

personal or mixed, which now is or shall hereafter become the property of said society, or be held for their use by gift, grant, bargain, sale, conveyance, devise, bequest or otherwise, from any person whomsoever capable of making the same, and the same to grant, bargain, sell or otherwise dispose of for the use of said society: *Provided, however,* That no such sale, disposal or alienation shall be legally valid, without having first obtained the consent of at least two-thirds of said trustees, at a special meeting regularly called for that purpose, and afterwards approved by a majority of the members of the quarterly conference of the circuit or station including Dillsburg: *Provided, also,* That the yearly value or income of said estate shall not at any one time exceed three thousand five hundred dollars, and shall not be appropriated to any other than benevolent or religious purposes.

Proviso.

Income.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

APPROVED—The nineteenth day of March, one thousand eight hundred and forty-four.

DAVID R. PORTER.

No. 95.

AN ACT

Incorporating the borough of Frankfort Springs, in Beaver county.

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 town of Frankfort Springs, in the county of Beaver, and territory included within the following boundaries, to wit: Beginning at a stake on the county line near Robert Leeper's barn; thence north one hundred and forty-four perches to a stake on land of William Frazier; thence east one hundred and eighty-two perches to a stake on land of John Carothers; thence south one hundred and forty-four perches to the Washington county line; thence west on the county line to the place of beginning; is hereby erected into a borough, which shall be called and styled the borough of Frankfort Springs.

Boundaries.

Borough erected.

Annual election.

Burgess.

SECTION 2. That the inhabitants of said borough, entitled to vote for members of the general assembly, having resided therein one month immediately preceeding the election, shall on the third Friday of May next, and annually thereafter on the same day which now is or hereafter may be fixed by law, for the election of constable and other township officers within this commonwealth, meet at the hotel now occupied by James M. Dungen in said borough, and then and there, between the hours of one o'clock and seven o'clock, P. M., elect by ballot one of the citizens, who shall be styled the burgess of said borough, and four

other citizens, to be styled the town council, one street commissioner Council. and two justices of the peace, all of whom shall be residents of said borough; which election shall be in all respects conducted in the same manner as is provided by law for the election of township officers within this commonwealth; and shall be subject to the same penalties for malpractices, except that the certificates of the election of burgess, town council and other borough officers, shall be filed among the records of the corporation; and duplicate certificates of said election shall be signed by the judges, one of which shall be transmitted to each of the persons elected: *And provided*, That in case of death, resignation, removal or refusal to accept of any of said offices, the vacancies may be supplied by a new election, in all cases where by existing laws there is not provision made for supplying vacancies by appointment: *And provided further*, That for the first election to be held under this act, it shall be the duty of Andrew Knox, James Cameron and William M'Millan, or any one of them, to give notice and perform all the duties enjoined on constables by the existing laws relative to township elections; and in case no election shall be held on the first day mentioned, they shall appoint some other day and perform said services; but previous to opening of such election, such of the citizens entitled to vote as aforesaid, as may be present at the time and place of opening the same, shall choose one judge and two inspectors and two clerks thereof, who shall be sworn or affirmed, in the same manner as is provided by law for swearing or affirming election officers, and they shall perform the duties required of them by law relative to township elections. Proviso. Notice of election.

SECTION 3. That the burgess shall be president of the council, and shall have and exercise all the rights and privileges of a member thereof in every respect. President.

SECTION 4. That the burgess and town council shall meet on the first Monday next succeeding their election in each year, and as often thereafter as occasion may require; three members shall constitute a quorum to do business, and the proceedings of a majority of a quorum, when there is one formed, shall be valid; they shall have power in the absence of the burgess, to elect a president *pro tem.*, who shall in the case of death, resignation, refusal to accept or to act, or inability of the burgess to attend, perform all and every duty enjoined on the burgess, or in his absence, the president *pro tem.* shall have power to call special meetings of the council; but in all cases of special meetings, personal notice shall be given to each member, unless absent from the borough; the burgess and members of the town council shall in all cases continue to hold their respective offices until their successors shall be duly elected and qualified. Quorum. Special meeting.

SECTION 5. That if any person duly elected burgess or member of the town council, and having received notice thereof, as directed by this act, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, or having taken upon himself such duties, 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 five dollars; and every other officer elected or appointed by virtue of this act or the by-laws or ordinances of the town council aforesaid, who shall refuse or neglect to take upon himself the execution of such office, or having accepted the same, shall refuse or neglect to perform the duties thereof, shall for every such refusal or neglect, pay a fine not exceeding five dollars, at the discretion of the burgess, which fines and all other fines that may be incurred under this act or any of the by-laws or ordinances of the town council, shall be for Penalty on refusal to accept office.

the use of said corporation, and shall be recovered in the name of the burgess and town council of the borough of Frankfort Springs, as debts of like amount are recoverable by law: *Provided*, That no persons shall be compelled to serve more than one year in any term of three; and the payment of a fine shall be equivalent to a service of one year in any office: *And provided, further*, That nothing herein contained shall be construed to exonerate any constable or other officer from the payment of any fine or penalty imposed by the existing laws, or that may hereafter be enacted for refusing to serve in such office.

Oath. SECTION 6. The burgess shall take and subscribe an oath or affirmation before one of the judges of the court of common pleas, or a justice of the peace of the said county of Beaver, to support the constitution of the United States and of the state of Pennsylvania, and to execute the office of burgess of Frankfort Springs, with fidelity; and when so qualified, he shall administer an oath to each of the members of the town council, high constable, town clerk, clerk of the market, (if one shall be appointed,) and such other officers as shall be appointed or elected under this act or any by-law or ordinance of said borough, before they shall enter upon the duties of the irrespectivo fices; which oath or affirmation so taken and subscribed, shall be filed among the records of the corporation.

Name. SECTION 7. That from and after the third Friday in May next, the burgess and town council duly elected, 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 Frankfort Springs, and shall have perpetual succession, and shall be capable in law to have, receive, hold and possess goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors in fee simple or otherwise, not exceeding the yearly value of five thousand dollars, and also to grant, sell, let and assign the same; and shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law in this commonwealth, in all manner of actions whatever, and to have and use one common seal, and the same from time to time at their will to change and alter.

By-laws. SECTION 8. That the town council shall have power to pass and enact by-laws, rules, regulations and ordinances, as they may deem necessary to promote the peace and good order, and general welfare of the inhabitants, and well being of said borough, and for the purpose of improving and keeping in good order, the side-walks, streets, lanes, alleys, common grounds, or other property whatsoever, that has heretofore been granted to the use of the citizens of Frankfort Springs, or that may hereafter be granted to the use of the corporation, and for removing nuisances and obstructions therefrom, and the same to alter, make, renew or annul, as the occasion may require; and also assess, levy and collect, and appropriate, such taxes as shall be necessary to carry their rules and ordinances into effect; which said taxes shall not exceed, in any one year, three mills on the dollar, except by consent of two-thirds of the taxables of the borough, to be certified under their hands, to the town council, for that purpose; they shall have authority to obtain materials for improving the streets, lanes, alleys and public grounds, and order and direct the manner and ways in which the same shall be improved, repaired and kept in good order; they shall annually appoint a town clerk, treasurer, collector of taxes, clerk of the market, when necessary, and such other officers as they may deem expedient, and the same to remove at pleasure; the officers to be appointed by the town council shall be allowed such compensation as the council may

Nuisances.

Taxes.

Improvements.

Officers.

Pay.

fix and agree; but the members of the council, themselves, shall not receive any compensation for their services as members of the council: The council may remit any fines or penalties that may be incurred by ^{Fines.} and under this act, or any of the by-laws or ordinances, when in their judgment it may be proper so to do: *Provided*, No by-law, rule, regu- ^{Proviso.} lation or ordinance of said corporation, shall be repugnant to the constitution and laws of the United States, or of this commonwealth; and that no person shall be subjected to any fine or punishment, for a violation of any by-law or ordinance of said borough, until after six days shall have expired after the promulgation thereof, by at least four copies of the same being put up at the most public places within the said borough, and signed by the president, or president, *pro tem.*, and attested by the town clerk. It shall be the duty of the burgess to cause all the by-laws and ordinances of the council, to be carried into effect; and to do and perform all such other services as may be enjoined on him by the same.

SECTION 9. That it shall be the duty of the burgess to issue his war- ^{Collection of} rant to the collector, as often as occasion may require, commanding him ^{tax.} to collect the taxes assessed by the town council, a list or duplicate of which shall be made out and delivered to said collector, and to pay the same to the treasurer; and the collector shall have the power and authority in the collection of said taxes, as the collectors of county rates and levies, and may be proceeded against, in the same manner that the county treasurer, or county commissioners, are authorized by law to proceed against the collectors of county taxes, when they neglect to collect or pay over the amount of their duplicates, according to law: *Provided*, That the town council may hold appeals, hear any complaint ^{Proviso.} in relation to the assessment of the said taxes, and grant relief as may seem best at any time, and also exonerate the collector from the payment of any taxes that may be impracticable to collect; and in all cases of any tax assessed upon any vacant or unseated land in said borough, and the taxes remain unpaid, it shall be lawful for the collector to certify the same to the commissioners of Beaver county, in the same manner as the supervisors of the roads are authorized by law to return road taxes on unseated lands; and the county treasurer shall, in like manner, collect the said taxes, or sell and convey the lot or lots, for the payment of the same, and pay the money into the treasury of the borough, or to whatever it may belong.

SECTION 10. That it shall be the duty of the town clerk, to attend ^{Town clerk, du-} all meetings of the town council, when assembled on business of the ^{ties.} corporation, and perform the duty of clerk thereto, and keep and preserve the corporate seal, and records of the corporation, and be answerable for the same; and also for the faithful discharge of all the duties that may devolve upon him by this act, or of the acts of the incorporation; he shall keep a fair journal of the proceedings of the town council, in a book to be provided for that purpose; and shall enter all by-laws and ordinances adopted by the council, in a separate book for that purpose, and when signed by the president, shall attest the same; he shall certify copies under the seal of the corporation, which copies of any book, paper, by-laws, ordinance or proceeding of the council, when so certified and attested by the clerk, shall be good evidence of the thing certified; he shall deliver over to his successor, the seal, and all the books, papers, and other things belonging to the corporation; and upon neglect or refusal to do so, upon demand made, he shall forfeit and pay a fine of not less than fifty dollars, and be accountable for all damages sustained by the corporation, to be recovered as like debts and damages are by law recoverable.

Duty of treasurer. SECTION 11. That it shall be the duty of the treasurer to receive moneys due to the corporation, whether for taxes, fines, donations, or in any other way, and to pay out of the same, on orders of the president or president, *pro tem.*; he shall keep fair accounts of his receipts and payments, and settle his accounts with the town council, whenever they shall require the same to be done, and pay over all moneys or balances found in his hands, and deliver to his successor in office, all books, papers and accounts, belonging to the corporation, or pertaining to his official duties, when demanded; for which he shall give bond to the burgess and town council, with sureties thereon as they may require.

Money how drawn.

SECTION 12. That no moneys shall be drawn from the treasury, but by the authority of the council, on orders signed by the president thereof, and attested by the clerk; it shall be the duty of the town council to settle the accounts of the treasurer, street commissioner, collector of taxes, and of the several officers, annually, and to cause a fair statement, showing the receipts in the treasury, and how the same shall have been expended, to be published by the town clerk, every year, in the manner prescribed by said town council.

Constable.

SECTION 13. It shall and may be lawful for persons entitled by law to vote for burgess, and other officers of the borough of Frankfort Springs, at the time and place where they vote for borough officers, to elect two respectable citizens of said borough for constables, and return the names of the persons so elected, to the next court of quarter sessions of the said county, one of whom shall be appointed constable of said borough, in the like manner, with the like powers and authority, and receive like fees, and be subject to such regulations and penalties as are provided and contained in the laws now existing, or that may hereafter be passed, concerning constables within this commonwealth; and the said constable, so appointed, shall do and perform all the duties required to be done by the high constable of said borough, in pursuance of this act, and of the by-laws and ordinances of said borough.

JAMES ROSS SNOWDEN,

Speaker of the House of Representatives.

WILLIAM BIGLER,

Speaker of the Senate.

APPROVED—The nineteenth day of March, one thousand eight hundred and forty-four.

DAVID R. PORTER.