

No. 201.

AN ACT

Relating to notaries public in Delaware 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 so much of an act, entitled "An Act to enable the governor to appoint notaries public, and for other purposes therein mentioned," approved the fourteenth day of April, one thousand eight hundred and forty, as renders, or has been construed to render justices of the peace ineligible to the office of notary public, be and the same is hereby repealed, as far as relates to Delaware county.*

FINDLEY PATTERSON,
Speaker of the House of Representatives.
 WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 202.

AN ACT

Incorporating East Waterford, in the county of Juniata, into a borough.

Boundaries.

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 East Waterford, in the county of Juniata and territory, included within the following boundaries, to wit: Beginning at a hickory stump on Tuscarora creek, near the mouth of Horse Valley run; thence west forty-seven perches to a black oak at a spring; thence north sixty-two degrees west thirty-two perches to a white oak; thence north eighty degrees west forty-eight and a-half perches to a sugar tree; thence south sixty-nine degrees west twenty-eight perches to a red oak; thence south twenty degrees east one hundred and fifty-eight perches to a red oak; thence north forty-nine degrees east one hundred and sixty-four perches to a locust; thence north thirty-two degrees west thirty-seven and a-half perches to the place of beginning; is hereby erected into a borough, which shall be called and styled the borough of East Waterford.*

Name.

SECTION 2. That the inhabitants of said borough, entitled to vote for Annual election. members of the general assembly, having resided therein ten days immediately preceding the election, shall, on the third Friday of April 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 school house 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, 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 Mode of conduct- law for the election of township officers within this commonwealth; ing election. and shall be subject to the same penalties or mal-practices, 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*, Vacancies. That for the first election to be held under this act, it shall be the duty of Josiah M'Mean, William J. Kirk, Samuel M'Williams, and John Sarvis, or any one of them, to give notice and perform all the duties Notice of elec- enjoined on constables by the existing laws relative to township election. tions; 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.

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

SECTION 4. That the burgess and town council shall meet on the first Meetings. Monday next succeeding their election, in each year, and as often thereafter as occasion may require; three members shall constitute a quorum 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 Special meetings. 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.

SECTION 5. That if any person duly elected burgess or member of Penalty for neg- the town council, and having received notice thereof, as directed by this lect to accept act, shall refuse or neglect to take upon himself the execution of the office. 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, pay

and forfeit 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 the use of the said corporation, and shall be recovered in the name of the burgess and town council of the borough of East Waterford, as debts of like amount are recoverable by law: *Provided*, That no person 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.

Proviso.

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 Juniata, to support the constitution of the United States, and of the state of Pennsylvania, and to execute the office of burgess of East Waterford 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 their respective offices, which oath or affirmation so taken and subscribed, shall be filed among the records of the corporation.

Name.

Powers, &c.

SECTION 7. That from and after the third Friday in April 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 East Waterford; 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 two 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.

Improvements.

Taxes.

SECTION 8. That the town council shall have power to pass and enact by-laws, rules and 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 sidewalks, streets, lanes, alleys, common grounds, or other property whatsoever, that has heretofore been granted to the use of the citizens of East Waterford, 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 members of the council 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 or under this act, or any of the by-laws or ordinances, when in their judgment it may be proper so to do: *Provided*, That no by-law, rule, regulation 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. Officers. Proviso.

SECTION 9. That it shall be the duty of the burgess to issue his warrant to the collector, as often as occasion may require, commanding him taxes. 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 the duplicates according to law: *Provided*, That the town council may hold appeals, hear any complaint 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 Juniata 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. Collection of taxes. Proviso. Appeals.

SECTION 10. 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 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 corporation. 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 Clerk's duties.

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.

Treasurer's duties.

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.

Moneys, how drawn, &c.

SECTION 12. That no moneys shall be drawn from the treasury, but by the authority of the council, or 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 East Waterford, at the time and place where they vote for borough officers, to elect two 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 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.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.