

## No. 134.

## AN ACT

To alter an act entitled "An act to erect the town of Erie, in the county of Erie, into a borough," and to erect Waterford and Wattsburg, in the said county, into boroughs.

WHEREAS the inhabitants of the borough of Erie, in the county of Erie, have petitioned for an alteration in the law for incorporating said borough, stating that on a fair experiment they have found the existing laws insufficient to promote conveniency and good order and public utility: Therefore,

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 first section of the said town of Erie, in the county of Erie, shall still continue and forever remain a borough, under the name and title of "The borough of Erie," and the east side of Parade street, the south side of Twelfth street, the west side of Chesnut street, and the north side of the water lots, in the bay of Presque Isle, shall continue to be the boundaries thereof.

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, and who shall have resided within the same for one year immediately preceding the election hereinafter mentioned, shall, on the first Monday in May next, meet at the court house in the said borough, and then and there, between the hours of one and six in the afternoon, elect by ballot one citizen, who shall be styled burgess, six citizens to be a council, and one citizen to be a high constable, all of whom shall be inhabitants of the said borough, but previously to opening the said election, or any subsequent election, held in pursuance of the provisions of this act, such of the inhabitants who may be present at the court house, shall elect two citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated 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 a judge or 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, whereupon a

Preamble.

1st sect. of town of Erie continued as a corporation.

Election of borough officers in May, 1833.

Manner of conducting election.

Filling of  
vacancies.

certificate of the said election shall be signed by the said judges, a copy thereof transmitted by the clerks to each person elected, and the original recorded in the record books of the corporation; and in case of death, resignation, removal, or refusal to accept of any of the said officers, a new election shall be held for the purpose of supplying such vacancy in the manner hereinafter provided.

Organization  
and classifi-  
cation of  
council.

SECT. 3. *And be it further enacted by the authority aforesaid,* That on the Friday next after the said election, the members of the council, elected as aforesaid, shall be convened at the court house in the said borough, by order of the burgess, and then and there shall by lot divide themselves into three classes, and the seats of the members of the council of the first class shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, and of the third class at the expiration of the third year, counting the year as commencing for corporate purposes on the Friday before the third Saturday in March.

Of the annual  
borough elec-  
tions.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the inhabitants of said borough, entitled to vote as aforesaid, shall, on the Friday preceding the third Saturday in March next ensuing the election aforesaid, and on the same day in every year thereafter, meet at the court house as aforesaid, and elect in manner aforesaid, one burgess, one high constable, and two members of the council, to supply the places of the members of the council, vacated in the manner herein before mentioned, and a certificate of such election shall be signed by the said judges, a copy thereof transmitted by the high constable of the preceding year to each person so elected, and the original recorded in the record books of the corporation; and in case of death, resignation, removal, or refusal to accept of any of the said officers, or if it should at any time happen that no election shall be holden on the day and in the manner aforesaid, the burgess, or in his absence or inability or refusal to act, any member of the council shall issue his precept, directed to the high constable, to hold an election in manner aforesaid to supply such vacancy, giving at least ten days notice of such election in the newspapers in the said borough, or by five advertisements set up in the most public places within the same; and in the meantime the officers of the said borough, elected for the last year, shall continue to all intents and purposes to hold their respective offices, and exercise all the powers appertaining thereto as fully and effectually as if their term of office had not expired.

Vacancies  
from any  
cause provi-  
ded for.

Election of  
constables,  
overseers of  
the poor, and  
auditors.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said borough qualified to vote for burgess and town council as aforesaid, shall at the same time and place, and in the manner directed by the fourth section of this act, elect two constables, two overseers of the

poor, four freeholders, or inhabitants qualified to vote as aforesaid, to settle the accounts of the overseers of the poor; which said constables, overseers of the poor, freeholders or inhabitants chosen to settle the accounts of the overseers of the poor as aforesaid, so elected, shall have, use, and exercise all and every the same duties and powers in the said borough, and be subject to all and every the same fines, penalties, and forfeitures within the said borough respectively, which are or hereafter shall lawfully be used, had, and exercised, or which are or shall be suffered by, and imposed upon like officers of the several townships, and the names of the said constables and overseers of the poor shall be returned to the next court of Quarter Sessions of the county, for the same purposes as is or shall be declared by law as to other officers of the same kind in the several townships of this Commonwealth.

SECT. 6. *And be it further enacted by the authority aforesaid,* That from and after the first Monday in May next, the burgess and council, duly elected as aforesaid, and their successors shall be one body politic and corporate, by the name and style of "The burgess and town council of the borough of Erie, in the county of Erie," and shall have perpetual succession, and shall be capable in law to have, require, receive, hold, purchase and possess goods, chattels, lands and tenements, rents, liberties, jurisdiction, franchises and 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 goods, chattels, lands, tenements, hereditaments and 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 this Commonwealth in all manner of actions whatsoever, and to have and use one common seal, and the same from time to time, at their will, to change and alter.

Burgess and council declared a body corporate.  
Style.

Privileges and immunities.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if any person duly elected as burgess, member of the 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, or having taken upon himself the execution of the said office, or having taken upon himself the duties of said office, shall neglect to discharge the same according to law, every such person so refusing or neglecting, shall for every such offence forfeit and pay the sum of ten dollars, which fine, and all other fines and forfeitures incurred and made payable in pursuance of this act, or of any of the by-laws, ordinances, rules and regulations of the burgess and council shall be for the use of said corporation, and shall be recoverable in the same manner as debts of equal amount are or shall hereafter be by law recoverable, unless herein otherwise provided for, and when so recovered shall be forthwith paid to the treasurer.

Persons elected to office liable to a fine for refusal to serve.

Recovery and appropriation thereof.

er of the borough, and it shall be the duty of the officers of the 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 be liable to a fine for refusing or neglecting to serve more than once in five years.

*SECT. 8. And be it further enacted by the authority aforesaid*, That the burgess, members of the council and high constable, and each of them, before entering on the duties of their respective offices, shall take, and subscribe an oath or affirmation, before a judge or 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 or affirmations shall be recorded among the records of the corporation.

*SECT. 9. And be it further enacted by the authority aforesaid*, That it shall be the duty of the burgess and town council to meet as often as occasion may require, at which meetings the burgess shall preside, and in case of an equal division of the council give the casting vote; and five members of the council, or four with the burgess, shall constitute a quorum to transact business, and the said burgess and council shall have power at such meetings, to ordain and enact, revise, repeal and amend all such ordinances, by laws, rules and regulations, as shall be deemed expedient to promote the peace, good order, benefit and accommodation of the citizens of said borough; to designate the width of side walks; to provide for the regulation of the markets, improve, repair, and keep in good order the streets, alleys, side walks, and public square and public grounds in the said borough; to regulate the depth of vaults, sinks, drains and pits for privies, make permanent rules for the foundations of buildings and party walls, regulate the fences, side posts and railings, along the streets, and public square and public grounds, and to improve and adorn the public square and public grounds; to prohibit and remove all obstructions and nuisances in the said borough; to prohibit and prevent the running at large of geese, sheep, goats, swine, dogs, horses, cattle, and other beasts in the said borough, and to authorize their seizure and sale, in such manner as shall be provided by the ordinances of the said corporation; to impose fines and penalties, incurring partial or total forfeitures, and to require and compel the owners of houses, stores, workshops, stables, buildings and lots, to pave the side walks in front of their respective houses, stores, workshops, stables, buildings and lots, on such streets and public square and public grounds, and with such materials, as shall be by the town council be deemed necessary and expedient, and the same to keep in repair, and to provide for the conveyance and distribution

Proviso.

Oaths of borough officers

General duties and powers of the burgess and town council.

Markets.

Streets.

Public grounds.

Swine, &c.

Side walks.

of a sufficient quantity of good and wholesome water to and through the borough, and its permanent continuance for the accommodation of the inhabitants, and to make and establish a sufficient number of reservoirs to supply water in case of fire, and to prohibit the exhibition of plays, shows, mountebanks, jugglers, and all and every other exhibition, under such restrictions, fines and penalties, as the said burgess and council shall direct, and to require and compel the inhabitants of the said borough to clean the chimneys and stove pipes in the buildings used and occupied by them, in such manner and as often as the said burgess and council may regulate and direct; and also to require and compel the owners of all houses, stores and workshops in the said borough, to provide and keep in good order such number of leather fire buckets, in proportion to the assessed value of the property owned, as the burgess and town council may direct; and the burgess of the said borough shall have power and authority to form and organize as many fire companies of the citizens of said borough, as there are or shall be fire engines belonging to said borough, which fire companies shall be subject to the rules and regulations of a written constitution, which shall be signed by the members of said company or companies, and approved of by the burgess and council; and the said burgess and council shall have power to erect and build, and cause to be erected and built, such and so many wharfs and landings, as they shall think proper, and extend the same to such distance into the bay of Presque Isle, opposite to the said borough, and the lots and streets of the same, from time to time, as they shall deem necessary and useful, and to charge and receive reasonable tolls and wharfage, and also to permit and authorize individuals to erect and build wharfs in the same manner, and the said burgess and town council shall have power and authority to assess, apportion, raise and appropriate such taxes, as shall be by them deemed necessary for repairing the streets, and for carrying the by-laws, ordinances, rules and regulations, and objects of general utility into complete effect, and also to assess and collect a tax upon the owners and keepers of dogs; and all by-laws, ordinances, rules and regulations, shall be signed by the burgess, and attested by the town clerk, and entered in the records of the corporation; and also to appoint annually one or more street supervisors, a town clerk, a treasurer, clerk of the market, and such other officers as may from time to time be deemed necessary, and the same officers from time to time remove, and also to make return to the commissioners of said county of all unseated lots in the said borough in the same manner as supervisors of the public roads are now authorized and required to do in the several townships in said county, whereon the same proceedings shall be had as are now authorized by law for the collection of tax-

Water.

Public exhibitions.

Chimneys.

Fire buckets.

Fire companies.

Wharfs and landings.

Taxes.

Street supervisors, &amp;c.

Proviso.

By-law.

es on unseated lands: *Provided*, That no by-law, ordinance, rule or regulation of the said corporation shall be repugnant to the constitution or laws of the United States or of this Commonwealth, and that no by-law, ordinance, rule or regulation shall be carried into operation until ten days have elapsed after the publication thereof, by at least five advertisements set up in five public places in the said borough, or a publication of the same in the newspapers printed in the said borough, which publication shall be certified at the time in the record books of the corporation, by the town clerk, at the foot or margin of such by-laws, ordinances, rules, or regulations; and such certificate shall be good evidence in all trials arising from, or touching the said by-laws, ordinances, rules or regulations: *And provided also*, That in laying and assessing such tax, due regard shall be had to the valuation of taxable property assessed, or hereafter to be assessed for the purpose of raising 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 should require the same, in which case the consent thereto of a majority of the taxable inhabitants of the said borough shall be previously obtained in writing.

2d proviso.  
Limit to rate  
of taxation.

Street super-  
visors.

SECT. 10. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the street supervisors to open and repair the streets in the said borough, and to erect and repair the bridges and causeways in the same, under the direction and supervision of the said burgess and town council.

General du-  
ties & powers  
of burgess.

SECT. 11. *And be it further enacted by the authority aforesaid*, That the burgess elected and qualified agreeably to the provisions of this act is hereby authorized and empowered to issue his precept as often as occasion may require, directed to the high constable, or in case of his inability to act, to some other fit person, commanding him to collect all taxes assessed in pursuance of this act, or by the ordinances, by-laws, rules and regulations of the said corporation, and cause the same to be paid over to the treasurer; and the said constable or other fit person shall have the same power in enforcing the collection of said tax as the collectors of county tax in the Commonwealth, and the said burgess is hereby authorized to carry into effect all by-laws, ordinances, rules and regulations enacted by the said burgess and town council, and whatsoever else shall be enjoined on him for the well ordering and governing of said borough; and the said burgess shall also have power to mitigate or remit fines and forfeitures in cases where it shall appear that the person or persons so fined did not intentionally offend, or on their having some other just and reasonable excuse, which excuse shall be satisfactorily proved to the said burgess.

SECT. 12. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the town clerk to attend Duties of town clerk. all sessions of the burgess and town council, when assembled on the 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 on him by virtue of this act or the acts of the corporation, and the attestation of the said town clerk, with the seal of the corporation shall in all cases be good evidence of the act or thing so certified.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the treasurer shall give sufficient security Security of treasurer and high constable. for the faithful discharge of the duties of his office, and for the safe delivery of all books, papers and accounts appertaining thereto, and of all moneys remaining in his hands, into the hands of his successor, upon demand made for that purpose; and the high constable shall give sufficient security for the faithful discharge of the duties of his office, and for the payment to the treasurer of all moneys he may collect by virtue of his said office, and also in pursuance of any precept that may be issued to him by the said burgess, for the collection of any taxes, fines, penalties or forfeitures, and for his services, the said high constable shall be allowed such fees and compensation as are by law allowed to township constables for similar services, to be paid and collected in such manner as is by law provided, in case of township constables as aforesaid: *Provided,* That this act shall not be so construed as to prevent the said burgess and town council from allowing any reasonable compensation for his services, to be paid out of the treasury of the corporation. Proviso. Compensation.

SECT. 14. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the high constable to give High const. give notice of elections. notice of the annual elections in said borough, by setting up at least five advertisements, in five of the most public places therein, at least ten days previous thereto, or by one or more advertisements published in the newspapers printed in said borough, at least ten days before such election, and he shall attend and see that the election is opened at the time and in the manner directed by this act.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the said burgess and 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 either by money to be drawn from the borough treasury, or by fees of office for the services which may be rendered as the said burgess and town council may from time to time provide for and direct. Compensation of subordinate officers.

**SECT. 16.** *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said burgess and town council, at the expiration of each official year, to make a settlement and statement of the accounts of the said corporation, showing the amount of the receipts and expenditures of the same, together with the funds thereof, which said settlement and statement shall be published in the newspapers printed in said borough, and filed among the records of the corporation.

**SECT. 17.** *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, or of any by-law or ordinance made under the authority of the same, he, she or they may appeal to the next court of Common Pleas, to be held for the same 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 bind all parties.

**SECT. 18.** *And be it further enacted by the authority aforesaid,* That the inhabitants of said borough, and persons holding any property therein, shall be competent witnesses in all actions arising under this act or the by-laws and ordinances of this corporation.

**SECT. 19.** *And be it further enacted by the authority aforesaid,* That so much of the proviso to the tenth section of the act, entitled "An act to erect the town of Erie, in the county of Erie, into a borough, and for other purposes," as requires that Water street shall be raised not less than six feet above the surface of the water of the bay, and the north side of Front street shall be raised at least fourteen feet above the surface of the water aforesaid, be, and the same is hereby repealed.

**SECT. 20.** *And be it further enacted by the authority aforesaid,* That from and after the first Monday of May, next, the act entitled "An act to erect the town of Erie, in the county of Erie, into a borough, and for other purposes," passed the twenty-ninth day of March, one thousand eight hundred and five, excepting the tenth section thereof, and also, the act passed the sixteenth day of February, one thousand eight hundred and twenty-eight, entitled "A supplement to an act entitled 'An act to erect the town of Erie, in the county of Erie into a borough, and for other purposes,'" passed the twenty-ninth day of March, eighteen hundred and five," be and the same are hereby repealed: *Provided,* That this act shall not be so construed as to effect any act done by, or any grant made to the said corporation, in pursuance of the before mentioned act of Assembly: *And provided also,* That the constables and overseers of the poor, of said borough, shall continue in office until the annual election next, suc-

Annual settlement and publication of accounts.

Appeal of persons aggrieved to Common Pleas.

Citizens may be witnesses in actions.

Proviso to 10th sect. of former law rel. to elevation of Water and Front sts. repealed

Portions of former acts repealed.

Proviso. Repeal not to affect grants. 2d proviso. Continuance of constables and overseers 1 year.

ceeding the first Monday in May, in the same manner as if the said act had not been passed.

SECT. 21. *And be it further enacted by the authority aforesaid,* That the town of Waterford, in the county of Waterford in-  
Erie, shall be and the same is hereby erected into a borough, Waterford in-  
corporated.  
which shall be called the borough of Waterford, and shall be bounded and limited as follows, to wit: beginning at a white ash at the north west corner of the Waterford reserve, adjoining lands of John Vincent, Esquire, on the north and west; thence east two hundred and seventy-six perches, Borough  
boundaries.  
along the north side of Circuit street, adjoining lands of John Vincent, Esquire, and the heirs of Aaron Himrod, to a post at the north west corner of George W. Reed's land; thence south along the reserve line one hundred and fifty-nine perches, to a post at the south east corner of said Reed's land; thence east sixty-nine perches along the southern boundaries of the same and the reserve line, to a post; thence south twenty-six degrees, east one hundred and twenty-five perches, along the eastern boundaries of out-lots number thirty, twenty-three, twenty-two, ninety-four, and one, to a post adjoining land of Amos Judson on the south; thence south sixty-four degrees, west along the line dividing the out-lots and reserve tracts, two hundred and sixty-one perches to a post at the south west corner of out-lot number twelve; thence north twenty-six degrees west forty perches, along the western boundary of said out-lot, to a post on the south side of Water-street; thence south sixty-four degrees, west one hundred and sixty six perches along the south side of Water-street, to a post on the west side of Circuit-street, and thence north four hundred and twenty-two perches, along the west side of Circuit-street, to the place of beginning.

SECT. 22. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said borough entitled to First elec-  
tion.  
vote for members of the General Assembly, and who shall have resided within the same for six months immediately preceding the election hereinafter mentioned, shall, on the Friday preceding the third Saturday in March next, meet at the school house in the said borough, and then and there, Burgess,  
council and  
constable.  
between the hours of one and six in the afternoon, elect by ballot one citizen who shall be styled burgess, six citizens to be a council, and one citizen to be a high constable, all of whom shall be inhabitants of the said borough; but previously to opening the said election, or any subsequent election held in pursuance of the provisions of this act, such of the inhabitants who may be present at the said school house shall elect two citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated Manner of  
conducting  
election.  
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 a judge or 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, whereupon a certificate of the said election shall be signed by the said judges, a copy thereof transmitted by the clerks to each person elected, and the original recorded in the record books of the corporation; and in case of death, resignation, removal, or refusal to accept of any of the said officers, a new election shall be held for the purpose of supplying such vacancy, in the manner hereinafter provided.

Of vacancies.

Council to be classed.

SECT. 23. *And be it further enacted by the authority aforesaid,* That on the Friday next after the said election, the members of the council elected as aforesaid, shall be convened at the school house in the said borough, by order of the burgess, and then and there shall by lot divide themselves into three classes, and the seats of members of the council of the first class shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, and the third class at the expiration of the third year, counting the year as commencing for corporate purposes on the Friday before the third Saturday in March.

Of the annual elections.

SECT. 24. *And be it further enacted by the authority aforesaid,* That the inhabitants of said borough entitled to vote as aforesaid, shall, on the Friday preceding the third Saturday in March next ensuing the election aforesaid, and on the same day in every year thereafter, meet at the school house as aforesaid, and elect in manner aforesaid one burgess, one high constable and two members of the council, to supply the places of the members of the council vacated in the manner herein before mentioned, and a certificate of such election shall be signed by the said judges, a copy thereof transmitted by the high constable of the preceding year to each person so elected, and the original recorded in the record books of the corporation; and in case of death, resignation, removal, or refusal to accept of any of the said officers, or if it should at any time happen that no election shall be holden on the day and in the manner aforesaid, the burgess, or in his absence or inability, or refusal to act, any member of the council shall issue his precept, directed to the high constable, to hold an election in manner aforesaid, to supply such vacancy, giving at least ten days notice of such election, by five advertisements set up in the most public places within the same, and in the meantime the officers of the said borough elected for the last year, shall continue to all intents and purposes to hold their respective offices, and exercise all the powers appertaining thereto, as fully and effectually as if their term of office had not expired.

Notice to officers elect.

Vacancies from any cause provided for.

SECT. 25. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said borough qualified to vote for burgess and town council as aforesaid, shall at the same time and place, and in the manner directed by this act elect two constables, two overseers of the poor, four freeholders or inhabitants qualified to vote as aforesaid, to settle the accounts of the borough officers, supervisors, and the overseers of the poor, which said constables, overseers of the poor, freeholders or inhabitants chosen to settle the accounts of the borough officers, supervisors, and overseers of the poor, as aforesaid, shall have, use, and exercise all and every the same duties and powers in the said borough, and be subject to all and every the same fines, penalties and forfeitures within the said borough respectively, which are or hereafter shall lawfully be used, had, and exercised, or which are or shall be suffered by and imposed upon like officers of the several townships, and the names of the said constables and overseers of the poor shall be returned to the next court of Quarter Sessions of the county, for the same purposes as is or shall be declared by law, as to other officers of the same kind in the several townships of this Commonwealth.

Election of constables, overseers of the poor and auditors.

Their duties, &c.

SECT. 26. *And be it further enacted by the authority aforesaid,* That from and after the Friday preceding the third Saturday in March next, the burgess and council, duly elected as aforesaid, and their successors shall be one body politic and corporate, by the name and style of "The burgess and town council of the borough of Waterford in the county of Erie," and shall have perpetual succession, and shall be capable in law to have, acquire, receive, hold, purchase and possess goods, chattels, lands and tenements, rents, liberties, jurisdictions, franchises and 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 goods, chattels, lands, tenements, hereditaments and 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 this Commonwealth, in all manner of actions whatsoever, and to have and use one common seal, and the same from time to time at their will to change and alter.

Corporate style.

Privileges, & liabilities.

SECT. 27. *And be it further enacted by the authority aforesaid,* That if any person duly elected as burgess, member of the 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, or having taken upon himself the duties of said office, shall neglect to discharge the same according to law, every such person so refusing or neglecting, shall for every such offence forfeit and pay the sum of ten dollars, which fine and all other fines and forfeitures incurred and made payable in pursuance

Persons refusing to serve when elected borough officers to be subject to a fine of \$10.

Recovery and appropriation thereof.

of this act, or any of the by-laws, ordinances, rules and regulations of the burgess and council shall be for the use of said corporation, and shall be recoverable in the same manner as debts of equal amount are or shall hereafter be by law recoverable, unless herein otherwise provided for, and when so recovered shall be forthwith paid to the treasurer of the borough, and it shall be the duty of the officers of the 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 be liable to a fine for refusing or neglecting to serve more than once in five years.

Proviso. Term of service.

Oaths of borough officers

SECT. 28. *And be it further enacted by the authority aforesaid*, That the burgess, members of the council, and high constable, and each of them, before entering on the duties of their respective offices, shall take and subscribe an oath or affirmation before a judge or 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 or affirmations shall be recorded amongst the records of the corporation.

General duties of the burgess and council.

SECT. 29. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the burgess and town council to meet as often as occasion may require, at which meetings the burgess shall preside, and in case of an equal division of the council, give the casting vote, and four members of the council shall constitute a quorum to transact business, and the said burgess and council shall have power at such meetings to ordain and enact, revise, repeal, and amend all such ordinances, by-laws, rules and regulations as shall be deemed expedient to promote the peace, good order, benefit and accommodation of the citizens of said borough; to designate the width of side walks; improve, repair, and keep in good order the streets, alleys, side walks, and public grounds in the said borough; to regulate the depth of vaults, sinks, drains pits for privies; make permanent rules for the foundations of buildings and party walls; regulate the fences, side posts and railings along the streets and public grounds, and to improve and adorn the public grounds; to remove all obstructions and nuisances in the said borough; to prohibit and prevent the running at large of geese, sheep, goats, swine, dogs, horses, cattle, and other beasts in the said borough, and to authorize their seizure and sale in such manner as shall be provided by the ordinances of the said corporation; to impose fines and penalties, incurring partial or total forfeitures, and to require and compel the owners of houses, stores, workshops, stables, buildings and lots, to pave the side walks in front of their respective houses, stores, workshops, stables, buildings and lots on such streets and public grounds, and with such materials as shall be by the town council

By-laws.

Streets.

Drains.

Party walls.

Nuisances.

Swine.

Side walks.

be deemed necessary and expedient; and the same to keep in repair, and to provide for the conveyance and distribution of a sufficient quantity of good and wholesome water to and through the borough, and its permanent continuance for the accommodation of the inhabitants, and to make and establish a sufficient number of reservoirs to supply water in case of fire, and to prohibit the exhibition of plays, shows, mountebanks, jugglers, and all and every other exhibition, under such restrictions, fines and penalties as the said burgess and council shall direct, and to require and compel the inhabitants of the said borough to clean the chimneys and stove pipes in the buildings used and occupied by them, in such manner and as often as the said burgess and council may regulate and direct; and also to require and compel the owners of all houses, stores and workshops in the said borough, to provide and keep in good order such number of leather fire buckets, in proportion to the assessed value of the property owned, as the burgess and town council may direct, and the burgess of the said borough shall have power and authority to form and organize as many fire companies of the citizens of said borough, as there are or shall be fire engines belonging to said borough, which fire companies shall be subject to the rules and regulations of a written constitution which shall be signed by the members of said company or companies, and approved of by the burgess and council, and the said burgess and town council shall have power and authority to assess, apportion, raise and appropriate such taxes as shall be by them deemed necessary for repairing the streets, and for carrying the by-laws, ordinances, rules and regulations and objects of general utility into complete effect, and all by-laws, ordinances, rules and regulations shall be signed by the burgess and attested by the town clerk, and entered in the records of the corporation, and also to appoint annually one or more street supervisors, a town clerk, a treasurer and such other officers as may from time to time be deemed necessary, and the same officers from time to time remove; and also to make return to the commissioners of said county of all unseated lots in the said borough, in the same manner as supervisors of the public roads are now authorized and required to do in the several townships in said county, whereon the same proceedings shall be had as are now authorized by law for the collection of taxes on unseated lands: *Provided*, That no by-law, ordinance, rule or regulation of the said corporation, shall be repugnant to the constitution or laws of the United States or of this Commonwealth, and that no by-law, ordinance, rule or regulation shall be carried into operation until ten days have elapsed after the publication thereof, by at least five advertisements set up in five public places in the said borough, which publication shall be certified at the time in the record books of

Water.

Mountebanks

Fire buckets.

Fire engines.

Taxes.

Street supervisors, town clerk, treasurer, &amp;c.

Proviso.  
 Of the by-laws and their publication.

2d proviso.  
Rate of taxation limited.

the corporation by the town clerk, at the foot or margin of such by-laws, ordinances, rules or regulations, and such certificate shall be good evidence in all trials arising from or touching the said by-laws, ordinances, rules or regulations: *And provided also*, That in laying and assessing such tax, due regard shall be had to the valuation of taxable property assessed or hereafter to be assessed for the purpose of raising 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 should require the same, in which case the consent thereto of a majority of the taxable inhabitants of the said borough shall be previously obtained in writing.

Duties of street supervisors.

SECT. 30. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the street supervisors to open and repair the streets in the said borough, and to erect and repair the bridges and causeways in the same, under the direction and supervision of the said burgess and town council.

Power of the burgess relative to the collection of the taxes, carrying into effect laws, mitigating fines, &c.

SECT. 31. *And be it further enacted by the authority aforesaid*, That the burgess elected and qualified agreeably to the provisions of this act, is hereby authorized and empowered to issue his precept as often as occasion may require, directed to the high constable, or in case of his inability to act, to some other fit person, commanding him to collect all taxes assessed in pursuance of this act, or by the ordinances, by-laws, rules and regulations of the said corporation, and cause the same to be paid over to the treasurer, and the said constable or other fit person, shall have the same power in enforcing the collection of said tax, as the collectors of county tax in the commonwealth, and the said burgess is hereby authorized to carry into effect all by-laws, ordinances, rules and regulations enacted by the said burgess and town council, and whatsoever else shall be enjoined on him for the well ordering and governing of said borough, and the said burgess shall also have power to mitigate or remit fines and forfeitures in cases where it shall appear that the person or persons so fined, did not intentionally offend; or on their having some other just and reasonable excuse, which excuse shall be satisfactorily proved to the said burgess.

Duties of the town clerk.

SECT. 32. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the town clerk to attend all sessions of the burgess and town council when assembled on the 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 on him by virtue of this act or the acts of the corporation, and the attestation of the said town clerk, with the seal of the corporation, shall in all cases be good evidence of the act or thing so certified.

SECT. 33. *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 safe delivery of all books, papers and accounts appertaining thereto, and of all moneys remaining in his hands into the hands of his successor, upon demand made for that purpose; and the high constable shall give sufficient security for the faithful discharge of the duties of his office, and for the payment to the treasurer of all moneys he may collect by virtue of his said office, and also in pursuance of any precept that may be issued to him by the said burgess, for the collection of any taxes, fines, penalties or forfeitures, and for his services the said high constable shall be allowed such fees and compensation, as are by law allowed to township constables for similar services, to be paid and collected in such manner as is by law provided, in case of township constables as aforesaid: *Provided,* That this act shall not be so construed as to prevent the said burgess and town council from allowing any reasonable compensation for his services, to be paid out of the treasury of the corporation.

Security of treasurer and high constable.

Constables' fees, &c.

Proviso

SECT. 34. *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 elections in said borough, by setting up at least five advertisements in five of the most public places therein, at least ten days previous thereto; and he shall attend and see that the election is opened at the time, and in the manner directed by this act.

Constable to give notice of elections.

SECT. 35. *And be it further enacted by the authority aforesaid,* That the said burgess and town council shall, from time to time, affix the compensation of the high constable, town clerk, treasurer, and such other officers as may be appointed under this act, which compensation shall be paid either by money to be drawn from the borough treasury, or by fees of office for the services which may be rendered, as the said burgess and town council may from time to time provide for and direct.

Compensation of or labor of officers.

SECT. 36. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said burgess and town council, at the expiration of each official year, to make a settlement and statement of the accounts of the said corporation, showing the amount of the receipts and expenditures of the same, together with the funds thereof, which said settlement and statement shall be published in the newspapers printed in the said borough, or by five written statements set up in the most public places in the borough, and filed among the records of the corporation.

Annual settlement, statement, and publication of borough accounts.

SECT. 37. *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, or of any by-law or ordinance made under the authority of the same, he, she or they, may appeal to the next court of Common Pleas to be held for the same 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 bind all parties.

**Right to appeal of persons aggrieved.**  
**Inhabitants may be competent witnesses in corporation suits.**  
 SECT. 38. *And be it further enacted by the authority aforesaid,* That the inhabitants of said borough, and persons holding any property therein, shall be competent witnesses in all actions arising under this act, or the by-laws and ordinances of this corporation:

**Provisional election provided for.**  
**Proviso.**  
**Notice thereof.**  
 SECT. 39. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said borough qualified to vote as aforesaid, shall, at the place and in the manner directed by this act, elect on the first Monday in May, in the year one thousand eight hundred and thirty-three, all the officers authorized by this act, who shall continue in office until the next annual election thereafter: *Provided,* That notice of the time and place of holding such election, shall be given by at least five advertisements set up at the most public places in said district, at least one week before the time of holding said election, by at least six of the inhabitants qualified to vote as aforesaid.

**Wattsburg incorporated.**  
**Borough boundaries.**  
 SECT. 40. *And be it further enacted by the authority aforesaid,* That the town of Wattsburg, in the county of Erie, shall be and the same is hereby erected into a borough, which shall be called "The borough of Wattsburg;" and shall be bounded and limited as follows, to wit: beginning at French creek where the old state line crosses the same, being the south boundary of Venango township; thence east along said line one hundred and eighty perches; thence north one hundred and eighty perches; thence west one hundred and eighty perches, (more or less,) to French creek; thence southwardly by the windings of said creek to the place of beginning.

**Organization of corporation.**  
**Manner of conducting election.**  
 SECT. 41. *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, and who shall have resided within the same for six months immediately preceding the election hereinafter mentioned, shall, on the Friday preceding the third Saturday in May next, meet at the school house in the said borough, and then and there between the hours of one and six in the afternoon, elect by ballot one citizen who shall be styled burgess, six citizens to be a council, and one citizen to be a high constable, all of whom shall be inhabitants of the said borough, but previously to opening the said election or any subsequent election held in pursuance of the provisions of this act, such of the inhabitants who may be present at the school

house, shall elect two citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated 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 a judge or 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, whereupon a certificate of the said election shall be signed by the said judges, a copy thereof transmitted by the clerks to each person elected, and the original recorded in the record books of the corporation; and in case of death resignation, removal or refusal to accept, of any of the said offices, a new election shall be held for the purpose of supplying such vacancy in the manner hereinafter provided. Of vacancies.

SECT. 42. *And be it further enacted by the authority aforesaid,* That on the Friday next after the said election, the members of the council elected as aforesaid, shall be convened at the school house, in the said borough, by order of the burgess and then and there shall by lot divide themselves into three classes, and the seats of members of the council of the first class shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, and the third class at the expiration of the third year, counting the year as commencing for corporate purposes on the Friday before the third Saturday in May. Of the classification of the town council.

SECT. 43. *And be it further enacted by the authority aforesaid,* That the inhabitants of said borough entitled to vote as aforesaid, shall on the Friday preceding the third Saturday in May ensuing the election aforesaid, and on the same day in every year thereafter, meet at the school house as aforesaid, and elect in manner aforesaid, one burgess, one high constable, and two members of the council, to supply the places of the members of the council vacated in the manner herein before mentioned, and a certificate of such election shall be signed by the said judges, a copy thereof transmitted by the high constable of the preceding year to each person so elected, and the original recorded in the record books of the corporation, and in case of death, resignation, removal or refusal to accept, of any of the said offices, or if it should at any time happen that no election shall be holden on the day and in the manner aforesaid, the burgess or in his absence or inability or refusal to act, any member of the council shall issue his precept, directed to the high constable, to hold an election in manner aforesaid, to supply such vacancy, giving at least ten days notice of such election by five advertisements set up in the most public Of the annual borough elections.

Neglect to hold elections.  
Omissions, &c. guarded against.

places within the same, and in the meantime the officers of the said borough, elected for the last year, shall continue to all intents and purposes to hold their respective offices, and exercise all the powers appertaining thereto, as fully and effectually as if their term of office had not expired.

Election of constables, overseers of the poor and borough auditors provided for.

SECT. 44. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said borough qualified to vote for burgess and town council as aforesaid, shall at the same time and place, and in the manner directed by the second section of this act, elect two constables, two overseers of the poor, four freeholders or inhabitants, qualified to vote as aforesaid, to settle the accounts of the overseers of the poor, which said constables, overseers of the poor, freeholders or inhabitants chosen to settle the accounts of the supervisors and overseers of the poor as aforesaid, so elected, shall have, use, and exercise all and every the same duties and powers in the said borough, and be subject to all and every the same fines, penalties and forfeitures within the said borough respectively, which are or hereafter shall lawfully be used, had, and exercised, or which are or shall be suffered by and imposed upon like officers of the several townships, and the names of the said constables and overseers of the poor shall be returned to the next court of Quarter Sessions of the county, for the same purposes as is or shall be declared by law as to other officers of the same kind in the several townships of this Commonwealth.

Corporate style.

SECT. 45. *And be it further enacted by the authority aforesaid,* That from and after the Friday preceding the third Saturday in May next, the burgess and council duly elected as aforesaid, and their successors shall be one body politic and corporate, by the name and style of "The burgess and town council of the borough of Wattsburg, in the county of Erie," and shall have perpetual succession, and shall be capable in law to have, acquire, receive, hold, purchase and possess goods, chattels, lands and tenements, rents, liberties, jurisdictions, franchises and 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 goods, chattels, lands, tenements, hereditaments and 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 this Commonwealth, in all manner of actions whatsoever, and to have and use one common seal, and the same from time to time at their will to change and alter.

Privileges & liabilities.

SECT. 46. *And be it further enacted by the authority aforesaid,* That if any person duly elected as burgess, member of the 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 of-

fice, or having taken upon himself the duties of said office, shall neglect to discharge the same according to law, every such person so refusing or neglecting shall for every such offence forfeit and pay the sum of ten dollars, which fine, and all other fines and forfeitures incurred and made payable in pursuance of this act, or of any of the by-laws, ordinances, rules and regulations of the burgess and council, shall be for the use of said corporation, and shall be recoverable in the same manner as debts of equal amount are, or shall hereafter be by law recoverable, unless herein otherwise provided for, and when so recovered shall be forthwith paid to the treasurer of the borough, and it shall be the duty of the officers of the 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 be liable to a fine for refusing or neglecting to serve more than once in five years.

\$10 penalty  
 on persons  
 elected to  
 borough offi-  
 ces refusing  
 to serve.

*Proviso.*

**SECT. 47.** *And be it further enacted by the authority aforesaid*, That the burgess, members of the council and high constable, and each of them, before entering on the duties of their respective offices, shall take and subscribe an oath or affirmation before a judge or 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 or affirmations shall be recorded amongst the records of the corporation.

Of the oaths  
 of office.

**SECT. 48.** *And be it further enacted by the authority aforesaid*, That it shall be the duty of the burgess and town council to meet as often as occasion may require, at which meetings the burgess shall preside, and in case of an equal division of the council give the casting vote, and four members of the council shall constitute a quorum to transact business, and the said burgess and council shall have power at such meetings to ordain, and enact, revise, repeal and amend all such ordinances, by-laws, rules and regulations as shall be deemed expedient to promote the peace, good order, benefit and accommodation of the citizens of said borough, to designate the width of side walks, improve, repair and keep in good order the streets, alleys, side walks and public grounds in the said borough, to regulate the depth of vaults, sinks, drains, pits for privies, make permanent rules for the foundations of buildings and party walls, regulate the fences, side posts and railings along the streets and public grounds, and to improve and adorn the public grounds, to remove all obstructions and nuisances in the said borough, to prohibit and prevent the running at large of geese, sheep, goats, swine, dogs, horses, cattle and other beasts in the said borough, and to authorize their seizure and sale in such manner as shall be provided by the ordinances of the said corporation,

General pow-  
 ers of the  
 burgess and  
 town council.

Regulation of  
 streets,  
 vaults, fen-  
 ces, &c.

Swine, &c.  
 running at  
 large.

- to impose fines and penalties, incurring partial or total forfeitures, and to require and compel the owners of houses, stores, workshops, stables, buildings and lots to pave the side walks in front of their respective houses, stores, workshops, stables, buildings and lots on such streets and public grounds, and with such materials as shall by the town council be deemed necessary and expedient, and the same to keep in repair, and to provide for the conveyance and distribution of a sufficient quantity of good and wholesome water to and through the borough, and its permanent continuance, for the accommodation of the inhabitants, and to make and establish a sufficient number of reservoirs, to supply water in case of fire, and to prohibit the exhibition of plays, shows, mountebanks, jugglers, and all and every other exhibition, under such restrictions, fines and penalties as the said burgess and council shall direct, and to require and compel the inhabitants of the said borough to clean the chimneys and stove pipes in the buildings used and occupied by them, in such manner and as often as the said burgess and council may regulate and direct, and also to require and compel the owners of all houses, stores and workshops in the said borough, to provide and keep in good order such number of leather fire buckets, in proportion as the assessed value of the property owned, as the burgess and town council may direct, and the burgess of the said borough shall have power and authority to form and organize as many fire companies of the citizens of said borough, as there are or shall be fire engines belonging to said borough, which fire companies shall be subject to the rules and regulations of a written constitution, which shall be signed by the members of said company or companies, and approved of by the burgess and council, and the said burgess and town council shall have power and authority to assess, apportion, raise and appropriate such taxes as shall be by them deemed necessary for repairing the streets, and for carrying the by-laws, ordinances, rules and regulations and objects of general utility into complete effect, and all by-laws, ordinances, rules and regulations shall be signed by the burgess and attested by the town clerk, and entered in the records of the corporation, and also to appoint annually one or more street supervisors, a town clerk, a treasurer, and such other officers as may from time to time be deemed necessary, and the same officers from time to time remove, and also to make return to the commissioners of said county of all unseated lots in the said borough, in the same manner as supervisors of the public roads are now authorized and required to do in the several townships in said county, whereon the same proceedings shall be had as are now authorized by law for the collection of taxes on unseated lands: *Provided*, That no by-law, ordinance, rule or regulation of the said corporation shall be repugnant to the constitution or
- Pavements.
- Conveyance of water.
- Reservoirs.
- Public shows.
- Arrangements guarding against destruction by fire.
- Assessment and appropriation of taxes.
- Appointment of subordinate officers.
- Proviso.

laws of the United States or of this Commonwealth, and that no by-law, ordinance, rule or regulation shall be carried into operation until ten days have elapsed after the publication thereof, by at least five advertisements set up in five public places in the said borough, which publication shall be certified at the time in the record books of the corporation by the town clerk at the foot or margin of such by-laws, ordinances, rules or regulations, and such certificate shall be good evidence in all trials arising from or touching the said by-laws, ordinances, rules or regulations: *And provided also,* That in laying and assessing such tax, due regard shall be had to the valuation of taxable property assessed or hereafter to be assessed for the purpose of raising 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 should require the same, in which case the consent thereto of a majority of the taxable inhabitants of the said borough shall be previously obtained in writing.

Of the publication, &c. of by laws.

2d proviso. Rate of taxation limited.

SECT. 49. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the street supervisors to open and repair the streets in the said borough, and to erect and repair the bridges and causeways in the same, under the direction and supervision of the said burgess and town council.

Duty of street supervisors.

SECT. 50. *And be it further enacted by the authority aforesaid,* That the burgess elected and qualified agreeably to the provisions of this act, is hereby authorized and empowered to issue his precept, as often as occasion may require, directed to the high constable, or in case of his inability to act, to some other fit person, commanding him to collect all taxes assessed in pursuance of this act, or by the ordinances, by-laws, rules and regulations of the said corporation, and cause the same to be paid over to the treasurer; and the said constable or other fit person shall have the same power in enforcing the collection of said tax, as the collectors of county tax in the Commonwealth; and the said burgess is hereby authorized to carry into effect all by-laws, ordinances, rules and regulations enacted by the said burgess and town council, and whatsoever else shall be enjoined on him for the well ordering and governing of said borough; and the said burgess shall also have power to mitigate or remit fines and forfeitures, in cases where it shall appear that the person or persons so fined did not intentionally offend, or on their having some other just and reasonable excuse, which excuse shall be satisfactorily proved to the said burgess.

Power of burgess relative to collection of taxes, execution of laws, remission of fines, &c.

SECT. 51. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the town clerk to attend all sessions of the burgess and town council when assembled on the business of the corporation, and perform the duty of

General duties of the town clerk.

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 on him by virtue of this act, or acts of the corporation, and the attestation of the said town clerk, with the seal of the corporation, shall in all cases be good evidence of the act or thing so certified.

Security of  
treasurer and  
high constable.

SECT. 52. *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 safe delivery of all books, papers and accounts appertaining thereto, and of all moneys remaining in his hands into the hands of his successors, upon demand made for that purpose; and the high constable shall give sufficient security for the faithful discharge of the duties of his office, and the payment to the treasurer of all moneys he may collect by virtue of his said office, and also in pursuance of any precept that may be issued to him by the said burgess, for the collection of any taxes, fines, penalties or forfeitures; and for his services the said high constable shall be allowed such fees and compensation as are by law allowed to township constables for similar services, to be paid and collected in such manner as is by law provided, in case of township constables as aforesaid: *Provided,* That this act shall not be so construed as to prevent the said burgess and town council from allowing any reasonable compensation for his services, to be paid out of the treasury of the corporation.

Proviso.  
Compensation of const.

High const.  
to give notice  
of elections.

SECT. 53. *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 elections in said borough, by setting up at least five advertisements in five of the most public places therein, at least ten days previous thereto; and he shall attend and see that the election is opened at the time and in the manner directed by this act.

Burgess and  
council to fix  
compensation  
of officers  
appointed.

SECT. 54. *And be it further enacted by the authority aforesaid,* That the said burgess and town council shall, from time to time, affix the compensation of the high constable, town clerk, treasurer, and such other officers as may be elected or appointed under this act, which compensation shall be paid either by money to be drawn from the borough treasury, or by fees of office, for the services which may be rendered, as the said burgess and town council may from time to time provide for and direct.

Annual settlement and  
publication of  
accounts.

SECT. 55. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said burgess and town council, at the expiration of each official year, to make a settlement and statement of the accounts of the said corporation, shewing the amount of the receipts and expenditures of the same, together with the funds thereof, which said settlement and statement shall be published in the newspapers printed

in said borough, or otherwise, and filed among the records of the corporation.

SECT. 56. *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, or of any by-law or ordinance made under the authority of the same, he, she or they may appeal to the next court of Common Pleas, to be held for the same 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 bind all parties.

SECT. 57. *And be it further enacted by the authority aforesaid,* That the inhabitants of said borough and persons holding any property therein, shall be competent witnesses in all actions arising under this act, or the by-laws and ordinances of this corporation.

Citizens declared competent witnesses in borough suits.

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. 135.

## AN ACT

To incorporate the Philadelphia Cemetery, in the township of Moyamensing.

WHEREAS James Ronaldson, of the township of Moyamensing, in the county of Philadelphia, being seized in his demesne as of fee of and in a large lot or piece of ground, situate on the south side of Shippen street and on the north side of Fitzwater street, between Ninth and Tenth streets, continued in the township of Moyamensing, in the county of Philadelphia aforesaid, now called the "Philadelphia Cemetery," beginning at the south-west corner of Shippen and Ninth streets aforesaid; thence extending westerly along the south line of Shippen street three hundred and six feet four inches and a quarter to a corner; thence southerly parallel with Tenth street, partly by other ground of the said James Ronaldson and partly by grounds of Isaac Harvey, three