

[No. 210.]

AN ACT

To erect the town of South Easton, in the county of Northampton, into a borough, and for other purposes.

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 South Easton, in the county of Northampton, comprised within the following limits, viz: beginning at the south west corner of the Lehigh river bridge; thence south thirty-seven and one half degrees east, four and one half perches to a stone at the extremity of the wing wall of said bridge; thence south twenty-three and one half degrees, west sixty and one half perches to a stone in the land of James M. Porter; thence south fifty degrees east ten and one half perches to a stone in the public road; thence along the said public road south one and one half degrees, east seventy-seven perches to a stone; thence south forty-seven degrees, west one hundred and seventy-one perches to a stone; thence south thirty and one half degrees, west eleven perches to a post; thence south eighty-six degrees, west one hundred and seventy-two perches to a stone; thence south seventy-three and one half degrees, west twenty-four perches to a stone; thence north seventy-three and one-fourth degrees, west one hundred and five and one half perches to a post on the bank of the Lehigh river; thence by the several courses and distances of the said Lehigh river, to the place of beginning, shall be and the same is hereby erected into a borough, which shall be called the borough of South Easton.

SECTION 2. The inhabitants of 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 first Saturday in July, meet at the house of David Moyer, in said borough, and then and there, between the hours of one and six o'clock in the afternoon, elect by ballot, one citizen who shall be styled burgess, and six citizens who shall be a council, and also shall elect as aforesaid, a high constable, all of whom shall be inhabitants of the said borough; but previously to opening the said election, such of the inhabitants who may be

Borough.

Boundaries.

Established.

Election.

present at the said house of David Moyer, shall elect two Judges &c. 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, inspectors and clerks, before they enter on the duties of their respective offices, shall take an oath or affirmation before a 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 clerk 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 any of the said offices, a new election shall be held for the purpose of supplying such vacancy in the manner hereinafter provided: *Provided*, That it shall be the duty of the constable of the township of Williams, for the time being, to superintend the first election of which he shall give ten days notice by advertisements, set up at four of the most public places in said borough.

SECTION 3. On the Wednesday next after the said election, the members of the council elected as aforesaid, shall be convened at the said house of David Moyer, in 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 third year; counting the year as commencing for corporate purposes on the first Monday in April.

SECTION 4. The inhabitants of said borough, entitled to Annual election. vote as aforesaid, shall on the third Friday in March next, ensuing the election aforesaid, and on the same day in every year thereafter meet at such convenient place in said borough as shall have been fixed on by the by-laws of the corporation for that purpose, and elect in the manner aforesaid, one burgess and two members of the council, to supply the place of the members of the council vacated in manner hereinbefore mentioned, and also shall elect, as aforesaid; a high constable, 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 the person so elected, and the original recorded in the record books of the corporation, and in case of death, resignation, or refusal to accept of any of said offices, or if it should at any time happen that no election shall be holden at the time and place appointed, 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, and in the mean time the officers of 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.

Name.	SECTION 5. From and after the Wednesday next after the first Saturday in July next, the Burgess and Council elected, as aforesaid, and their successors shall be one body politic and corporate by the name and style of "The Burgess and Council of the borough of South Easton, in the county of Northampton," and shall have perpetual succession, and shall be capable in law to have, require, receive, hold, purchase and
Liberties and franchises.	possess goods, chattles, lands and tenements, rents, liberties, jurisdiction, franchises, and hereditaments, to them and their successors in fee simple or otherwise, not exceeding
Income.	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
Seal.	use one common seal, and the same from time to time at their will to change and alter.

Refusal of office.	SECTION 6. If any person duly elected as burgess or member of the council as aforesaid, and having received notice thereof, as is directed by this act, shall refuse or neglect to take upon himself the duties of said office, or shall neglect to discharge the same according to law, every such person so neglecting or refusing, shall for every such offence forfeit and pay the sum of fifteen dollars; which fine and all other fines and forfeitures incurred and made payable in pursuance of this act, or of any by-laws, ordinances, rules and regulations of the burgess and council, shall be for the use of the corporation, and shall be recoverable in the same manner as debts of equal
Penalty.	amount are, or shall 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 borough on receiving any money belonging to the corporation to pay the same to the treasurer forthwith; <i>Provided</i> , That no person elected to serve, as aforesaid, shall be liable to a fine for refusing or neglecting to serve more than once in four years.
Proviso.	

Oaths.	SECTION 7. 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 justice of the peace of the said county, to support the constitution of the United States and of this commonwealth, and to perform the duties of their respective offices with fidelity; and the certificate of such oath or affirmation
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shall be recorded among the records of the corporation. And the said burgess shall have power and authority to administer oaths and affirmations, when the same may be necessary in the investigation of any matter within the cognizance of the said corporation.

SECTION 8. It shall be the duty of the burgess and town council, five of whom shall be a quorum, to hold quarterly meetings on the second Saturday in January, April, July and October, in each and every year, and oftener if occasion requires, at which meetings the burgess shall preside, and in case of an equal division give the casting vote; and the said burgess and council shall have power at such meetings to ordain and enact, revise and repeal, and amend 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, particularly of providing for the regulations of the markets, improving, repairing and keeping in good order the streets, lanes, alleys and highways, and removing nuisances therefrom; to designate the width of side walks; to regulate the depth of vaults, sinks, drains, make permanent rules for the foundation of buildings and party walls, regulate the fences, side posts and railings along the streets; to impose fines and penalties, and to require and compel the owners of houses, stores, workshops, stables, buildings and lots, to pave the side walks on such streets, and with such materials as shall by the burgess and town council be deemed necessary and expedient, and the same to keep in repair, 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 borough and others occupying property therein 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 town council shall direct; and the said burgess and town council shall have power and authority to organize as many fire companies of the citizens of said borough, as there are or shall be fire engines belonging to said borough, of such of the citizens as will voluntarily become members thereto, which fire companies shall be subject, to the rules, regulations of a written constitution, which shall be signed by the members of said company or companies, and approved of by the burgess and town council; and the said burgess and town council shall have power and authority to assess and apportion, raise and appropriate such taxes as may and shall by them be deemed necessary for carrying the said rules, ordinances and regulations from time to time into complete effect; they shall also appoint annually one or more street supervisors, a town clerk, a treasurer, and such other officers as may be deemed necessary, and

Officers. the same officers from time to time remove, 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: *Provided*, That no by-laws, rules or ordinances of the corporation shall be repugnant to the constitution of the United States or of this commonwealth, and that no person shall be fined or punished for the breach of any by-law or ordinance made as aforesaid, until ten days have expired after the promulgation thereof, by at least five advertisements set up in five public places in the said borough: *And provided*, 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 in such valuation, unless some object of general utility should be thought necessary, in which case a majority of two-thirds of the taxable inhabitants of said borough shall approve of and certify the same in writing, under their hands to the town council, who, if two thirds of the whole number approve thereof, may proceed to assess the same as aforesaid. 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 taxes, rates and levies rated and levied therein, shall be recovered in the same manner as the county rates and levies in the county of Northampton, are by law recoverable.

Proviso.

Tax.

SECTION 9. It shall be the duty of the supervisor or supervisors to open the streets, repair the same, and also the lanes and alleys in 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, excepting such alleys and bridges as are or shall be considered private property, and used as such.

Duties of supervisors.

SECTION 10. The burgess elected, as aforesaid, or in case of his absence, inability, or refusal to act, the first named in the list of the council 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, and the same to pay over to the treasurer; and the said burgess shall carry into effect whatsoever is enjoined upon him by the aforesaid rules and ordinances, for the well ordering and government of the said borough; he shall have power to remit fines and forfeitures in cases when 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.

Collection of taxes.

Remit fines.

SECTION 11. It shall be the duty of the town clerk to attend

all sessions of the burgess and town council, when assembled ^{Duty of clerk.} on business of the corporation, and perform the duty of clerk thereto, and keep and procure the common seal and records ^{Seal.} of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties that may be enjoined on him by virtue of this act, and 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.

SECTION 12. The treasurer shall give sufficient security for the faithful discharge of the duties of his office, and for the ^{Treasurer se-} safe delivery of all books, papers, and accounts appertaining ^{curity &c.} thereto, and all money 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 the payment to the treasurer of all moneys he shall or may collect by virtue of his office; 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 the township constables aforesaid: *Provided*, That this act shall not be so construed as to prevent the said burgess ^{Proviso.} and council from allowing a reasonable compensation for his services, to be paid out of the treasury of the corporation.

SECTION 13. It shall be the duty of the high constable to give, at least ten days previous thereto, notice of the annual ^{Duty of high} elections in said borough, by at least four advertisements set ^{constable.} up at four of the most public places therein, and he shall attend and see that the election is opened at the time, and in the manner directed by law. The burgess and town council shall, from time to time, affix the salaries of the town clerk, treasurer, and such other officers as may be appointed under this ^{Salaries} act; which compensation shall be paid out of the borough treasury, by orders drawn thereon by the burgess, or in such other manner as the burgess and council shall direct.

SECTION 14. No money shall be drawn from the treasury ^{Money how} except by authority of the council, on orders drawn by the ^{drawn from} burgess, and attested by the town clerk. It shall be the duty ^{treasury.} of the burgess and town council to settle the accounts of the several officers, and cause a fair statement to be made, which shall be published every year, in the month of February, in ^{at least two newspapers printed in the county.}

SECTION 15. The burgess, treasurer, and first named on ^{Court of ap-} the list of council, shall constitute a court of appeal; and ^{peal.} prior to the collection of any borough tax, the high constable shall inform each of the inhabitants of the amount of his tax, and of the time and place of appeal: *Provided nevertheless*, ^{Proviso.} That the said court of appeal shall have no other power as

such, than to determine the justness of the apportionment of said tax, conformable to the county rates and levies, and to correct any mistake in that respect.

Appeal to common pleas SECTION 16. If any person or persons shall think him, her, or themselves aggrieved by any thing done in pursuance of this act, except what relates to the imposing and collecting the borough tax, and the appointments made by the town council and burgess, he, she, or they may appeal to the next court of common pleas, to be held in 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 thereon as to them shall seem just and reasonable, the same shall be conclusive.

Exempt from road tax. SECTION 17. From and after the passage of this act, the citizens of the borough of South Easton shall be exempted from paying road tax to the township of Williams.

Assessors and officers. SECTION 18. The inhabitants of said borough shall elect one assessor, and one assistant assessor of the county taxes for said borough, and such other officers as may by law be required at such time, under like regulations, and for the same purposes as are or shall be hereafter be directed by law in the several townships within this commonwealth; and the assessor and assistant assessor, so elected, shall have, use, and exercise all and every the powers, rights, and privileges, perform all and every the same duties, and be subject to the same penalties within the said borough respectively, which are or shall be suffered by, or imposed upon like officers of the several townships of this commonwealth.

Separate from township. SECTION 19. From and after the passage of this act, the citizens and property in the borough of South Easton shall be, and remain distinct and separate from the township of Williams, in the assessment and collection of all State and county taxes, rates, and levies.

Misnomer. SECTION 20. No misnomer or failure of the election of officers, on the day appointed, shall dissolve or discontinue the said corporation; but the officers respectively, for the time being, shall continue in office till a new election shall be made, as is hereinbefore directed.

Trustees of the Methodist Episcopal church of Pottstown. SECTION 21. That Thomas M. Miles, Samuel Hamilton, George Christman, junior, John Essick, and David Eppenheimer, be and they are hereby appointed trustees of the Methodist Episcopal Church in the borough of Pottstown, incorporated by the act entitled "An act to incorporate the Methodist Episcopal Church in Pottstown, in the county of Montgomery," passed the twenty-first day of April, eighteen hundred and forty," in place of James Wells, Samuel Hockley, John Dougherty, and John M. Miles, named as trustees of said corporation, in the second section of said act.

SECTION 22. In cases of applications made to any court,

agreeably to the act entitled "An act relating to inns, taverns, and retailers of vinous and spiritous liquors," passed March eleventh, eighteen hundred and thirty-four," for a license to keep an inn or tavern, at a house which had been previously licensed, and was injured or destroyed by fire, or other accident, while so licensed, and had been repaired or rebuilt, it shall be lawful for such court to grant such licence for the remainder of the year at any term of the court; and the sum to be paid for such license, for the remainder of such year, as well as the price of a license for the same place for the years ensuing, and previous to the next assessments, if any shall be fixed by the court granting such licenses.

Licenses may be granted to taverns repaired or rebuilt.

WM. HOPKINS,

Speaker of the House of Representatives.

ED. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-seventh day of May, eighteen hundred and forty.

DAVID R. PORTER.

[No. 211.]

A FURTHER SUPPLEMENT

To an act, entitled "An act authorizing the Governor to incorporate the Mill Creek and Mine Hill Navigation and Rail Road Company," passed February seventh, eighteen hundred and twenty-eight.

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 time for the completion of the "Mill Creek and Mine Hill Navigation and Rail Road Company's" navigation and rail road be extended to the seventh day of February, Anno Domini eighteen hundred and forty-five.

WM. HOPKINS,

Speaker of the House of Representatives.

E. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-eighth day of May, A. D. eighteen hundred and forty.

DAVID R. PORTER.