

## No. 167.

## AN ACT

To erect the town of Dillsburg, in York county, and the village of M'Vey-town, in Mifflin county, into boroughs, and supplements to the acts erecting York and Harrisburg into boroughs.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of Dillsburg, in the county of York, shall be, and the same is hereby erected into a borough, which shall be called the borough of Dillsburg, and shall be bounded and limited as follows, to wit: beginning at a post adjoining lands of Frederick Eichelberger, a line bearing north eighty-six and a quarter degrees, west one hundred and four perches, to a post; thence south twelve degrees, east one hundred and ninety-two perches, through the land of Andrew Mumper and Peter Lightner, to a white oak; thence north sixty-eight and a half degrees, east sixty-five perches, through lands of P. Leitner and McMullen's heirs, to a white oak; thence north one and a quarter degrees, east one hundred and fifty-seven perches, land of Jacob Sawyer and John Mumper, to the place of beginning.

Dillsburg,  
York co.

Borough  
boundaries.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said borough entitled to vote for the 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 Daniel Ahl, innkeeper in 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 of 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 elect as aforesaid, one citizen as a 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 said place of election, shall elect two citizens as judges, one inspector, and two 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 mal-practices, as by the said laws are imposed; and

Elections of  
borough officers.

Directions as  
to the manner  
of conducting  
elections.

the said 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.

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 Dillsburg, 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, lands and tenements, and by the name and style aforesaid, they shall be capable in law to sue and be sued, 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.

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 due notice thereof, as di-

Vacancies from any cause provided for.

Proviso.

Style of corporation.

Privileges and liabilities

Seal, &c.

Penalty on refusal of officers elect to serve.

rected by this act, shall refuse or neglect to take upon himself the execution of the said office to which he shall have been elected, or having taken upon him the duties of said office, shall neglect to discharge the same according to law, every person 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 the 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.

General recovery and appropriation of penalties, &c. Proviso.

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 Saturday 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 and 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 the inhabitants of said borough shall be exonerated from the payment of all road taxes that may be assessed by the township of Carrol, 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 officers from time to time, to remove for misdemeanors 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 ordi-

General powers of the town council.

Stated and special meetings.

Exoneration of borough from township taxes.

Appointment of subordinate officers, &c.

Proviso.

Of the by-laws.

2d proviso.  
Rate of taxa-  
tion limited.

nance of the said corporation until ten days shall 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 half cent in the dollar of such valuation, unless some object of general utility shall be thought necessary, in which case three-fourths of the taxable inhabitants of said borough, shall approve and certify the same in writing, under their hands, to the town council who shall proceed to assess the same accordingly: *And provided*

3d proviso.  
Oaths of bo-  
rough officers

*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.

Of the gene-  
ral powers  
and duties of  
the burgess-  
es.

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, and shall also have power to mitigate or remit fines and forfeitures in all cases when it shall appear that the person or persons so fined did not offend intentionally, or on their having some other just and reasonable excuse to plead in his or their behalf.

Of the duties  
of 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 duties 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 successors, upon demand made for that purpose. Security of treasurer.

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, being adjusted and settled, shall forthwith be published by the council, showing particularly the amount of taxes laid and collected and all moneys paid into the treasury and the amount of expenditures. Annual adjustment and publication of accounts.

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 proportionment of said tax, but may remedy any grievance that may occur in imposing the same. Court of appeal. Proviso. Powers limited.

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 that the election is opened in time and in the manner directed by this act, *Provided,* That the constable of the township of Carrol, for the time being shall publish and superintend the election to be held on the second Friday in May next, as herein before directed. High constable to give notice of annual elections. Proviso. Township constable, of special election.

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,* Compensation of borough officers. Proviso. Councilmen refusing to serve liable to a penalty of \$10.

2d proviso. *also, That no person appointed as aforesaid, shall be liable to a fine for refusing or neglecting to serve more than once in five years.*

Right of persons aggrieved to appeal to Court of Common Pleas. *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.*

Burgesses of York borough authorized to borrow \$3,000. *SECT. 14. And be it further enacted by the authority aforesaid, That the burgesses and assistant burgesses of the borough of York, are hereby authorized and empowered by ordinance or resolution to borrow for the use of said borough, any sum or sums of money which they deem necessary, not exceeding in amount three thousand dollars; for the repayment of which the faith of the said borough shall or may be pledged.*

To appoint annually a high constable, &c. *SECT. 15. And be it further enacted by the authority aforesaid That from and after the passage of this act it shall be the duty of the burgesses, and assistant burgesses of the borough of York, or a quorum of them to appoint annually on the second Monday of May, a high constable for said borough and the same from time to time, for good causes, to remove, and all vacancies to fill occasioned by such removal, death or otherwise, and that the provisions of the act to which this is a further supplement so far as relates to electing high constables, is hereby repealed.*

6th sect. of act of 11th April, 1825, relative to the inspector of flour, repealed. *SECT. 16. And be it further enacted by the authority aforesaid, That the sixth section of the act entitled "An act to regulate the inspection of flour, in the borough of York, in the county of York, and for other purposes," passed the eleventh day of April, eighteen hundred and twenty-five, which prohibits the inspector appointed in pursuance of said act from vending or trading in flour, be and the same is hereby repealed.*

M'Veytown, Mifflin co. incorporated. Borough boundaries. *SECT. 17. And be it further enacted by the authority aforesaid, That the town of M'Veytown, in the county of Mifflin, shall be, and the same is hereby erected into a borough, which shall be called the borough of M'Veytown, which borough shall be comprised within the following boundaries, to wit: beginning at a post on the bank of the Juniata river; thence north eleven and a half degrees, east sixty perches; thence north eighty-five degrees, west nineteen perches; thence south three perches; thence north eighty-five degrees, west six perches and six feet; thence north seven and a half degrees, east thirteen perches and eight feet; thence north*

eighty-five degrees, west forty perches and ten feet; thence south fourteen perches and thirteen feet; thence north eighty-five degrees, west fourteen perches and fifteen feet; thence south fifty-four perches; thence south eighty five degrees, east sixty-eight perches and a half, to the place of beginning.

SECT. 18. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for all persons entitled to vote for members of the Legislature, who have resided in said borough six months previous to any election, to meet at the school house on the third Friday of March, in each and every year, and then and there elect by ballot, between the hours of twelve at noon and six o'clock in the evening, one reputable citizen residing therein, who shall be styled the burgess of the said borough, and five respectable citizens residing therein, to be a town council, but previously to such election, the inhabitants entitled to vote, shall elect three reputable citizens, one of whom shall preside as judge, one as inspector, and the other discharge the duty of clerk, according to the general election law of this Commonwealth so far as relates to the receiving and counting the votes, and shall be subject to the same penalties for mal-practices as by the said election laws are imposed; and the said judge, inspector and clerk, before they enter on the duties of their respective offices, shall take an oath or affirmation before a justice of the peace in the county of Mifflin, to perform the same with fidelity, and shall hold the said election, from time to time, as occasion may require, and receive and count the ballots, and declare the persons having the greatest number of votes to be duly elected, whereupon duplicate certificates thereof shall be signed by the said judge, inspector and clerk, one of which shall be transmitted to the prothonotary's office of the said county, and the other filed among the records of the corporation for their safe keeping; and if two or any greater number of persons, have an equal number of votes for any of the said offices, or if any election shall be disputed upon other principles, the said return shall be laid before the judges of the court of Common Pleas of the said county, at the term next ensuing the said election, who, on examination into the same, shall determine which of the said persons shall fill the said office; and in case of a vacancy by death or resignation, refusal to accept, or removal from the said borough of any of the said officers, or if said election shall not be held on the day appointed in this act, the first named of the town council shall issue his precept, directed to the constable of Wayne township, requiring him to hold an election to supply such omission or to fill such vacancy, he giving at least ten days notice by advertisements set up at four of the most public places in said borough.

Election of borough officers provided for.

Manner of opening and conducting elections.

Vacancies from any cause provided for.

SECT. 19. *And be it further enacted by the authority aforesaid,* That the burgess and town council duly elected as

Style of corporation.

aforesaid, and their successors, forever, shall be one body politic and corporate in law, by the name of "The burgess and town council of the borough of M'Veytown," and shall have perpetual succession; and the said burgess and town council aforesaid, and their successors, forever, shall be capable in law to have, get, receive, hold and possess lands, tenements, rents, liberties, jurisdiction, franchises and hereditaments, to them and their successors, in fee simple or otherwise, all goods, chattels and other things of what nature and kind soever, not exceeding the yearly value of one thousand dollars, and also to have, grant, let, sell and assign the same lands, tenements, hereditaments, rents, goods and chattels; and by the name aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts 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.

Privileges & liabilities.

\$10 penalty on refusal to accept office.

SECT. 20. *And be it further enacted by the authority aforesaid,* That if any person duly elected as aforesaid, having been notified in writing, which notice it shall be the duty of the clerk of the election to give, within three days after the same, shall refuse or neglect to take upon him\* the duties of the office to which he shall have been elected, every person so refusing or neglecting, shall forfeit and pay ten dollars, which said sum, and all fines and forfeitures incurred and made payable in pursuance of this act, or by the by-laws and ordinances of the burgess and town council, shall be for the use of the said corporation, to be recovered as debts of equal amount are or may be by law recoverable, but no person shall be compelled to serve more than one in any term of three years.

Recovery and appropriation

Oaths of borough officers.

SECT. 21. *And be it further enacted by the authority aforesaid,* That the burgess and town council, and each of them shall take an oath or affirmation before any judge or justice of the peace of the said county, to support the constitution of the United States and of this state, and well and truly to execute the duties of their respective offices, in the borough of McVeytown, and the certificate of such oath or affirmation shall be recorded in the books of the said corporation.

General powers of the burgess and council.

SECT. 22. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the burgess and town council to meet as often as occasion may require, and enact such by-laws, and make such rules, ordinances and regulations, assess, apportion, and appropriate such taxes as shall be determined by a majority of them, necessary to promote the peace, good order, benefit or advantage of said borough, and also to appoint a town clerk, and such other officers as may be deemed necessary by the said burgess and town council, but no by-law, rule, or ordinance, enacted as aforesaid, shall be repugnant to the constitution and laws of

the United States or of this state, and no person shall be punished for a breach of any by law or ordinance, enacted for the regulation of the said borough of McVeytown, unless a true copy thereof be set up at three of the most public places in said borough, and no by-law or ordinance shall be carried into operation in less than two weeks after such publication : *Provided nevertheless*, That no tax shall be laid in any one year on the valuation of taxable property, exceeding one cent on the dollar, *who shall proceed to assess the same as aforesaid.*

Proviso.

SECT. 23. *And be it further enacted by the authority aforesaid*, That the burgess elected agreeably to this act is hereby authorized and empowered to issue his precept, directed to the constable of Wayne township, commanding him to collect all taxes assessed from time to time as aforesaid, and all fines and forfeitures that may become due by virtue of this act, or by the ordinances or regulations of the corporation, and the same to pay over to the treasurer, to be appointed by the said burgess and town council. and to carry into effect whatsoever is enjoined on him for the well ordering and governing the said borough.

Constable of Wayne township to collect taxes.

SECT. 24. *And be it further enacted by the authority aforesaid*, That the burgess shall be and he is hereby required to cause the by-laws, rules, ordinances and regulations, made as aforesaid, to be recorded in a book to be kept for that purpose, and shall carry the same into full execution without delay after the publication thereof, as directed by this act, and it shall be the duty of the town clerk to attend all meetings of burgess and town council, when assembled on business of the corporation, and perform the duty of clerk there- to, and keep and preserve the common seal, records, papers, and other documents relating to the said corporation, and in default he shall be answerable to any person concerned, for all damages, and may be removed from office by the burgess, on complaint of a majority of the council: *Provided always*, That if any person or persons shall think him or themselves aggrieved by any thing done in pursuance of this act, he, she, or they may appeal to the next court of Quarter Sessions, to be held for the proper county, on giving security according to law, to prosecute his, her, or their appeal with effect, which court shall take such order therein as shall be just and reasonable, which order of judgment shall be conclusive against all parties.

Duties of the burgess

—Of the town clerk.

Proviso.

Right of appeal to persons aggrieved.

SECT. 25. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the town clerk, and all officers appointed by the burgess and town council, to render their accounts to the said burgess and council once in every year, which being settled and adjusted by the said burgess and council, shall be published, shewing particularly the

Annual statement and publication of accounts.

amount of taxes levied, fines collected, and of all receipts and expenditures which have been made.

Presiding  
officer of  
town council.

SECT. 26. *And be it further enacted by the authority aforesaid,* That in all meetings held under this law, or the by-laws enacted in pursuance of the same, it shall be the duty of the burghess to preside, or in his absence, the member who may be then present of the town council first named in the return of the election; and it shall be the duty of the officers of the election, to name in their return the persons who may be elected according to the number of votes which each may have, placing first in the return the name of the person who has the greatest number of votes, and so on; and if any of the persons elected shall have an equal number of votes, then the officers of the election shall decide by lot which of them shall be first named.

Of returns of  
elections.

Provision for  
absence of  
burghess.

SECT. 27. *And be it further enacted by the authority aforesaid,* That in the absence from the borough or inability of the burghess, it shall be the duty of the first named of the town council who may be present, to perform the duties which are enjoined on the burghess by this act, or which may be enjoined by the by-laws which may be passed in pursuance of the same.

Quorum of  
council.

SECT. 28. *And be it further enacted by the authority aforesaid,* That in any meeting of the burghess and town council, it shall require at least four to form a quorum to transact business.

Connexion of  
borough with  
Wayne town-  
ship.

SECT. 29. *And be it further enacted by the authority aforesaid,* That in the general or electoral elections, the citizens of the said borough shall not be separated from the citizens of Wayne-township, nor in any manner preparatory thereto, but shall remain connected with said township as they have heretofore, and also in support of the poor in said township and borough.

Town council  
of Harris-  
burg author-  
ized to bor-  
row \$15,000.

SECT. 30. *And be it further enacted by the authority aforesaid,* That the town council of the borough of Harrisburg in council assembled, shall have full power and authority by ordinance or resolution, to borrow for the use of the said borough, any sum or sums of money not exceeding fifteen thousand dollars, and to levy taxes for the re-payment of all loans already made, and that hereafter may be made for the use of the said borough, for the re-payment of which the faith of the said borough now is or hereafter may be pledged.

SAM'L. ANDERSON,

*Speaker of the House of Representatives.*

THO'S. RINGLAND,

*Speaker of the Senate.*

APPROVED—The ninth day of April, Anno Domini, eighteen hundred and thirty-three.

GEO. WOLF.