

carry away any stone, gravel, sand or clay most conveniently situated, for the purpose of erecting and repairing said bridges.

JACOB HOLGATE, *Speaker*  
of the House of Representatives.

JOHN TOD, *Speaker of the Senate.*

APPROVED—the sixth day of February, one thousand eight hundred and fifteen.

SIMON SNYDER.

## CHAPTER XXVI.

An ACT to erect Pottstown, in the county of Montgomery, into a borough.

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 Pottstown Pottstown in the county of Montgomery, be, and the same is erected into a borough. hereby erected into a borough; bounded and limited as follows, that is to say, Beginning at a stake on the northern bank of the river Schuylkill, thence through Jacob Leshner's land, north twenty-five degrees, east one hundred perches, to a post on the east side of the road leading from the Monatawney ford on Schuylkill to Glasgow; thence by the east side of said road, north fifteen degrees, east forty-seven perches, to Beach street; thence by Beach street, and on the line dividing the lands of the estate of the late Mary Jones, deceased, from the lands of Mary Graham, David Rutter, the estate of Clifford Smith, deceased, and Joanna Potts, south eighty degrees, east two hundred and twenty-five perches, to a stake in a line of Peter Richard's land; thence through Peter Richard's land, south fifty-eight degrees, east sixty-three perches, to a post, and south twenty-four degrees, west one hundred and eleven perches, to a post a corner of Jacob Hubley's land; thence on the line which divides Jacob Hubley's land from Peter Richard's land, south forty-one degrees thirty minutes, west eighty-three perches, to the river Schuylkill; thence up the said river, the several courses thereof, two hundred and sixty-eight perches, to the place of beginning.

SECT. II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for all persons entitled to vote for members of the legislature, who have resided in the said borough six months previously to such election, to meet at some convenient place in said borough, on the second Tuesday in April, in every year, and then and there, elect by ballot, between the hours of twelve and six o'clock of the same day, one reputable citizen residing therein, who shall be styled "the Burgess of the borough of Pottstown," and seven citizens residing therein who shall be a town council, and shall also elect as aforesaid one citizen high constable; but previously to such election, the electors present, shall elect two citizens as judges, one as inspector, and two as clerks

Qualification of electors.  
Time of holding elections.  
What officers to be chosen.  
Mode of conducting elections.

of the said election, which shall be regulated and conducted according to the general election law of this commonwealth, so far as relates to receiving and counting votes, and who shall be subject to the same penalties for mal-practices, as by the said law is imposed; and the said judges, inspectors and clerks, before they enter upon the duties of their offices, shall each take an oath or affirmation, before any justice of the peace of said county, to perform the same with fidelity, and after the said election shall be closed, shall declare the person having the greatest number of votes to be duly elected; and in case any two or more candidates shall have an equal number of votes, the preference shall be determined by lot, to be drawn by the judges and inspector, whereupon duplicate returns thereof shall be signed by the said judges, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation; and in case of death, resignation, removal, refusal to accept or neglect or refusal to act after acceptance of any of the said offices, the burgess, or in case of his death, absence or inability to act, or when he neglects or refuses to act, the first named of the town council, shall issue his precept, directed to the high constable, or when there is no high constable, or when he refuses or neglects to act, then any of the members of the town council shall advertise and hold an election in manner aforesaid, to supply such vacancy, giving at least ten day's notice thereof, by advertisements set up at six of the most public places in the said borough.

Proceedings in case of equal number of votes, &c.

Vacancies, how supplied

SECT. III. *And be it further enacted by the authority aforesaid,*

That from and after the second Tuesday in April next, the burgess and town council, duly elected as aforesaid, and their successors, shall be one body politic and corporate, in law, by the name and style of "The burgess and town council of the borough of Pottstown," and shall have perpetual succession; and the said burgess and town council aforesaid, and their successors, shall be capable in law, to receive, hold and possess goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors, in fee simple or otherwise, not exceeding the yearly value of five thousand dollars; and also to give, grant, sell, let and assign the same lands, tenements, hereditaments and rents; by the name and style aforesaid they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law of this commonwealth, or before any justice of the peace or alderman, and to have and to use one common seal, and the same from time to time at their will to change and alter.

Style of corporation.

Powers and privileges.

SECT. IV. *And be it further enacted by the authority aforesaid,*

That if any person duly elected as aforesaid, burgess, or a member of the town council, or high constable, and having received notice thereof, as aforesaid, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, every person so refusing or neglecting shall forfeit and pay the sum of ten dollars; which fine, and all other fines and forfeitures incurred and made payable in pursuance of this act, or of the by-laws and ordinances of the town council, shall be for the use of the corporation, and be recoverable before any justice of the peace:

Penalty on refusing to serve.

How fines to be recovered and appropriated.

*Provided*, That no person shall be compelled to serve more than Proviso.  
one year in any term of four years.

SECT. V. *And be it further enacted by the authority aforesaid*,  
That the burgess and the members of the town council and high constable,  
before entering upon the duties of their respective offices, shall each take 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 perform the duties of their respective offices with fidelity; and the certificates of such oaths and affirmations shall be filed among the records of the said corporation. Officers to be sworn or affirmed.

SECT. VI. *And be it further enacted by the authority aforesaid*,  
That it shall and may be lawful for the town council aforesaid, to meet as often as occasion may require and enact such by-laws, and make such rules, regulations and ordinances as shall be determined by a majority of them necessary to promote the peace, good order, benefit and advantages of the said borough, particularly of providing for the regulation of the market, streets, alleys and highways therein, and making permanent rules relative to the foundations of buildings, party-walls and fences; they shall have power to assess, apportion and appropriate such taxes as shall have been determined by a majority of them necessary for carrying the said by-laws, rules and regulations into complete effect; and also to appoint annually a town clerk, treasurer, two persons to act as street and road commissioners, and a clerk of the market, and such other officers as may be deemed necessary: *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 commonwealth, and that no person shall be punished for the breach of a by-law or ordinance made as aforesaid, until three weeks have expired after the publication thereof, by at least four advertisements set up in the most public places in said borough: *And provided also*, That no tax shall be laid in any one year on the valuation of taxable property, exceeding one-half of a cent in the dollar on the valuation of taxable property, unless some object of general utility shall be thought necessary, in which case a majority of the taxable inhabitants of said borough by writing under their hands, shall approve of and certify the same to the town council, who shall proceed to assess the same accordingly. May make by-laws, &c. Regulate buildings, &c. Levy taxes. Appoint town clerk & treasurer. Proviso. Proviso as to amount of assessments.

SECT. VII. *And be it further enacted by the authority aforesaid*,  
That the burgess, elected and qualified agreeably to this act, is hereby authorized and empowered to issue his precept as often as occasion may require, directed to the high constable, or such other citizen of the borough as the town council may direct, commanding him to collect all taxes assessed and fines and forfeitures imposed by this act, or by the ordinances and regulations of the corporation, and the same to pay over to the treasurer; and the said burgess is hereby authorized to carry into effect all by-laws enacted by the council, and whatever else shall be enjoined upon him for the well-ordering and governing the said borough; and the town council shall be a court of appeal, a majority of whom shall be a quorum, 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 the appeal: *Provided*, nevertheless, That High constable to collect fines and taxes. Town council to be a court of appeal. Proviso.

said court of appeal shall have no other power, as such, than to determine the justness of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same.

Duties of  
town clerk.

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 on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common 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 virtue of this act or of the acts of the corporation, and his attestation, with the seal of the corporation, shall be good evidence of the thing or act so certified.

Treasurer to  
give security.

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

Accounts to  
be rendered  
annually.

SECT. X. *And be it further enacted by the authority aforesaid,* That the street commissioners, treasurer, constable and clerk of the market, as well as all other officers who may be appointed by the corporation or council, shall render their accounts to the council once in every year, for settlement, and the said accounts being adjusted and settled accordingly, shall be forthwith published by the said council, showing particularly the amount of taxes laid and collected, and of the expenditures.

Duties of  
high constable  
with regard to elec-  
tions.

SECT. XI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the high constable, to give notice of the elections, by setting up advertisements in at least six public places in the said borough, ten days previously thereto; he shall attend and see that the same is opened at the time and in the manner directed by this act: *Provided,* That the constable of Pottsgrove township shall publish and superintend the election to be held on the second Tuesday of April next, as herein before directed.

Right of ap-  
peal.

SECT. XII. *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, he, she or they may appeal to the next court of quarter sessions or common pleas, as the case may be, to be held for the proper county, upon giving security according to law, to prosecute his, her or their appeal with effect, and the court having taken such order therein as shall seem to them just and reasonable, the same shall be conclusive against all parties.

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