

No. 131.

AN ACT

To erect the village of Oxford, in the county of Chester, 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 Oxford, in the county of Chester, shall be and the same is hereby erected into a borough, which shall be called the borough of Oxford, and shall be bounded and limited as follows, viz: beginning at a stone in land late the property of the Reverend Ebenezer Dickey, deceased; thence through said lands and land of William M'Intire, north one hundred and ninety-five perches to a stone, in the line between said M'Intire and land of Alexander Erwin; thence through lands of said Alexander Erwin, Richard B. Sands and Timothy Kirk, north eighty-three degrees, east two hundred and sixty-six perches, to a stone; thence through land of William Rutherford and Charles Speer, south one hundred and ninety-five perches, to a post; thence through lands of Doctor John Kenedy and Timothy Kirk, south eighty-three degrees west two hundred and sixty-six perches, 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 preceding 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 Timothy Kirk, innkeeper, in the said borough, and annually thereafter, at such convenient place in the said borough as shall have been fixed on 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 as for malpractices, as by the said laws are imposed; and the said

Borough incor-
porated.

Boundaries
thereof.

Time and
place of hold-
ing first
election.

Burgess, as-
sistant bur-
gess and
town council.

Manner of
conducting
and making
returns of
elections.

judges, inspectors and clerks, before they enter on 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 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 officers, 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 the 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.

Of filling
vacancies.

Proviso.

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 Oxford," and shall have perpetual succession; and the said chief 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, land 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.

General pri-
vileges and
liabilities of
burgesses
and council.

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

Persons refusing to serve as officers when elected, liable to a penalty. 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 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 forthwith 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 five years.

Recovery and appropriation

Proviso.

Of the town council.

Stated and special meetings.

Regulation of markets.

Assessment of taxes.

Appointment of subordinate officers, &c.

Proviso. Of the by-laws.

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, (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 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 advantage 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 be exonerated from the payment of all road taxes that may be assessed by the townships of East Nottingham or Lower Oxford, for property within the borough limits, 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 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 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 county rates and levies, so that the said tax shall not in any one year exceed one 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 and certify the same in writing, under their hands, to the town council, who shall proceed to assess the same accordingly: *And provided further*, That before the chief burgess, assistant burgess, members of the town council and high constable, shall enter on 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, which certificates of said oaths and affirmations shall be filed among the records of the said corporation.

2d proviso.
Rate of taxation limited.

3d proviso.
Oaths of office.

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 said chief burgess or in his absence or inability to act, the assistant burgess is hereby authorized 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:

Power of the burgesses relative to collection of taxes, &c.

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 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:

Duties of the town clerk.

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 successors, upon demand made for that purpose.

Treasurer's bonds.

SECT. 9. *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 May, 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. 10. *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 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. 11. *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 the election is opened in time and in the manner directed by this act: *Provided,* That the constable of the township of East Nottingham, for the time being, shall publish and superintend the election to be held on the second Friday in May next, as hereinbefore directed.

SECT. 12. *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: *And 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.

Annual adjustment and publication of accounts.

Of the court of appeal.

Proviso.

High const. to give notice of annual elections.

Proviso. Notice of first election.

Compensation of borough officers

Proviso. Penalty on refusal to serve by persons appointed to office.

2d proviso.

SECT. 13. *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.

SAM'L. ANDERSON,

Speaker of the House of Representatives.

THO'S. RINGLAND,

Speaker of the Senate.

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

GEO. WOLF.

No. 132.

AN ACT

To incorporate the Lycoming Coal 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 Elihu Chauncey, Mathew C. Ralston, Thomas Biddle, John L. Hodge, Thomas H. Perkins, P. T. Jackson, Edmund Dwight and George W. Lyman, and their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name and style of "The Lycoming Coal company," for the more convenient ownership and mining of coal and metals and minerals contiguous thereto, in the counties of Lycoming and Centre and the transacting of the usual business of companies engaged in the mining, transporting and selling of coals and the other products of coal mines, and the said corporation by the said name, is hereby declared and made capable in law, to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of said corporation, consistent with the laws of this commonwealth, and generally to do and execute whatever by law, shall

Appeal of persons aggrieved to court of Common Pleas.

Incorporation of certain individuals.

Corporate style.

Privileges & liabilities.