

the state treasurer be and he hereby is directed to pay Jared Ingersoll the sum of five hundred dollars, in full for his report on the penal code of this commonwealth, in pursuance of the resolution of the general assembly, passed the third day of March, one thousand eight hundred and twelve; and the further sum of two hundred dollars for attending to the trial of the case of the commonwealth against John Cochran, secretary of the land office, at the last term of the supreme court for the Lancaster district.

500 dollars in favour of Jared Ingersoll.

200 dollars for attending a certain trial, &c.

JOHN TOD, *Speaker*
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-ninth day of March, one thousand eight hundred and thirteen.

SIMON SNYDER.

CHAPTER CLXIX.

A further SUPPLEMENT to the act, entitled, "An act directing the mode of selecting and returning jurors."

SECT. I. *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 commonwealth shall not, in any criminal prosecution, have a right preremptorily to challenge a greater number of jurors than the defendant or defendants in the case, and that all challenges shall be conducted as follows, to wit, the commonwealth shall challenge one, and then the defendant or defendants, and so alternately until all the challenges are gone through; provided, that in any case of felony the commonwealth shall not challenge without cause, and if in other cases the commonwealth should refuse to make any challenge, this act shall not be construed to take away the right of the defendant or defendants to challenge in such cases.*

How many jurors the commonwealth may challenge in criminal cases.

Proviso.

JOHN TOD, *Speaker*
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-ninth day of March, one thousand eight hundred and thirteen.

SIMON SNYDER.

CHAPTER CLXX.

An ACT concerning the borough of Reading.

WHEREAS an act of the general assembly of this commonwealth was passed on the twelfth day of September, one

thousand seven hundred and eighty-three, entitled, " An act for erecting the town of Reading in the county of Berks, into a borough ; for regulating the buildings, preventing nuisances and encroachments on the squares, streets, lanes and alleys of the same, and for other purposes therein mentioned ;" and *whereas*, it appears by the petition of the inhabitants of the said borough, that the act aforesaid does not now answer the purposes for which it was originally intended : Therefore,

SECT. I. *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 said town of Reading and the country in the following boundaries described, *to wit*, beginning on the westerly bank of the river Schuylkill opposite Lardner's lane, of Hockley's out-lots ; thence across the said river and Lardner's lane, north sixty-six degrees, east six hundred and fifty-nine perches, to a post in a line of land late of Adam Witman, deceased ; thence with said line and Philip Saylor's, south twenty-four degrees, east one hundred and seven perches to a stone, being a corner of land late of Jonathan Potts, deceased ; thence with the lines of said Witman and Potts, north sixty-six degrees, east fifty-three perches to a stone, being a corner of said Potts's land ; thence with the lines of Potts and Bright, south twenty-four degrees, east seventy perches, to a stone, being a corner of said Bright's land ; thence across the mountain, south six degrees west, four hundred and seventy-eight perches, to a post, being a corner of Michael Bright's land ; thence south, sixty-six degrees, west ninety-three perches, to a stone, being a corner of Isaac Levan's lands ; thence by the same and Michael Crowse's land, south twenty-four degrees, east ninety-eight perches to a stone ; thence by the same, south sixty-six degrees, west one hundred and fifty-six perches to a black oak, being a corner of said Levan's land on the eastern bank of the said river Schuylkill ; thence across said river to the western bank thereof ; thence up the said river along the several courses and distances on the westerly bank seven hundred and forty perches to the place of beginning ; shall still continue and forever remain a borough, under the name and title of, " The Borough of Reading."

SECT. II. *And be it further enacted by the authority aforesaid,* That the citizens of the said borough entitled to vote for members of the general assembly, having resided within the said borough at least one year immediately preceding the election, shall have power on the first Monday in May next, and on the same day in every year thereafter, to meet at the court house in said borough, and then and there between the hours of one and five in the afternoon, elect by ballot one citizen residing in the said borough, who shall be styled the " Chief Burgess," one other citizen who shall be styled the " Assist-

Limits of the
borough of Read-
ing.

Persons entitled
to vote.

When to meet.

And elect a bur-
gess, &c.

ant Burgess," and nine other citizens to be a "Town Council," and shall also elect as aforesaid one citizen as high constable, all of whom shall be citizens of the said borough; but previous to the opening of the said election, such of the citizens as are present at the court house, shall elect three reputable citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated and conducted throughout according to the general election law of this commonwealth; and the judges, inspectors, and clerks shall be subject to the same penalties for mal-practices as by the said law is imposed; and before they enter upon the duties of their respective offices, shall take an oath or affirmation before any 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: and in case two or more candidates should have an equal number of votes, the preference shall be determined by lot to be drawn by the three judges in the presence of the inspector and clerks; whereupon duplicate certificates of the said election shall be signed by the said judges, one of which shall be delivered to the clerk of the court of quarter sessions of the said county, to be deposited in his office, and the other shall be filed with the papers belonging to the corporation; and it shall be the duty of the high constable of the preceding year to give notice in writing, to each of the persons so elected as aforesaid, and in case of the death, resignation, removal, or refusal to accept of any of said offices, the chief burgess, or in his absence or inability to act, the assistant burgess, shall issue his precept directed to the high constable, to hold an election in manner aforesaid to supply such vacancy, giving at least eight days notice of such election, by six advertisements set up in the most public places of the said borough.

Regulation of elections.

Judges, inspectors and clerks of elections shall be under oath, &c.

Certificates of elections to be made.

How vacancies shall be filled.

SECT. III. *And be it further enacted by the authority aforesaid,* That from and after the first Monday in May next, the chief burgess, assistant burgess, and town council duly elected as aforesaid, and their successors, shall be one body politic and corporate, by the name and style of "The Chief Burgess and Assistant Burgess and Town Council of the Borough of Reading," and shall have perpetual succession; and the said chief burgess and assistant burgess and town council, and their successors, shall be capable in law, of taking and holding any property, real, personal or mixed, to them and their successors, not exceeding the yearly value of five thousand dollars, and by the name and style aforesaid, shall be capable in law to sue and be sued, plead and be impleaded, in any of the courts of law of this commonwealth, in all manner of actions whatsoever; and to have and use one common seal, and the same from time to time at their will to change and alter, until it be otherwise directed by law: and the said inhabitants shall have

Style of the corporation.

And its powers.

two markets in each week, one on Wednesday, and one on Saturday.

Penalty on refusing to serve as an officer.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if any person duly elected as chief burgess, assistant burgess, members of the town council, or high constable as aforesaid, 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 the duties of the said office, shall neglect to discharge the same according to law, every person so refusing or neglecting shall, for every such offence, forfeit and pay the sum of twenty dollars, which fine and all other fines and forfeitures incurred and made payable in pursuance of this act, or of any of the by-laws and ordinances of the town council, shall be for the use of the said corporation, and shall be recovered in the same manner that debts not exceeding one hundred dollars are recoverable, before a justice of the peace, and when so recovered shall forthwith be paid to the treasurer of the borough; and it shall be the duty of the officers of the said borough on receiving any money belonging to the corporation to pay the same to the treasurer forthwith: *provided,* that no person shall be compelled to serve more than one in any term of five years.

Proviso.

Officers to take an oath to support the constitution of the U. States, &c.

SECT. V. *And be it further enacted by the authority aforesaid,* That the chief burgess, assistant burgess, members of the town council, high constable, and each of them before entering upon the duties of their respective offices, shall take and subscribe an oath or affirmation before any justice of the peace of said county, to support the constitution of the United States and of this state, and to execute the duties of their respective offices with fidelity, and the certificates of such oaths and affirmations shall be filed among the records of the corporation.

Quarterly meetings.

Whereat by-laws may be revised, &c.

SECT. VI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said town council (five of whom shall be a quorum,) to hold quarterly meetings on the last Saturday of April, July, October and January, in each year, and oftener if occasion shall require; at which meetings they shall revise, repeal or amend, all such by-laws and ordinances as have been heretofore made in the said borough, and enact such other by-laws, and make such rules, regulations and ordinances, as shall be deemed by a majority of the said council necessary to promote the peace, good order, benefit and advantage of said borough, particularly providing for the regulation of the markets, improving, repairing, cleansing and keeping in order, the streets, lanes, alleys and highways, ascertaining the depth of vaults, sinks and pits for necessary houses, and making permanent arches relative to the foundation of buildings, party-walls and fences, and for making ditches, drains and sewers, to dispose of and carry off the wa-

ter of the said borough; and the said town council shall have power to apportion, assess and appropriate such taxes as shall be determined by a majority of them to be necessary for carrying the said rules, ordinances and by-laws, from time to time into complete effect, and also to appoint a town clerk, treasurer, two persons to act as street and road supervisors, a clerk of the market, and a collector, annually, and such other officers as may be deemed necessary from time to time; and the officers from time to time to remove, for misdemeanor in office; which meetings of the said town council shall be held at the court house aforesaid, until a town house shall be erected; *provided*, that no by-law, rule or ordinance of the said corporation, shall be repugnant to the constitution or laws of the United States or of this state; and that no person shall be punished for a breach of any by-law or ordinance made as aforesaid, until ten days have expired after the promulgation thereof, in at least one newspaper printed in the said borough; *and provided also*, 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, and that the said tax do not in any one year exceed one cent in the dollar of each valuation, unless some object of great and general utility shall be thought necessary, in which case a majority of the taxable inhabitants 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.

Council to apportion and assess taxes.

Proviso.

Standard for taxation, &c.

SECT. VII. *And be it further enacted by the authority aforesaid*, That the chief burgess elected and qualified agreeably to this act, or in his absence or inability to act, the assistant burgess is hereby authorized to issue his precept as often as occasion may require directed to the collector, commanding him to collect all taxes so assessed, and the same to pay over to the treasurer; and the said chief burgess, or in his absence or inability to act, the assistant burgess is hereby authorized and required to carry into effect all the by-laws and ordinances enacted by the town council, and whatsoever else shall be enjoined upon him or them for the well ordering and governing of the said borough; and shall have jurisdiction in all cases of dispute that may arise between the corporation and individuals under this act, or any by-laws enacted by the town council; and shall also have power to mitigate or remit fines and forfeitures in all cases when it shall appear that the person or persons so fined did not offend intentionally, or having some other just and reasonable excuse to plead in his, her or their behalf.

How taxes are collected.

Power of the burgess.

SECT. VIII. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the town clerk to attend all meetings of the town council, when assembled upon business of the corporation, and perform the duty of clerk thereto, and keep and

Duty of the town clerk.

preserve the common seal and records of the corporation, and be answerable for the same; and also to perform all other matters and things enjoined upon him by this act, or by the acts of the corporation; and the attestation of the said clerk with the seal of the corporation shall be good evidence of the act or thing it is to testify.

Treasurer to give security, &c.

SECT. IX. *And be it further enacted by the authority aforesaid,* That the treasurer shall give good security for the faithful discharge of the duties of his office, and for the safe delivery of all monies, books and accounts appertaining thereto. into the hands of his successor upon demand made for that purpose.

Who shall render their accounts for settlement.

SECT. X. *And be it further enacted by the authority aforesaid,* That the street and road supervisors, treasurer, high constable, clerk of the market, and collector, as well as all other officers which may be appointed by the corporation or council, shall at the quarterly meeting of the said council in the month of April, yearly, render their accounts to the said council for settlement; and the said accounts being adjusted and settled, shall be forthwith published by the said council, shewing particularly the amount of taxes laid and collected, and of all monies paid into the treasury, and the application and expenditure of them.

Board of appeal.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the chief burgess, assistant burgess, and president of the council, or any two of them, shall constitute a board of appeal in case of any borough tax; and prior to the collection of any borough tax, the collector shall inform each inhabitant of the amount of his tax and of the time and place of appeal; *provided nevertheless,* that the said court shall have no other power as such than to determine the justness of the apportionment of said tax.

Proviso.

High constable to give notice of elections.

SECT. XII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the high constable to give notice of the annual elections of the said borough held in pursuance of this act, by setting up advertisements in the market houses and in six other public places in the said borough, ten days previous thereto; and he shall attend and see that the election be opened at the time and in the manner directed by this act; *provided,* that it shall be the duty of the present high constable, to publish and superintend in like manner the election to be held on the first Monday in May next, as herein before directed.

Proviso.

Compensation to the judges, &c. of elections.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the judges, inspectors, and clerks of the election aforesaid, shall be allowed each one dollar a day for their services in holding the said elections; and the town council shall from time to time affix the salaries of the high constable, town clerk, treasurer, clerk of the market, and such other officers as may be appointed under this act; which salaries shall be paid out of the borough treasury by orders drawn thereon, signed by the president of the council, which salaries shall not be increased or diminished dur-

Salaries of the high constable, &c.

ing the time for which the said officers were appointed respectively; *provided also*, that if any person appointed to any office by the town council as aforesaid, shall neglect or refuse to take upon himself the duties of the office to which he shall be so appointed, he shall forfeit and pay for the use of the corporation any sum not exceeding twenty dollars, unless he can render to the said council a satisfactory reason why he should be exonerated from such service. Proviso.

SECT. XIV. *And be it further enacted by the authority aforesaid*, That if any person or persons shall think him, her or themselves aggrieved by any thing done in pursuance of this act, except in what relates to the imposing and collecting the borough tax and appointments made by the town council, he, she or they may appeal to the next court of common pleas to be held for the 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 therein as shall seem just and reasonable, the same shall be conclusive against all parties. How grievances may be redressed.

SECT. XV. *And be it further enacted by the authority aforesaid*, That the act passed the sixth day of April, one thousand eight hundred and two, entitled, "An act for laying out, making and keeping in repair the public roads and highways within this commonwealth, and for laying out private roads," shall not extend to the borough of Reading aforesaid. An act respecting roads, &c. not to extend to the borough of Reading.

SECT. XVI. *And be it further enacted by the authority aforesaid*, That from and after the first Monday in May next, the act aforesaid, entitled, "An act for erecting the town of Reading in the county of Berks, into a borough, &c." passed the twelfth day of September, one thousand seven hundred and eighty-three, be and the same is hereby repealed. Former law repealed.

JOHN TOD, *Speaker*
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-ninth day of March, one thousand eight hundred and thirteen.

SIMON SNYDER:

CHAPTER CLXXI.

An ACT to enable the militia or volunteers of this state, when in the military service of the United States or of this state, to exercise the rights of election.

SECT. I. *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 whenever any of the citizens of this commonwealth having a* The right of suffrage secured to militia men