

No. 34.

AN ACT

To erect Mifflintown, in the county of Juniata, into a borough, 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 Mifflintown, in the county of Juniata, shall be and the same is hereby erected into a borough, which shall be called the borough of Mifflintown, and shall be bounded and limited as follows, viz: beginning at a post on the berm bank of the Pennsylvania canal; thence along land of John and Jacob Wright, north sixty-two degrees, east seventy-two perches, to a black oak, corner of Bird's land; thence along Bird's line, south five degrees, east one hundred and sixty-one perches, to a post corner of lot of James Currin's heirs; thence along Sunbury road, on the north side, west eighty-eight perches, to a post; thence north eight degrees, west on the east side of the wooden bridge at the end of Front street, in said borough, thirteen perches, to a post; thence south eighty-five degrees, west ten perches, to a post or point of the junction of the Pennsylvania canal and basin, thence up the berm bank of said canal to the place of beginning.

Borough boundaries.

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 preceding the election, and within that time paid a borough tax, (if such tax shall have been assessed,) shall have power on the Friday preceding the third Saturday of March next, to meet at the Union school house in the said borough, and annually thereafter, and then and there between the hours of one and six in the afternoon, elect by ballot one reputable citizen residing therein, who shall be styled the chief bur- gess, one other citizen who shall be styled the assistant bur- gess, and five citizens to be a town council, all of whom shall be residents of said borough; but previous to the opening of said election, such of the citizens as are present at the said place of election shall elect three reputable citi- zens, one of whom shall preside as judge, one as inspector, and the other discharge the duties of a clerk, according to the general election laws of this Commonwealth, so far as it relates to receiving and counting 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

First election of borough officers authorized.

Manner of conducting election.

offices, shall take an oath or affirmation before a justice of the peace in the county of Juniata, or shall swear or affirm each other 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 shall have an equal number of votes the preference shall be determined by lot, to be drawn by the judge and inspector in the presence of the clerk, whereupon duplicate certificates of said election shall be signed by the said judge, inspector and clerk, 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 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, 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 five 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.

Cases of tie
to be decided
by lot.

Vacancies
how filled.

Proviso.

Officers
elected into a
body corpo-
rate.
Style.

Privileges &
liabilities.

SECT. 3. *And be it further enacted by the authority aforesaid*, That from and after the third Friday in March 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 Mifflintown, 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 five 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, and 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 otherwise directed by law.

Penalties on
refusal to
serve as offi-
cers.

SECT. 4. *And be it further enacted by the authority aforesaid*, That if any person or inhabitant of the said borough, duly qualified to elect as aforesaid, shall be elected to the office of chief 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 fifteen dollars, and if any other person, duly qualified as aforesaid, shall be

duly elected or appointed in pursuance of this act to any other office in said borough, and having notice of his election or appointment, shall refuse to undertake and execute the duties of that office, every person so refusing shall forfeit and pay a fine of ten dollars, which fines forfeitures, and all others 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 recoverable 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 paid to the treasurer of the borough, and it shall be the duty of the officers of said borough, on receiving the 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 three years.

Proviso.
Term of service limited.

SECT. 5. *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, (four 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 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 good 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 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 supervisors, 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 ordinances 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 any by-law or ordinance of the said corporation until ten days have expired after the promulgation thereof, by at least three advertisements or copies of the said by-laws or ordinances.

Of the meetings, president, general powers and duties of the town council.

Proviso.
Of the by-laws, &c.

2d proviso. Rate of taxation limited. 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 county rates and levies, so that the tax shall not in any one year exceed one half cent on 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 and certify the same in writing, under their hands, to the town council, who shall proceed to assess the same accordingly; they shall also have power to make by laws or ordinances to prevent horses, cattle, sheep or hogs from running at large within the limits of said borough, and also to levy and collect a tax on the owners of dogs and bitches, not exceeding fifty cents for each dog, or two dollars for each bitch, in any one year, and in case public safety should require it at any time. to pass an ordinance authorizing any person to shoot or kill all all dogs or bitches within the said borough not confined by their owners: *And provided further*, That before the chief burgess, assistant burgess, members of town council, and high constable, shall enter on the duties of their respective offices, they 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, which certificates of said oaths and affirmations shall be filed among the records of the said corporation.

General authority to town council.

Tax on dogs.

3d proviso. Oaths of office.

Duties of the burgesses.

SECT. 6. *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 authorized 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 chief burgess, or in his absence or inability to act, the assistant burgess is hereby authorized and required to carry into effect all by-laws and ordinances enacted by the town council, and whatever else shall be enjoined on him or them for the well ordering and governing said borough.

Of the 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 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.

SECT. 8. *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 successor, upon demand made for that purpose.

Of the treasurer.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the street supervisors, treasurer, high constable, collector and all other officers that may be appointed by the corporation or council, shall, in the month of February, 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, and in case any of the officers of the corporation shall fail or neglect to perform any duty enjoined upon him by this act, or by the ordinances of the town council, he shall forfeit and pay a fine for the use of the said corporation, at the discretion of the said council, not exceeding five dollars, and if the said person has been appointed by the council, he may be removed from office by the said council, and his place be supplied by the appointment of another person.

Annual adjustment & publication of accounts.

Penalty for failure to perform duties; vacancies in office, &c.

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 at least three public places in the said borough, five days previously thereto, and shall attend and see that the same is opened at the time and in the manner directed by this act.

High constable to give notice, &c. of elections.

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 Millintown, 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 receive like fees, and be subject to the same 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 shall serve and execute all manner of process which may by law be directed to the constable of said borough, 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.

Election and appointment of constable authorized.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the chief burgess, assistant burgess, and presi-

Of the court of appeal.

Proviso.

Power restricted.

Description of taxation authorized.

Of the compensation of borough officers.

Supervision of streets, &c. placed in charge of borough officers

Proviso.

Power of court to grant reviews for opening views and reviews.

Curb stones, side walks, &c.

dent 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 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.

SECT. 13. *And be it further enacted by the authority aforesaid*, That the town council, in assessing taxes as aforesaid, shall have power to levy and cause to be collected, a tax on all offices, professions, occupations and callings of all freemen, according to the valuation of the same in the county rates and levies, and also to levy and cause to be collected, a tax on all single freemen above the age of twenty-one years who shall not follow any occupation or calling, at their discretion, not to exceed the sum allowed by law for county purposes.

SECT. 14. *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, and such other officers as may be appointed under this act or under the by-laws or ordinances of said council, which compensation shall be paid out of the borough treasury, by orders drawn thereon; and all orders for the payment of money from the treasury, shall be granted by the town council, signed by the president, and countersigned by the town clerk.

SECT. 15. *And be it further enacted by the authority aforesaid*, That hereafter, nothing contained in the general road laws of this commonwealth shall extend to the said borough, but it shall be the duty of the street supervisors, under the direction of the burgesses and town council, to keep all the public streets, lanes and alleys in said borough, in good order, for the accommodation of the public; and for neglect thereof, the chief burgess, the assistant burgess, members of the town council and street supervisors, or any of them in whom any default or neglect of duty has been, shall be liable to indictment in the court of General Quarter Sessions of the peace, in the county of Juniata, and may be convicted and punished in the same manner as supervisors of highways: *Provided* nothing herein contained, shall prevent the court of Quarter Sessions of Juniata county from granting views or reviews for opening, vacating or changing the route of roads or streets in the said borough, and that nothing herein contained shall interfere with the assessment and collection of county taxes as heretofore.

SECT. 16. *And be it further enacted by the authority aforesaid*, That from and after the passage of this act, the setting of curb stones, grading and digging the side walks for payements, shall be done under the direction and manage-

ment of the town council, as they may direct by any ordinance passed at their meetings for such purpose, the expense whereof, shall be paid out of the borough treasury.

SECT. 17. *And be it further enacted by the authority aforesaid,* That it shall be the duty of every lot owner, to pave his or their pavements with good stone or brick, as may be directed by the council, within six months after the curb stones shall have been set in the manner set forth in the former section, and in case of failure on the part of the lot owner so to do, then it shall be the duty of the council to cause the pavement to be made, and the cost thereof to be assessed and collected off such lot owner, for the use of the borough, in the same like manner as all other debts are by law recoverable.

Lot holders
to make
pavements.

SECT. 18. *And be it further enacted by the authority aforesaid,* That all vacant lots within this borough shall only be liable to a side pavement of four feet wide from the curb stone.

Pavements of
vacant lots.

SECT. 19. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the supervisors aforesaid, or for any other person, by order and direction of the supervisors, to enter on any lands lying near the public streets, lanes or alleys in the said borough, and to cut and open such drains or ditches through the same, as may be judged necessary to carry off and drain the water from such roads: *Provided* the same be done with as little injury as may be to the owners of such lands, which drains or ditches shall be kept open by the supervisors, if necessary for amending the said streets, lanes or alleys, and shall not be stopped or injured by the owner of the land, or by any other person, under the penalty of any sum not exceeding twenty nor less than four dollars, for every such offence. to be recovered, on conviction thereof before any justice of the peace of the proper county, with costs of suit.

Authority to
supervisors to
cut drains,
&c.

Proviso.

Of injury to
owners.

Penalty on
stoppage.

SECT. 20. *And be it further enacted by the authority aforesaid,* That no citizen of the said borough, nor any other person otherwise competent to give testimony respecting the breach of any ordinances, by-laws or regulations of the said borough, shall be excluded from giving testimony respecting the same, by reason that the fine, forfeiture or penalty imposed for such breach, is or may be appropriated in aid of the funds of said corporation, but every such person, otherwise competent, shall be admitted to give testimony.

Testimony of
citizens in
cases of
breaches of
ordinances,
&c.

SECT. 21. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the town council, to cause public notice of any by-law or ordinance which they may enact, to be given, in written or printed hand-bills, to be set up at three of the most public places within the borough, at least ten days before any such by-law or ordinance shall take effect.

Notices of
ordinances to
be posted.

SECT. 22. *And be it further enacted by the authority aforesaid,* That the chief burgess, or in his absence or inability to act, the assistant burgess, shall have power at all times when occasion may require, to call a meeting of the council, and lay before them any matter he may think proper for their consideration, and for which purpose he may issue his precept to the high constable, commanding him to give notice to the members of council that a meeting of council will be held at a certain time and place, to be appointed by the said burgess.

SECT. 23. *And be it further enacted by the authority aforesaid,* That in case the election shall not be held on the day appointed by this act, the old officers shall continue in office until the next annual election.

SECT. 24. *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 appeal with effect, and the said court having taken such order therein as shall seem to them just and reasonable, the same shall be conclusive.

SECT. 25. *And be it further enacted by the authority aforesaid,* That Thomas M'Curdy, Amos Gustine and James Mathers, Esquires, or either of them, shall publish and superintend the first election for borough officers, on the Friday preceding the third Saturday of March 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 at least five days notice by advertisements, as before directed in other cases of election, of the time and place of holding the same.

SECT. 26. *And be it further enacted by the authority aforesaid,* That from and after the first day of June next, the annual elections for the choice of borough officers in the borough of Lawrenceville, in Tioga county, shall be held on the first Monday of February, instead of the fourth Monday of May.

SAM'L. ANDERSON,

Speaker of the House of Representatives.

JESSE R. BURDEN,

Speaker of the Senate.

APPROVED—The sixth day of March, Anno Domini, eighteen hundred and thirty-three.

GEO. WOLF:

Cases of omission to elect officers.

Persons aggrieved under this act may appeal to court.

Persons appointed to hold first election.

Time of holding borough elections in Lawrenceville, Tioga co. changed.