

SECTION 9. That from and after the first day of June next, all that Union county, area and district of country in Centre township, Union county, lying Centre township and being within the following described boundaries, to wit: Beginning sub-school district erected at a corner of George Krem's land, on Middle creek, near Jonas Bil- trict erected. ger's; thence a north-western direction along a certain rivulet or run, to a corner of Francis Long's land, so as to include him; thence westward to Peter Daubert's, including him; thence southward to Middle creek, at or near Jacob Hilbish's, so as to include him; and thence east down said creek to the place of beginning, shall be and is hereby constituted a separate sub-school district, in said township, with all the rights and privileges that other sub-districts in said township now or hereafter may be entitled to under the laws of this commonwealth.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 305.

AN ACT

To incorporate the town of New Buffalo, in the county of Perry, 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 town of New Buffalo, in the county of Perry, and territory included within the following boundaries, to wit:—Beginning at the Susquehanna river, thence by land of Jacob Steel, esquire, north eleven hundred feet to a post; thence by land of William Jackson and others, east fourteen hundred and seventy feet to a post; thence by land of Urban and Reed, south eleven hundred feet to the Susquehanna river; thence down said river to the place of beginning, is hereby erected into a borough, which shall be called and styled the borough of New Buffalo. Boundaries.

SECTION 2. That the inhabitants of said borough entitled to vote for members of the general assembly, having resided therein one month preceding the election, shall, on the third Friday in March next, and annually thereafter, on the same day which is now or may be hereafter fixed by law for the election of constables and other township officers within this commonwealth, meet at the school house in said borough, and then and there, between the hours of eight o'clock in the forenoon and seven o'clock in the afternoon, 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 assessor, and two assistant assessors of the county rates and levies, the necessary school directors, as pro- Style.
Qualification of electors.
Annual elections.
Elect officers.

	vided by law for a school district, and three auditors of the public accounts of the said borough; which election shall, in all respects, be conducted in the same manner as is provided for the election of township officers within this commonwealth, except, that the certificates of the election of burgess, town council and auditors, shall be filed among the records of the corporation, and duplicate certificates of the election of said officers shall also be signed by the judge and inspectors hereinafter named, and transmitted to the burgess elect: <i>And provided</i> , That in case of the death, resignation, removal or refusal to accept of any of said officers, the vacancy may be supplied by a new election in all cases where, by the existing laws, there is not provision made for supplying vacancies by appointment: <i>And provided further</i> , That for the first election to be held under this act, it shall be the duty of William Jackson, Abraham Varns, Joseph B. Knouff, or any of them, to give notice and perform all the duties enjoined upon constables by the existing laws relative to township elections; but previous to the 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, 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.	
Proviso.	
First election officers.	
Incorporated.	SECTION 3. That from and after the third Friday in March next, the said 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 New Buffalo," and shall have perpetual succession; and the said burgess and town council, and their successors, 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.
Name.	
Privileges.	
Rights of burgess.	SECTION 4. 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.
Meeting of council.	SECTION 5. 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 found, 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 every member, unless absent from the borough; the burgess and members of the town council shall, in all cases, continue to hold and exercise the duties of their respective offices, until their successors shall be duly elected and qualified.
Powers and duties.	
Penalty for refusal or neglect to serve as an officer.	SECTION 6. 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 him-

self 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 ten 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 neglect or refuse 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 and town council; 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 New Buffalo, as debts of like amount are recovered by law: *Provided*, That no person shall be compelled to serve more than one year in any term of three, and that 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 as 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.

SECTION 7. That the burgess, before entering upon the duties of his office, shall take and subscribe an oath or affirmation, before a justice of the peace of the said county of Perry, "to support the constitution of the United States and state of Pennsylvania, and to perform the duties of his office with fidelity;" and when so qualified, he shall administer a like oath or affirmation to each of the members of the town council, high constable, town clerk, and such other officers as shall be elected or appointed under this act, or any by-laws or ordinances 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 said corporation. To be sworn or affirmed.

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, good order and general welfare of the inhabitants, and well-being of the said borough, and for the purpose of opening, improving and keeping in good order the streets, lanes, alleys, public squares and common grounds, land, wharfs, landings or other property whatsoever, that has heretofore at any time been granted to the use of the citizens of New Buffalo, 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 anew or annul, as the occasion may require; and also to assess, levy and collect and appropriate such taxes as shall be necessary to carry their rules and ordinances into effect, and to make all necessary contracts and engagements for the same purpose; they shall have the same authority in obtaining materials for improving the streets, lanes, alleys, landings, wharfs and public grounds, as the supervisors of the highways within this commonwealth have; and for neglect of their duty in keeping the same in good order, they may be proceeded against by indictment in the court of quarter sessions of said county, and be subject to the like fines and penalties as the supervisors are for any neglect of duty in relation to keeping the public highways in order; they shall annually appoint a town clerk, treasurer, collector of taxes, street supervisor, when necessary, and such other officers as they may deem necessary, and the same to renew at pleasure; the officers to be appointed by the council shall be allowed such compensation as the council may fix and agree on; but the members of the council themselves shall not be entitled to any compensation. Powers of council.

for their services as members of the town council; the council may remit any fines or penalties that may be incurred under this act, or any of the by-laws or ordinances, when in their judgment it may be proper so to do, except any fine or penalty that may be imposed on them by the court of quarter sessions of the county, for neglect of duty: *Provided*, No by-law, rule, regulation or ordinance of the 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 the said borough, until after six days shall have expired after the promulgation thereof, by at least three copies of the same 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.

Proviso.

Assessment of taxes.

SECTION 9. That in assessing the taxes for the uses aforesaid, due regard shall be had to the valuation of taxable property taken for the purpose of raising the 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 the 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*, That the town council may lay such taxes upon dogs, and make such regulations respecting them in said borough, as they may see proper.

Proviso.

Powers and duties of tax collector.

SECTION 10. That it shall be the duty of the burgess or president pro tem. to issue his warrant to the collector as often as occasion may require, commanding him to collect the taxes assessed by the town council, a list or duplicate of which shall be made out and delivered to the said collector, and to pay the same to the treasurer; and the said collector shall have the same 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 county treasurers 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 taxes in their duplicates, according to law; and in all cases of any tax assessed upon any vacant or unseated lot within said borough, and the taxes remain unpaid, it shall be lawful for the collector to certify the same to the county commissioners of Perry county, in the same manner as supervisors of 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 out of the treasury to the borough common school, or to whatever it may belong.

Appeal.

SECTION 11. That the burgess and town council, or any three of them, shall, prior to the collection of any borough tax, hold an appeal and hear any complaint in relation to the assessment of the said taxes, and remedy any grievance that may occur in imposing the same; and at any time they may exonerate the collector from the payment of any taxes that may be impracticable to collect.

Duty of town clerk.

SECTION 12. That it shall be the duty of the town clerk to attend the 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 faithfully to discharge all the duties which

may be enjoined on him by this act, or the acts of the corporation; he shall keep a fair journal of the proceedings of the 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 keep a fair index to the same; he shall certify copies, under the seal of the corporation, which copies of any book, paper, by-laws, ordinances or proceedings 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 books, papers and other things belonging to the corporation; and upon neglect or refusal so to do, 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; he shall, if required so to do, give bond to the burgess and town council, with approved sureties, for the faithful discharge of his duties.

SECTION 13. That it shall be the duty of the treasurer to receive all moneys due to the corporation, whether for taxes, fines, donations or Duty of treasurer. in any other way, and pay out the same on orders of the president, or president pro tem., attested by the secretary; he shall keep fair accounts of his receipts and payments, and settle his accounts with the auditors 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 the performance of which duties, he shall give bond to the burgess and town council, with sureties therein, as they may require.

SECTION 14. That no money shall be drawn from the treasury but by authority of the council, on orders signed by the president thereof, and attested by the clerk. It shall be the duty of the auditors to settle the Duty of auditors. accounts of the several officers annually, and to cause a fair statement, showing the receipts into the treasury, and how the same shall have been expended, to be published by the town clerk every year, in the month of March, before the annual election of said borough, by setting up at least four copies thereof in the most public places within the borough.

SECTION 15. It shall and may be lawful for all persons entitled by law to vote for burgess, and other officers of the borough of New Buffalo, at the same time and place where they vote for borough officers, to elect one citizen of said borough for justice of the peace, and make Elect a justice of the peace. true duplicate returns of the said election of justice of the peace, as is provided for by the existing laws of this commonwealth; at the time of such election, they shall also elect two citizens of said borough, for constables, and return the names of the persons so elected to the next Constable. 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 authorities, 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 the said borough.

SECTION 16. That the territory within the limits of the said borough, Separate school district. shall be a separate district for school purposes, and for the levy and collection of county rates and taxes, and in all other respects shall be separate from the township of Buffalo, in the said county; and that

Proviso.

all the jurisdiction of the officers of the said township, from the third Friday in March next, shall cease, except so far as to collect any taxes that may then be due and owing to them from the inhabitants of the said borough: *Provided*, That nothing herein contained shall be construed to affect the election district as now formed; but that the township of Buffalo, including the borough of New Buffalo, shall be and remain an election district the same as though this act had not been passed.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 306.

A FURTHER SUPPLEMENT

To an act, entitled “An Act relating to roads, highways and bridges.”

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 all roads, the width of which have been heretofore fixed under a standing rule of the court, and opened accordingly, or ordered to be opened, are hereby confirmed and made as valid and legal as if the width had been specially fixed by the court at the time of confirmation: *Provided*, That nothing herein contained shall be so construed as to affect the cases already adjudicated.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

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

FRS. R. SHUNK.