg," 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, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors, in fee simple, or otherwise, not exceeding the yearly value of five thousand dollars, and also to give, grant, sell, let, and assign the same lands, tenements, hereditaments, rents, 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 in this commonwealth, in all manner of actions whatsoever, and to have and to use one common seal, and the same from time to time at their will to change and alter.

Fines for refusal to accept offices.

§10 burgess,

§5 other officers.
How recovered.

SECT. 4. And be it further enacted by the authority aforesaid, That 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 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 four 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.
Not to serve more than 1 year in 4.
Right of appeal.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the burgess shall take and subscribe an oath or affirmation before one of the associate judges or a 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 burgess of the borough of Petersburg, and when so qualified he shall administer an oath or affirmation to the council, high constable or town clerk, in 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.

Oaths or affirmations of officers.

SECT. 6. *And be it further enacted by the authority aforesaid*, That 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, 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 or laws of the United States or of 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 free-

Powers and duties of council.

Proviso.
By-laws.
2d proviso.
Limit of borough tax.

holders 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 said borough, shall as nearly as the same is practicable, be assessed and collected conformably to the laws for raising county rates and levies.

Duties of
town clerk.

SECT. 7. *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, 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.

Security of
treasurer.

SECT. 8. *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 successors of all moneys, books and accounts appertaining thereto, upon demand being made by the burgess for that purpose.

Accounts of
subordinate
officers.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the street commissioners, treasurer, constable and clerk of the market, 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.

High constable to give
notice of
election.

SECT. 10. *And be it further enacted by the authority aforesaid,* That 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.

Election, &c.
of constables

SECT. 11. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for all persons entitled by law to vote for burgesses and other officers of the borough of Petersburg, 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, in the same manner, 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 constables within this commonwealth, and all manner of process which may by law be directed to the constable of said borough, whose duty it shall be to execute the same according to law; 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.

SECT. 12. *And be it further enacted by the authority aforesaid,* That 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 authorised 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.

Court of appeal.

Collection of borough tax.

SECT. 13. *And be it further enacted by the authority aforesaid,* That 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.

Absence of burgess.

SECT. 14. *And be it further enacted by the authority aforesaid,* That in any meeting of the burgess and town council it shall require at least four to form a quorum to transact business.

4 a quorum.

SECT. 15. *And be it further enacted by the authority aforesaid,* That George Rung and James Dearmond, of said town, or either of them, shall publish and superintend the first election for borough officers, on the second Tuesday in May next after the passing of this act, at the place appointed by law for holding the elections for said borough, and they are hereby directed to give five days notice by advertisements, as before directed in other

Persons appointed to superintend first election.

cases of election, of the time and place of holding the same.

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

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—the seventh day of April, Anno Domini
one thousand eight hundred and thirty.

GEO. WOLF.

No. 192.

A SUPPLEMENT

To an act entitled "An act to incorporate the Mine Hill and Schuylkill Haven rail-road company."

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 number of votes to which each stockholder shall be entitled, for each share not exceeding two shares, which he or she shall hold in said company, shall be one vote, and that so much of the act to which this is a supplement, and as is inconsistent herewith, be and the same is hereby repealed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the president and managers first chosen shall procure certificates or evidence of stock, for all the shares of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person, for all the shares by him subscribed and held, which certificate or evidence of stock, or any number of shares therein contained, shall be transferable at his or her pleasure, in person or by attorney duly authorised, in the presence of the president or treasurer, each of whom shall keep a book for that purpose, subject however to all payments due or to become due thereon, and the assignee holding any certificate having first caused the assignment to be entered in a book of the company to be kept for the transfer of stock, shall be a member of the said corporation; for every certificate or number of shares assigned to him as aforesaid shall be entitled to as many shares of the capital stock, of all the estates and emoluments of the company incident to so many shares, and to vote as aforesaid at the meetings thereof, and subject to all pen-

Stockhold-
ers' votes.

Certificates
of stock.

Mode of
transfer.