

[No. 205.]

A N A C T

To annul the marriage contract of Jacob Thayer, and Purnel Thayer:

SECTION 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 marriage contract entered into by and between Jacob Thayer and Purnel Thayer, his wife, be and the same is hereby annulled and made void, and the parties released and discharged from the said contract, and from all the legal duties and obligations arising therefrom, as fully, effectually and absolutely as if they had never been joined in marriage.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-fifth day of May, Anno Domini, eighteen hundred and forty.

DAVID R. PORTER.

[No. 206.]

A N A C T

To incorporate the village of Lock-Haven, in the county of Clinton, into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the village of Lock-Haven, in the county of Clinton, shall be, and the same is hereby, erected

Erected into a
borough.

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into a borough, which shall be called the borough of Lock-Haven, and shall be bounded and limited as follows, viz: Beginning at a point on the West Branch of the Susquehanna river, at low water mark, six perches West of Hanna street, in said village, thence South one degree, West one hundred and fifty perches, to a post, thence, West one degree, North one hundred and sixty perches, to a post, thence, North one degree, East one hundred and fifty-four perches, to a post at low water mark, on said Susquehanna river, thence following the line of low water mark along said river, to the place of beginning.

SECTION 2. That the inhabitants of the said borough, entitled to vote for members of the General Assembly, having resided within the bounds of said borough, at least ten days immediately preceding the election, shall have power on the second Tuesday of July next, to meet at the court house of said county of Clinton, and annually thereafter, on the second Tuesday of March, as aforesaid, at the place aforesaid, and shall then and there, between the hours of one and seven in the afternoon, elect by ballot, one respectable citizen residing therein, who shall be styled the chief burgess, and nine citizens to be a town council, and shall also, elect as aforesaid, one citizen as high constable, all of whom shall be residents of said borough, and entitled to vote for borough officers, agreeably to the provisions of this section. But previous to the opening of the said election, such of the inhabitants qualified to vote as aforesaid, as are present at the said place of election, shall choose by viva voce, one citizen to act as judge, and two citizens to act as inspectors, and each of said inspectors, shall appoint a clerk of said election, the judge and one inspector to be voted for by each voter, and the election to be conducted throughout, according to the general election laws of this commonwealth; and the officers of the election, shall be subject to the same penalties for mal-practices, as by the said election laws are imposed. And the said judge, inspectors, and clerks, before they enter upon the duties of their respective offices, shall take the same oaths or affirmations, before any justice of the peace of the county, as are prescribed by the existing election laws of this commonwealth, and after the said election shall be closed, shall declare the persons having the highest 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 inspectors, in presence of the judge; whereupon, duplicate certificates of said election, shall be signed by the said judge, inspectors, and clerks, one of which shall be transmitted to the chief burgess-elect, and the other filed among the records of the corporation. And it shall be the duty of the high constable for the preceding year, (and in event of his absence, or inability to act, such person as the officers of the election may direct,) to give notice in writing

Name.

Boundaries.

Annual election, when, where & how held.

Division by lot.

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

Failure of election.

SECTION 3. That from and after the fourteenth day of April, next, the chief 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 and Town Council of the Borough of Lock-Haven," 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 chattles, lands and tenements, in fee simple, or otherwise, and also, to grant, sell, let, and assign the same, goods and chaules, lands and tenements, and by the name and style aforesaid, they shall be capable in law, to sue and be sued, plead and be impleaded, in any of the courts of law of this commonwealth, in all manner of actions whatsoever, and to have and use a common seal, and the same from time to time, at their will, to change and alter, until it be otherwise directed by law.

Powers and privileges.

SECTION 4. That if any person duly elected chief burgess, member of the town council, or high constable, as aforesaid, and having received due notice thereof, as directed by this act, shall refuse or neglect to take upon himself the execution of the said office, to which he shall have been elected, or having taken upon himself the duties of the said office, shall neglect to discharge the same according to law, every person so refusing or neglecting, shall for every such offence, forfeit and pay the sum of twenty dollars, which fine, and all other fines, penalties and forfeitures, incurred and made payable in pursuance of this act, or any by-law, or ordinance of the town council, shall be for the use of the said corporation, and shall be recovered by suit brought before the chief burgess, to whom is hereby given the same power and authority, in suits brought before him, to recover the same, as justices of the peace within this commonwealth by law, have, where the demand does not exceed one hundred dollars in the same form, and manner, and with the same costs of suit, that debts of like amount are by law recoverable, and the same, when recovered, shall be paid to the treasurer of the borough, and it shall be the duty of the officers of the borough, on receiving any money belonging to the

Refusal to accept offices &c.

Penalty.

How collected

Proviso. 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.

Oath. SECTION 5. That the chief burgess, members of the town council and high constable, and all the other officers of the borough appointed by the town council, in pursuance of the further provisions of this act, before entering upon the duties of their respective offices, shall take and subscribe an oath or affirmation, before the chief burgess, or any justice of the peace of said county, "to support the constitution of the United States, and of the State of Pennsylvania, and to perform the duties of their respective offices with fidelity," and the certificates of such oaths and affirmation, shall be filed among the records of said corporation.

Meeting of council. President. Powers. Secretary's duty. Quorum. Duties powers &c. SECTION 6. That the town council shall meet on the first Monday, next after their election in each year, at the court house in said borough, or such other place as they may determine upon, and choose one of their number president, who shall preside at their meetings, and in event of the absence, death, resignation, removal, or inability to act of, the chief burgess shall possess all and singular the rights, privileges, powers, and authorities of the said chief burgess, given him in this act or elsewhere. And further, to choose one of their number secretary of the town council, (whose salary shall be fixed by the said town council,) whose duty it shall be to take charge of all the papers, records, and common seal of the said corporation, and be answerable therefor, and also for the faithful discharge of the duties enjoined upon him by this act, or by the by-laws and ordinances of the town council, and shall keep a fair and accurate record of all the proceedings, minutes, resolutions, by-laws, and ordinances of the said town council, open at all reasonable times to the inspection of every qualified voter of said borough, and the attestation of the said secretary, with the seal of the corporation, shall be good evidence of the act or thing so certified. And it shall be the duty of the said town council, (five of whom shall be a quorum,) to hold quarterly meetings on the first Saturday in April, July, October, and January, in each year, and such other meetings as occasion may require, at which meetings they may make, erect, 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 order the streets, lanes, alleys and highways, ascertaining the depth of vaults, sinks, pits, for necessary houses, and making permanent rules relative to the foundation of buildings, party-walls and fences. They shall have power to assess and apportion such taxes, as shall be

determined by a majority of them necessary for carrying the said rules, by-laws and ordinances, from time to time into complete effect; and also, to appoint a treasurer, street commissioner, clerk of the market, overseer of the poor, and collector, annually, and such other officers as may be deemed necessary from time to time, and the same officers, from time to time, to remove for misdemeanors in office, and the said town council, shall further, at their first meeting aforesaid, appoint one gentleman learned in the law, who shall be a practising attorney in the several courts of Clinton county, and a qualified elector of said borough, at a salary to be fixed by the town council, to be attorney for said borough, whose duty it shall be to attend to all suits for said corporation, and generally to act as council for the officers of the borough, in their official capacity: *Provided*, That no by laws, rules, or ordinances of said corporation, shall be repugnant to the constitution or laws of this commonwealth, and that no person shall be punished for the breach of any by-law or ordinance of the said corporation, until ten days have expired after the promulgation thereof, by at least three advertisements 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 on the dollar of such valuation, unless some object of general utility shall be thought necessary, in which case three-fourths of the qualified voters of said borough, shall approve of and certify the same in writing, under their hands to the town council, who shall proceed to assess the same accordingly: *Provided also*, That the town council shall lay such taxes upon dogs, and such regulations respecting them within said borough, as they may see proper.

Treasurer
commissioner
clerk, overseer
poor, collector
and other of-
ficers.

Attorney.

Proviso.

2d Proviso.
Tax.

Proviso.
Dog tax.

SECTION. 7 That the chief burgess, elected and qualified agreeably to this act, or in the contingency aforesaid, the president of the town council is hereby authorized and empowered to issue his precept as often, as the occasion may require, directed to the collector, commanding him forthwith to collect all taxes so assessed, and the same to pay over to the treasurer, which said precept shall be signed by the secretary of the town council, and to which the seal of the said corporation shall be affixed. And the said chief burgess, or president of the town council, is hereby authorized to carry into effect all by-laws and ordinances, enacted by the town council, and whatsoever else shall be enjoined upon him, for the well ordering and governing said borough, and the town council alone shall have power to mitigate, or remit such fines and forfeitures.

Collect tax.

Enforce by-
laws.

Remit fines.

SECTION 8. That the treasurer shall give sufficient security, to be approved by the town council, for the faithful performance of the duties of his office, and for the delivery of all mo-

Treasurer se-
curity.

neys, books, and accounts appertaining thereto, into the hands of his successor, upon demand made for that purpose. And that the street supervisor, treasurer, high constable, and all other officers of said borough, shall in the month of March, yearly, render their accounts to said town council for settlement; and the said accounts being adjusted and settled, shall be forthwith published by council, shewing particularly the amount of taxes laid and collected, and all moneys paid into the treasury, and the amount of expenditures.

Settle accounts.

Court of appeal.

Proviso.

Notice of election.

Proviso.

SECTION 9. That the chief burgess, president, and secretaries of the town council, or any two of them, shall constitute a court of appeal; and prior to the collection of any borough tax, the collector shall inform each inhabitant of the amount of his tax, and of the time and place of appeal: *Provided nevertheless*, That the said court of appeal shall have no other power than to determine the justness of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same. And that it shall be the duty of the high constable, to give notice of the annual election of the said borough, to be held in pursuance of this act, by setting up five advertisements in the most public places in said borough, at least ten days previous thereto, he shall attend and see that the election is opened at the time, and in the manner directed by this act: *Provided*, That the constable of the township of Bald Eagle, for the time being, shall publish and superintend the election to be held on the second Tuesday of July next, as hereinbefore directed.

Compensation and duty of officers.

Proviso.

SECTION 10. That the town council shall from time to time fix the compensation, and at their discretion, declare the duties of all the officers elected, appointed, or to be appointed, under the several provisions of this act, which compensation shall be paid out of the borough treasury, by orders drawn by them, signed by the president, and countersigned by the secretary, and the same 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 has been appointed, he shall for the same, forfeit and pay for the use of the corporation, the sum of ten dollars: *Provided also*, That no person appointed as aforesaid, shall be liable to a fine for refusing or neglecting to serve as aforesaid, more than once in five years.

Appeal to com. pleas.

Proviso.

SECTION 11. That if any person or persons shall think him, her, or themselves aggrieved, by any thing done by the chief burgess in his judicial capacity, or by any thing done in pursuance of this act, he, she, or they, may appeal to the next court of Common Pleas, to be held for the county of Clinton, upon giving security according to law in appeals from judgments, from justices of the peace, to prosecute his, her, or their appeal with effect: *Provided also*, That such appeals shall be deter-

mined in the same manner, and the proceedings therein, shall be the same as in appeals from justices of the peace, and that such appeal shall be allowed in cases where the judgment is given for a less sum than five dollars thirty-four cents, as well as where it exceeds that sum.

SECTION 12. That no judge of any of the courts, holden in said county, shall be eligible to hold any corporate office in said borough; and that neither the chief burgess, or any officer of said borough, as such, (excepting only the president of the town council, when not acting as burgess under the contingency of this act provided, and the secretary of the town council,) shall have any voice in the enactment of by-laws and ordinances for said borough, but that the same is hereby vested in the members of the town council exclusively, who as members, shall receive no compensation for their services. Who may not hold office. Exclusive power of council.

SECTION 13. That it shall and may be lawful for the said corporation, to have and keep within the said borough, two markets in each week, to wit: One market on Wednesday, and one market on Saturday, together with free liberties, customs, profits and emoluments, to the said market belonging. Markets.

SECTION 14. That the said corporation shall have no power to interfere with any house, wall, or other improvement now existing, or trees now growing within the streets of the said borough: *Provided always*, That nothing herein contained shall be construed to prevent the council removing any house, wall, or other improvement constructed, or trees planted in the streets of said borough, after the passage of this act; and that all property, officers, professions and persons, made taxable by the laws of this commonwealth, for county rates and levies, shall be taxable after the same manner, by the said borough, and all tax, rates, and levies assessed, rated and levied therein, shall be recovered in the same manner, as the county rates and levies of the county of Clinton, are by law recoverable. Removal of houses &c. Taxable property.

SECTION 15. That the said council shall have full power to pave, or otherwise improve all, or any, or every of the footways, and gutters within the borough, at the expense thereof: *Provided*, That every owner of property or ground, shall have the right to have the footways, on the front of their own lots, at their own expense, according to the grade fixed by the commissioners and approved by the town council: *Provided*, They have it completed within sixty days after due notice in writing given for that purpose by the council, or other agent. *And provided*, That nothing herein contained shall be construed to give power to the council to compel any person to pave at his own expense. Pave and improve.

SECTION 16. That the high constable shall give bond and security to the said corporation, in such sum as the said council shall approve, conditioned for the faithful performance of all the duties enjoined upon him by this act, as well as by the or- High constable.

Assessors.

dinances and by-laws of the council, and that, from and after the passage of this act, the citizens of the borough of Lock-Haven, shall be exempted from paying road and poor tax to the township of Bald Eagle; and that the inhabitants of the said borough aforesaid, shall elect one assessor, and two assistant assessors of county taxes for the said borough, at such time, at the court house aforesaid, under like regulations, and for the same purpose, as are or hereafter may be directed by law, in the several townships within this commonwealth, which said assessor and assistant assessors shall have, use and exercise, all and every the powers, rights and privileges, perform all and every the same duties, and be subject to all and every the same fines, penalties and forfeitures within the said borough, respectively, which are or hereafter may be lawfully used, had and exercised, or which shall be suffered by, or imposed upon like officers of the several townships of this commonwealth, and in event of the said office of assessor and assistant assessors being vacant, by death, removal, resignation, non-election, or other cause, the town council shall fill the vacancy, and the person so appointed shall be subject to the restrictions aforesaid, and from and after the passage of this act, the citizens and properties in the borough of Lock-Haven, shall be, and remain distinct and separate from the township of Bald Eagle, in the assessment and collection of all state and county taxes, rates and levies.

Compensation of election officers.

SECTION 17. That the officers of the said borough election, are hereby entitled to receive the sum of one dollar each, which shall be paid them by the treasurer, upon an order signed by the president, and countersigned by the secretary of the town council, and any qualified elector in said borough, may be an officer at said election, any existing law of this commonwealth to the contrary notwithstanding. And it is further enacted by the authority aforesaid, that the writs for the recovery of fines and for forfeitures to be issued by the chief burgess, or president of council, under the aforesaid contingency, shall be in the form of writs, of summons, capias, execution, and such other necessary writs as are issued by justices of the peace, in pursuance of the laws of this commonwealth.

Writs for fines

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twentieth fifth day of May, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.