

No. 10.

AN ACT

Authorising a temporary loan for the payment of the contracts for the Pennsylvania canal and rail-road.

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 Governor be and he is hereby authorised to negotiate a temporary loan on the credit of this common-wealth, not to exceed two hundred and fifty thousand dollars, at an interest not exceeding five per centum per annum; with any bank or banks, corporation or individuals, as in his opinion may be most advantageous, and the sum or sums of money so borrowed, shall be paid and vested in the commissioners of the internal improvement fund, to be applied to canal and rail-road purposes, and the money so borrowed, to be repaid to the lender or lenders within six months from the date of this act. \$250,000 for six months.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twelfth day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 11.

AN ACT

To incorporate the town of Conemaugh, in Cambria county, 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 Conemaugh, in the county of Cambria, comprised in the following limits, viz: Beginning at the north corner of Franklin and Washington street; thence along the north side of Washington street, north sixty-two degrees, west seventy perches to the north corner of Walnut street; thence north seventy-nine degrees, west thirty-seven perches to Union street; thence north fifty degrees, west twenty-three perches to the north corner of Conemaugh Borough limits.

street; thence south twenty-eight degrees, west forty-eight perches to Stoney creek street; thence along the south side of Stoney creek street, south sixteen degrees, east seventy-eight perches to Chestnut street; thence south twenty two degrees, east sixteen perches, south thirty eight degrees, east eleven perches; thence north seventy-two degrees, east twelve perches to Market street; thence north seventy-two degrees, east fifty-seven perches to the south corner of Franklin street; thence south sixty degrees, east sixty perches to the Bedford road; thence north sixty-seven degrees, east forty-five perches to the east side of Main street; thence north sixty-two degrees, west twenty-two perches to Feeder alley; thence north twenty-eight degrees, east Forty-six perches to the north side of Basin street; thence north seventy-two degrees, west sixty-eight perches to Franklin street, the place of beginning shall be, and the same is hereby erected into a borough, which shall be called the borough of Conemaugh.

Name.

Election of
burgess,
council, &c.

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 said borough, six months previous to any election, to meet at the house of James Crow, on the first Saturday of March in each and every year thereafter, and then and there elect by ballot, between the hours of twelve at noon and six o'clock in the evening, one reputable citizen residing therein, who shall be styled the burgess of the said borough, and five reputable citizens residing therein to be a town council; and also, to elect as aforesaid a high constable, but previously to such election the inhabitants entitled to vote, shall elect three reputable citizens, one of whom shall preside as judge, one as inspector, and the other discharge the duty of a clerk, according to the general election law of this commonwealth, so far as relates to the receiving and counting the votes, and 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 in the county of Cambria, to perform the same with fidelity, and shall hold said elections from time to time as occasion may require, and receive and count the ballots and declare the persons having the greatest number of votes to be duly elected; whereupon, duplicate certificates thereof 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 the corporation for their safe keeping, and if two or any greater number of persons have an equal number of votes for any of the said offices, or if any election be disputed upon other principles, the said return shall be laid before the judges of the court of common pleas

of the said county, at the term next ensuing said election, who, upon examination into the same, shall determine which of the said persons shall fill the said office; and in case of vacancy by death, resignation, refusal to accept, or removal from said borough of any of the said officers, or if said election should not be held on the day appointed in this act, the burgess or in his absence or inability to act, the first named of the town council shall issue his precept directed to the high constable, requiring him to hold an election to supply such omissions or fill such vacancy, he giving at least two days notice by advertisements set up at four of the most public places in said borough.

SECT. 3. *And be it further enacted by the authority aforesaid,* ^{Rights, privileges, &c. of corporation.} That the burgess and town council, duly 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 Conemaugh, and shall have perpetual succession, and 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 and kind soever, not exceeding the yearly value of three thousand dollars; and also to have, grant, sell, let and assign the same lands and 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 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.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person duly elected as aforesaid, having ^{Penalty on refusal to serve} been notified in writing, which notice it shall be the duty of the clerk of the election to give, within three days after the same, shall refuse or neglect to take upon himself the duties of the office to which he shall have been elected, every person so refusing or neglecting shall forfeit and pay ten dollars, ^{Appropriation of fines.} which said sum and all fines and forfeitures incurred and made payable in pursuance of this act, or by the by-laws and ordinances of the burgess and town council, shall be for the use of the said corporation, to be recovered as debts of equal amount are or may be by law recoverable; but no person shall be compelled to serve more than one, in any term of five years.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the burgess, town council and high constable; and each of them shall take an oath or affirmation before any ^{Oaths of office} judge or justice of the peace of the said county, to support the constitution of the United States and of this State, and

well and truly to execute the duties of their respective offices in the borough of Conemaugh; and the certificate of such oath or affirmation shall be recorded in the books of the said corporation; and the said burgess shall have power and authority to administer oaths and affirmations when the same may be necessary on the investigation of any matters within the cognizance of said corporation.

Power to administer oaths. **By-laws and ordinances.** **Assessment of taxes, &c.** **Proviso.** **Limit of rate of tax.**

SECT. 6. *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 such by-laws and make such rules, ordinances and regulations, assess, apportion and appropriate such taxes as shall be determined by a majority of them necessary to promote the peace and good order, benefit or advantage of said borough; and also, to appoint a town clerk and such other officers as may be deemed necessary by the said burgess and town council, but no by-law, rule or ordinance enacted as aforesaid, shall be repugnant to the constitution and laws of the United States and of this State; and no person shall be punished for a breach of any by-law or ordinance enacted for the regulation of the said borough of Conemaugh, unless a true copy thereof be set up at three of the most public places in the said borough; and no by-law or ordinance shall be carried into operation in less than three weeks after such publication: *Provided nevertheless,* That no tax shall be laid in any one year on the valuation of taxable property, exceeding one cent in the dollar, unless some object of general utility should be thought necessary; in such case a majority of the taxable inhabitants of said borough, by writing under their hands, shall certify the same to the burgess and town council, who shall proceed to assess the same as aforesaid.

Collection of taxes.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the burgess elected agreeably to this act, is hereby authorised and empowered to issue his precept, directed to the high constable, commanding him to collect all taxes assessed from time to time as aforesaid, and all fines and forfeitures that may become due by virtue of this act or by the ordinances or regulations of the corporation, and the same to pay over to the treasurer to be appointed by the said burgess and town council, and to carry into effect whatsoever is enjoined on him for the well ordering and governing the said borough.

Burgess, council, clerk and high constable.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the burgess shall be and is hereby required, to cause the by-laws, rules, ordinances and regulations made as aforesaid, to be recorded in a book to be kept for that purpose, and he shall carry the same into full execution without delay, after the publication thereof, as directed by this act; and it shall be the duty of the town clerk to attend all meetings of the burgess and town council when assembled

on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal, records, papers and other documents relating to the said corporation; and in default he shall be answerable to any person concerned, for all damages, and may be removed from office by the burgess on complaint of a majority of the council; and the high constable shall perform all the duties on him enjoined by this act, and also by the by-laws and ordinances of the burgess and town council under the like penalties: *Provided* ^{Proviso.} *always*, That if any person or persons, shall think him, her or themselves aggrieved by any thing done in pursuance of this act, he, she or they may appeal to the next court of quarter sessions to be held for the proper county, on giving security according to law, to prosecute his, her or their appeal with effect, which court shall take such order therein as shall be just and reasonable, which order or judgment shall be conclusive against all parties.

SECT. 9. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the high constable, town clerk and all officers appointed by the burgess and council, to render their accounts to the said burgess and council once in every year, which being settled and adjusted by the said burgess and council shall be published, shewing particularly the amount of taxes levied, fines collected, and of all receipts and expenditures which shall have been made. ^{Annual settlement of accounts.}

SECT. 10. *And be it further enacted by the authority aforesaid*, That in all meetings held under this law or the by-laws, enacted in pursuance of the same, it shall be the duty of the burgess to preside, or in his absence the member who may be then present of the town council first named in the return of the election; and it shall be the duty of the officers of the election to name in the return, the person who may be elected according to the number of votes which each may have, placing first in the return the name of the person who has the greatest number of votes, and so on; and if any of the persons elected, shall have an equal number of votes, then the officers of the election shall decide by lot which of them shall be first named. ^{Presiding officer of council.}

SECT. 11. *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. ^{Provision for absence, &c. of burgess.}

SECT. 12. *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. 13. *And be it further enacted by the authority aforesaid,* That in the general or electoral elections, the citizens of said borough shall not be separated from the citizens of Conemaugh township, nor in any measures preparatory thereto, but shall remain connected with said township as they have been heretofore; and also, in the support of the poor in the said township or borough.

FREDK. SMITH,

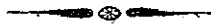
Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twelfth day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.



No. 12.

A FURTHER SUPPLEMENT

To an act entitled, An act to reform the penal laws of this Commonwealth.

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 from and after the passage of this act, the respective boards of inspectors of the state penitentiaries for the eastern and western districts, shall be authorised to discharge from prison, without the delay and expense of any proceeding under the insolvent laws of this Commonwealth, every convict who may have served out the term of imprisonment at labour, to which such prisoner now has been or hereafter may be sentenced, notwithstanding such prisoner may not have paid the costs of prosecution or any fine to the Commonwealth or restored the property stolen, or paid the value thereof, if in the judgment of the said board of inspectors, such prisoner is unable to pay or restore the same: *Provided always,* That such discharge shall in no way interfere with the right of the commonwealth, or the public officers, or any person or persons interested in the payment or restitution aforesaid, to proceed under the judgment or judgments of conviction, to recover the amount from the property of such prisoner; and that for this purpose the Attorney General or his proper deputy, shall, if he deem it for the interest of the commonwealth, or at the request of any person interested, issue writs of fieri facias and venditioni exponas, and other writs of execution as the case may

Power given to inspectors of prisons to discharge convicts in certain cases where their term is out.

Proviso.

Not to interfere with lawful collection of fines, &c.