

No. 315.

A N A C T

To incorporate the town of Georgetown, in the county of Beaver; and relative to the authority of the councils of Philadelphia over certain streets; and to the Manor turnpike road company.

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 Georgetown, in the county of Beaver, and territory included within the following boundaries to wit: Commencing at the centre of the Ohio river; thence south to a walnut (marked) at the line of Samuel Smith, on the bank of said river; thence south nine degrees west one hundred and nine perches to a post; thence south seventy-one degrees west to a point on said line parallel with the centre of Market street; thence by a direct line to the south-west corner of the town plot of Georgetown; thence northwardly along the line of said town plot to an extension of said town, laid out by R. D. Dawson and others; thence westward along the line of the town lots last mentioned, to the south-west corner of said extension or addition; thence north to the centre of the Ohio river; thence eastward along the centre of said river to the place of beginning.

Annual election.

SECTION 2. That the inhabitants of said borough entitled to vote for members of the general assembly, having resided therein one month immediately preceding 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 school house in said borough, and then and there between the hours of one o'clock 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 street commissioner and one justice of the peace, all of whom shall be residents of 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, and shall be subject to the same penalties for malpractices, except that the certificates of the election of burgess and 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 the 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 Samuel Smith, James Todd and Adam Poe, or any one of them, to give notice and perform all the duties enjoined upon 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 the said service; but previous to opening of such election, such of the citizens entitled to vote as aforesaid, as may be pre-

Burgess and town council.

Proviso.

sent 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 shall have and exercise all the rights and privileges of a member thereof, President of council. in every respect.

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 every member, unless he be 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. Burgess and town council, annual meeting of.

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 refuse or 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 the use of said corporation, and shall be recovered in the name of the burgess and town council of the borough of Georgetown, as debts of like amount are by law recoverable: *Provided*, That no person shall be compelled to serve more than one year in any term of three years, 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 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. Penalty for refusing to serve.

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 the borough of Georgetown with fidelity; and when so qualified he shall administer an oath to each of the members of the town council, town clerk and such other officers as shall be elected or appointed under this act, or any by-law or ordinance of said borough, before they shall enter upon the duties of their *of their* respective offices, which oath or affirmation so taken and subscribed shall be filed among the records of the corporation. Burgess to take oath.

SECTION 7. That from and after the third Friday of 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 Georgetown," 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 three 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 to use one common seal, and the same from time to time at their will to change and alter.

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 and alleys, public squares, common grounds or other property whatsoever, that has heretofore at any time been granted to the use of the citizens of Georgetown, 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 three-fourths of the taxable inhabitants, 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 and 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, and such other officers as they may deem expedient, and the same to remove at pleasure; the officers to be appointed by the council shall be allowed such compensation as the council may fix and agree upon, but the members of the council themselves shall not receive any compensation 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: *Provided*, 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 the said borough, until after ten days shall have expired after the publication thereof, by at least four copies of the same being put up at the most public places within 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 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 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 collector of county rates and levies, and may be proceeded against in the same manner that the

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 their duplicate according to law : *Provided*, That the town council may hold appeals, hear any complaints in relation to the assessment of the said taxes, and grant relief as shall seem best at any time; and also exonerate the collector for the payment of any tax that may be impracticable to collect; 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 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 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 which may be enjoined upon him by this act, or of 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 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 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.

SECTION 11. That it shall be the duty of the treasurer to receive all 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.

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.

SECTION 13. It shall and may be lawful for persons entitled by law to vote for burgess and other officers of the borough of Georgetown, at the same 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 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 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.

Streets, courts, lanes and alleys in Philadelphia city, relative to notices concerning.

SECTION 14. That so much of an act of assembly passed the twenty-third day of April, one thousand eight hundred and twenty-nine, entitled "An Act in relation to the paving of private streets, courts, lanes and alleys in the city of Philadelphia," as requires sixty days' notice to be given to the owner or owners, or person or persons having charge of any ground fronting or bordering on any private street, court or alley in the city of Philadelphia, to pave and curb the foot-ways, and pave the cart-ways of such street, court or alley; or to keep the same in repair before the same shall be done at his or their expense, as provided in the said act, be and the same is hereby repealed; and the notice to be given as aforesaid shall be fourteen days.

Further provisions.

SECTION 15. That so much of the act of the tenth of April, one thousand eight hundred and twenty-six, entitled "A supplement to the act, entitled 'An Act for the better regulation of the city of Philadelphia and districts adjoining, and preserving the navigation of the river Schuylkill,' passed March twenty-fifth, one thousand eight hundred and five," as provides that no owner of ground fronting on any foot-way shall be obliged to pave and curb, or to defray the expense of paving and curbing any foot-way of a greater breadth than four feet in front of any lot whereon a dwelling house shall not be erected, be repealed; and the select and common council of the city of Philadelphia, shall have authority to direct what portion of any foot-way in the city of Philadelphia shall be paved; and any act or part of any act inconsistent herewith, be and the same is hereby repealed.

Construction of the act incorporating the Manor turnpike road company.

SECTION 16. That the act authorizing the governor to incorporate the Manor turnpike road company, and the said supplement thereto, passed March thirtieth, one thousand eight hundred and forty-eight, shall not be so construed as to authorize and empower the president and managers of said corporation to erect toll gates for the collection of tolls within the chartered limits of the city of Lancaster: *Provided*, That this act shall not be so construed as to affect the rights of said company under any act of the general assembly of Pennsylvania, or be held to determining any action at law now depending in any of the courts of this commonwealth: *And provided*, That the said company shall have full power and authority to ask and demand any tolls, according to the rates allowed by law, from any and all persons using or traveling on so much of the said road as lies within the city aforesaid, at any other place or places than at the gates on said road, and at any other time or times than such person or persons shall use or travel upon or along the same; and upon the refusing of such person or persons to pay the amount of such toll, the said company is hereby empowered to sue for and collect the same, in the same manner as debts of like amount are now by law recoverable.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.