

Aaron Gregg
under direc-
tion of court
authorised to
make a cer-
tain deed.

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 it shall and may be lawful for the court of common pleas, of the county of Greene, to take cognizance of the said case; to hear the petition of the said Thomas Fletcher, stating the terms of the said contract; to receive the proof, and to proceed in all respects according to the act of assembly, of the thirty-first day of March, in the year one thousand seven hundred and ninety-two, entitled "An act to enable executors and administrators, by leave of court, to convey lands and tenements contracted for, with their decedents, and for other purposes therein mentioned," and the supplements thereto, and upon due and satisfactory proof being made, to authorise the said Aaron Gregg, as fully as if he were an executor of the will of the said Richard Gregg, deceased, to execute and deliver a deed of conveyance to the said Thomas Fletcher, for the premises aforesaid.

Court invest-
ed with simi-
lar power in
other cases.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the court of common pleas, of the county aforesaid, to hear the petition or petitions of any other person or persons, who may have purchased lots as aforesaid, from the said Richard Gregg, and on satisfactory proof being made of the execution of the contract and payment of the purchase money, in pursuance of such contract, it shall and may be lawful for the said court to direct the said Aaron Gregg to make a deed of conveyance, in the same manner and with the same effect, as if such order had been made upon the executors of said deceased.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

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

GEO. WOLF.

No. 32.

AN ACT

To erect the village of Honesdale, in the county of Wayne, 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 village of Honesdale, in the county of Wayne, shall be and the same is hereby erected into a bo-

rough, which shall be called the borough of Honesdale, and shall be bounded and limited as follows, to wit: Beginning at the most southern corner of the first lock upon the Delaware and Hudson canal, below the basin at the head of the canal; thence by a course south sixty-seven degrees, west twenty-four rods to the western line of the Indian Orchard Tract; thence by the said line and an extension thereof, north twenty-three degrees, west three hundred and forty-six rods to the line of the farm late Levi Schoonhovvers; thence by the last named line, north sixty-seven degrees, east one hundred and five rods to Dyberry creek; and thence southward by Dyberry creek, to its junction with the West Branch of Lackawaxen, and by the Lackawaxen river to the place of beginning.

SECT. 2. *And be it further enacted by the authority aforesaid,*
 That the inhabitants of the said borough, entitled to vote for members of the general assembly, having resided within the said borough at least six months immediately preceeding the election, and within that time paid a borough tax, (if such tax shall have been assessed) shall have power, on the second Friday of May next, to meet at the house of Charles Forbes, innkeeper, in the said borough, and annually thereafter, at such convenient place in the said borough as shall have been fixed upon by the by-laws of the corporation for that purpose; and then and there, between the hours of one and six in the afternoon, elect by ballot, one respectable citizen residing therein, who shall be styled the chief burgess, one other citizen who shall be styled the assistant burgess, and five citizens to be a town council; and shall also elect as aforesaid, one citizen as high constable; all of whom shall be residents of said borough; but previous to the opening of said election, such of the inhabitants as are present at the said place of election, shall elect two citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated and conducted throughout according to the general election laws of this commonwealth, and who shall be subject to the same penalties, for mal-practices, as by the said laws are imposed; and the said judges, inspector and clerks, before they enter upon the duties of their respective offices, shall take an oath or affirmation before any justice of the peace of the said county to perform the same with fidelity; and after the said election shall be closed, shall declare the persons having the greatest number of votes to be duly elected; and in case any two or more candidates should have an equal number of votes, the preference shall be determined by lot, to be drawn by the two judges in the presence of the inspector and clerks; whereupon, duplicate certificates of said election shall be signed by the said judges, one of which shall be transmitted to the person elected chief burgess, and the other filed among the records of the corporation; and it shall be the duty of the high constable for the preceding

Name.
 Bounds.

Arrangement
 for election of
 borough offi-
 cers.

Chief burgess
 assistant and
 council.

Election offi-
 cers.

Oaths, &c.

year, to give notice in writing, to each of the persons so elected as aforesaid; and in case of the death, resignation, removal, or refusal to accept of any of the said offices, or if it should at any time happen, that no election should be holden on the day and in the manner aforesaid, the corporation shall not on that account be dissolved; but the chief burgess, or in his absence or inability to act, the assistant burgess shall issue his precept, directed to the high constable, to hold an election in manner aforesaid, to supply such vacancy, giving at least eight days notice by six advertisements, set up in 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 shall have paid no borough tax.

Neglect of election not to dissolve corporation.

Proviso.

Incorporation

Title.

Powers, privileges, &c.

SECT. 3. *And be it further enacted by the authority aforesaid*, That from and after the second Friday in May next, the chief burgess, assistant burgess and town council duly elected as aforesaid, and their successors, shall be one body politic and corporate, by the name and style of "the chief burgess, assistant burgess and town council of the borough of Honesdale," and shall have perpetual succession; and the said chief burgess, assistant burgess and town council, and their successors, shall be capable in law to have, get, receive, hold and possess, goods and chattels, lands and tenements, in fee simple or otherwise, not exceeding the yearly value of three thousand dollars; and also, to grant, sell, let and assign, the same goods and chattels, lands and tenements; 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 of 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, until it be otherwise directed by law.

Penalty on refusal to accept office.

How recovered and appropriated.

SECT. 4. *And be it further enacted by the authority aforesaid*, That if any person duly elected chief burgess, assistant burgess, member of the town council, or high constable as aforesaid, and having received notice thereof, as directed by this act, shall refuse or neglect to take upon himself the execution of the said office, to which he shall have been elected, or having taken upon him the duties of said office, shall neglect to discharge the same according to law, every person so refusing or neglecting, shall, for every such offence, forfeit and pay the sum of ten dollars, which fine and all fines and forfeitures incurred and made payable in pursuance of this act, or any of the by-laws and ordinances of the town council, shall be for the use of the said corporation, and shall be recovered before any justice of the peace, in the same manner as debts not exceeding one hundred dollars are recoverable by the laws of this commonwealth, and shall be forthwith paid to the treasurer of the borough; and it shall

be the duty of the officers of said borough, on receiving any money belonging to the corporation, to pay the same to the treasurer forthwith: *Provided*, That no person elected as aforesaid, shall be liable to a fine for refusing or neglecting to serve more than once in five years. Proviso.
Not liable for refusal more than once in 5 years.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the chief burgess, assistant burgess, members of the town council and high constable, and each of them, before entering upon the duties of their respective offices, shall take and subscribe an oath or affirmation before any justice of the peace of said county, 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. Oaths of office.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the town council shall meet on the first Monday next after their election in each year, at such place as a majority of them shall agree upon, and choose one of their number president, who shall preside at all their meetings; and it shall be the duty of the said council (three of whom shall be a quorum,) to hold quarterly meetings on the third Saturdays in April, July, October and January, in each year, and oftener if occasion requires; at which meetings they may make, enact, alter, revise, repeal and amend, all such by-laws, rules, regulations and ordinances as shall be determined by a majority of them necessary to promote the peace, good order, benefit and advantages of the said borough; particularly of providing for the regulation of markets, improving, repairing and keeping in order the streets, lanes, alleys and highways, ascertaining the depth of vaults, sinks, pits for necessary houses, and making permanent rules, relative to the foundation of buildings, party walls and fences; they shall have power to assess, apportion and appropriate such taxes as shall be determined by a majority of them necessary for carrying the said rules and ordinances from time to time into complete effect; and also to appoint a town clerk, treasurer, street supervisor, clerk of the market, and a collector, annually, and such other officers as may be deemed necessary from time to time; and the same officers from time to time to remove for misdemeanor in office: *Provided*, That no by-laws, rules or ordinance of the corporation, shall be repugnant to the constitution or laws of the United States or of this commonwealth; and that no person shall be punished for the breach of a by-law or ordinance of the said corporation, until ten days have expired after the promulgation thereof, by at least three advertisements, set up in the most public places in the said borough: *And provided also*, That in assessing such tax, due regard shall be had to the valuation of taxable property, taken for the purpose of raising Meetings of council.
3 a quorum.
Powers, duties, &c.
To choose subordinate officers.
Proviso.
No by-laws repugnant to the constitutions.
Publication thereof.
2d proviso.

Limit of tax. county rates and levies, so that the said tax shall not in any one year exceed one half cent in the dollar of such valuation, unless some object of general utility shall be thought necessary; in which case, three fourths of the taxable inhabitants of said borough shall approve of and certify the same in writing, under their hands, to the town council, who shall proceed to assess the same accordingly.

Powers of burgesses relative to the collection of taxes, &c. *SECT. 7. And be it further enacted by the authority aforesaid,* That the chief burgess, elected and qualified, agreeably to this act, or in his absence or inability to act, the assistant burgess is hereby authorised to issue his precept as often as occasion may require, directed to the collector, commanding him to collect all taxes so assessed, and the same to pay over to the treasurer; and the said chief burgess, or in his absence or inability to act, the assistant burgess is hereby authorised to carry into effect all by-laws and ordinances enacted by the town council, and whatsoever else shall be enjoined upon him or them, for the well ordering and governing said borough; and shall also have power to mitigate or remit fines and forfeitures in all cases, where it shall appear that the person or persons so fined, did not offend intentionally, or on their having some other just and reasonable excuse to plead in his or their behalf.

Duties of town clerk. *SECT. 8. 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 upon business of the corporation, and perform the business 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 the duties which may be enjoined upon him, by virtue of this act, or by the by-laws and ordinances of the corporation; and his attestation with the seal of the corporation, shall be good evidence of the act or thing so certified.

Security of treasurer. *SECT. 9. And be it further enacted by the authority aforesaid,* That the treasurer shall give sufficient security for the faithful discharge of the duties of his office, and for the delivery of all moneys, books and accounts, appertaining thereto, into the hands of his successors, upon demand made for that purpose.

Annual settlement and publication of accounts. *SECT. 10. And be it further enacted by the authority aforesaid,* That the street supervisor, treasurer, high constable, clerk of the market and collector, as well as other officers that may be appointed by the corporation or council, shall in the month of March, yearly, render their accounts to the said council for settlement; and the said accounts being so adjusted and settled, shall be forthwith published by the council, shewing particularly the amount of taxes laid and

collected, and all moneys paid into the treasury, and the amount of expenditures.

SECT. 11. *And be it further enacted by the authority aforesaid*, That the chief burgess, assistant burgess and president of the council, or any two of them, shall constitute a court of appeal; and prior to the collection of any borough tax, the collector shall inform each inhabitant of the amount of his tax, and of the time and place of appeal: *Provided nevertheless*, That the said court of appeal shall have no other power as such, than to determine the justness of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same.

Court of appeal.

Proviso.
Limit to power.

SECT. 12. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the high constable, to give notice of the annual election of the said borough, to be held in pursuance of this act, by setting up five advertisements in the most public places in said borough, at least ten days previous thereto; he shall attend and see that the election is opened at the time and in the manner directed by this act: *Provided*, That the constable of the township of Dyberry, for the time being, shall publish and superintend the election to be held on the second Friday in May next, as hereinbefore directed.

High constable to give notice of election.

Proviso.
Dyberry constable to hold first election.

SECT. 13. *And be it further enacted by the authority aforesaid*, That the town council, shall from time to time, fix the compensation of the high constable, town clerk, treasurer, clerk of the market, and such other officers as may be appointed under this act; which compensation shall be paid out of the borough treasury, by orders drawn thereon, signed by the president of the council; and shall not be increased or diminished during the time for which said officers were appointed, respectively: *Provided*, That if any person appointed by the town council as aforesaid, shall neglect or refuse to take upon himself, the duties of the office to which he shall be so appointed, he shall for the same, forfeit and pay for the use of the corporation the sum of ten dollars, unless he can render to the said council a satisfactory reason, why he should be exonerated from such service: *Provided also*, That no person appointed as aforesaid, shall be liable to fine, for refusing or neglecting to serve more than once in five years.

Compensation of subordinate officers

Proviso.
Penalty on refusal to serve.

2d Proviso.
Not to serve more than once in 5 y^{rs}.

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, except in what relates to the appointments made by the town council, he, she or they may appeal to the next court of common pleas, to be held for the said county, upon giving security according to law, to prosecute his, her or their ap-

Right of persons aggrieved to appeal to court.

peal with effect; and the said court having taken such order therein as shall seem to them just and reasonable, the same shall be conclusive.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

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

GEO. WOLF.

No. 33.

A SUPPLEMENT

To an act, entitled "An act to authorise the Governor to incorporate the Dundaff and Tunkhamock and other turnpike road companies, and for other purposes."

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 time mentioned in the eleventh section of the act to which this is a supplement, for commencing the making of the Snow Shoe and Packerville turnpike road, be and the same is hereby extended for a further term of five years; and the time for completing the same be and the same is hereby extended for a further term of ten-years; and the said turnpike road shall pass through Kylerville, in the county of Clearfield.

SECT. 2. *And be it further enacted by the authority aforesaid,* That James Allport and Alexander B. Reed, be and they are hereby appointed commissioners, in addition to those appointed in the ninth section of the act aforesaid, who shall have the same powers, and be under the same restrictions, and shall perform the same duties, as those appointed in the said ninth section of the act to which this is a supplement.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the commissioners of the county of Clearfield, be and they are hereby authorized to subscribe, on behalf of and for the use of said county, any sum not exceeding fifteen hundred dollars, in the stock of the said Snow Shoe and Packerville turnpike road company: And also, that the commissioners of the county of Centre, be and they are hereby

Extension of time for commencement, &c. of Snow Shoe and Packerville road.

To pass thro Kylerville.

Additional commissioners appointed.

Commissioners of Clearfield county, may subscribe \$1500.
Of Centre \$1000.