

SECT. 27. *And be it further enacted by the authority aforesaid,* That the said canal company shall, before commencing the construction of the said canal, give bond, with surety, to the satisfaction of the president of the court of common pleas, of the county of Philadelphia, in the sum of ten thousand dollars, conditioned that the said permanent bridge company, shall not suffer or sustain any loss or damage, by the said canal being abandoned, or not being completed within the time limited by law, which said sum or such part thereof, as may be deemed necessary by a competent engineer, to be appointed by the board of canal commissioners, is upon such abandonment of the said work or non-completion of the same, within the said period, to be applied to make the western access to the said permanent bridge as easy and as safe as it is at present, and to guard the bridge from any damage that may be in any way occasioned by the works, so commenced and abandoned, or not completed as aforesaid.

Canal company to give bond in \$10,000 to indemnify bridge company in case of abandonment.

SECT. 28. *And be it further enacted by the authority aforesaid,* That the legislature reserve the right, in the event of the said canal company violating any of the provisions of this act, or of the privileges hereby granted to the said company being found injurious to the public, to revoke, alter or amend the charter hereby granted, at any time they may think proper.

Reservation of right to repeal.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 196.

AN ACT

To alter an act entitled "An act to erect the town of Pottsville, in the county of Schuylkill, into a borough; and supplementary to the act incorporating the borough of Lewistown," passed the nineteenth day of February, A. D. one thousand eight hundred and twenty-eight; and also to alter an act, entitled "An act authorising the election of a constable, in the borough of Pottsville, and for other purposes," passed the twenty-third day of March, A. D. one thousand eight hundred and twenty-nine.

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 town of Pottsville shall be, and the same is hereby erected into a borough, under the name and title of the Name.

Borough
boundaries.

“borough of Pottsville;” the extent and boundaries of which shall be as follows: Beginning at a stone, on the west bank of the Schuylkill canal, and in the Manheim township line; thence up the west branch of said canal, north forty-five degrees, twenty-five perches, to a stone; thence north twenty degrees, west forty-four perches to a stone; thence north eleven degrees, east forty-three and one half perches, to a stone; thence north nineteen degrees, east thirty nine perches, to a stone; thence north forty-five degrees, east eight and one-half perches, to a stone; thence north seventy-eight degrees, east eighteen perches, to a stone, thence north forty-nine degrees, east passing the canal lock, and over the Schuylkill river, sixty-eight perches, to the mouth of Young’s brook, at what is called the Salem Basin; thence up said brook, north twenty-one degrees, west forty-eight perches, to a stone; thence due north two hundred and thirty-eight perches, to a stone; thence south sixty-eight degrees, west until a course of south twenty and one quarter degrees east will run to the north-westerly corner of the tract of land, known by the name of the “Physic tract,” the distance supposed to be four hundred and nine perches; thence south twenty and one-quarter degrees, east passing along the west line of the said “Physic tract,” to the Manheim township line, the distance supposed to be four hundred and fifteen perches; thence along said township line, north sixty-eight degrees, east two hundred and five perches, more or less, to the place of beginning.

Qualification
of voters.

Annual elec-
tion.

Burgess,
council, clerk,
high consta-
ble and asses-
sors.

Manner of
conducting
election.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said borough, entitled to vote for members of the general assembly, and who shall have resided within the same for six months, immediately preceding such election, and within that time have paid a county or borough tax, shall have power, on the first Monday in May, in every year, to meet at the place where the election for members of the general assembly are held, or at such other place within the said borough, as the council, by ordinance, may direct, and then and there, between the hours of two and eight, in the afternoon, elect by ballot, one person for burgess and members of a town council, a town clerk, high constable, one assessor and two assistant assessors for said borough, that is to say: at the first election, nine persons qualified to serve as members of the House of Representatives of this commonwealth, and at each succeeding election, one person for burgess, and three persons qualified as aforesaid for members of the town council; but previous to the opening of the first or any subsequent election, such of the inhabitants, qualified to vote as aforesaid, who may be present at the place where the election is to be held, shall choose two persons as judges, one as inspector, and two as clerks of the said election, which shall be regulated throughout, according to the general election laws of this commonwealth, so far as re-

lates to the receiving and counting of the votes; and the said judges, inspector and clerks shall respectively take an oath or affirmation, before a judge or justice of the peace, to perform their respective duties with fidelity and impartiality; and after the said election shall be closed, they shall declare the persons having the greatest number of votes to be duly elected; and in case two or more candidates shall have the same number of votes, the preference shall be determined by lot, drawn in the presence of the said judges and clerks, by the said inspector, after the election shall be closed; the said judges shall make out a return, under their hands, containing the names of the candidates, and the number of votes given for each, and deliver the same to the town clerk, whose duty it shall be to give notice in writing within twenty-four hours to the members elected, and hand over the returns to the town council at their first meeting, which returns shall be filed with the papers belonging to the corporation; and if it should happen through neglect or otherwise, that no election shall be holden on the day aforesaid, in the manner herein prescribed, the chief burgess, or in case of his neglect, refusal or inability to act, the president of the council shall issue his precept, directed to the high constable to supply such neglect, giving at least eight days notice of such election, by at least six advertisements, set up in the most public places in the borough: *Provided*, That the members and officers of the corporation shall continue to exercise all the powers, and perform all the duties given to and enjoined upon them by this act, until their successors are duly elected or appointed.

Provision for neglect to hold election.

Proviso.

SECT. 3 *And be it further enacted by the authority aforesaid*, That the said council shall meet on the first Wednesday after their election, to receive and examine the returns of their election; and at their first meeting, the members shall divide themselves, by lots, into three classes; the seats of the first class shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, and of the third class at the expiration of the third year, so that one third may be chosen every year after the first election; and the said council shall appoint a president of their board, whose duty it shall be to preside at the meetings of their board, sign all ordinances to convene the board, when occasion may require, and generally to perform such duties, as may be enjoined on him by ordinance of council; and in case of the absence, neglect of duty, removal from the borough, or other inability to act, the council shall from time to time elect a president *pro tempore*, as occasion may require, who shall exercise the same authority, and perform the duties that are or may be enjoined on the president; and the burgess shall be removable for misdemeanor in office, in the same manner that justices of the peace are removable, under the

Meeting and classification of council.

President of council.

Vacancies
how filled.

constitution and laws of this commonwealth; and in case of the death, resignation or removal of the chief burgess, or other vacancy in said office, such vacancy shall be filled by a new election for his term of office, within ten days thereafter, by the council.

Burgess and
council incor-
porated.

SECT. 4. *And be it further enacted by the authority aforesaid,* That from and after the second Monday in May, A. D. one thousand eight hundred and thirty-one, the chief burgess and council duly elected as aforesaid, and their successors shall be one body politic and corporate, by the name and style of "The corporation of the borough of Pottsville;" and shall have perpetual succession, and be capable in law to have, acquire, receive, hold and possess, goods and chattels, lands, tenements, rents, franchises, hereditaments, jurisdictions and liberties, to them and their successors, in fee simple, or otherwise; and also to give, grant, sell, let and assign the same, and shall by the name and style aforesaid, to sue and be sued, plead and be impleaded, in any courts of law in this commonwealth, in all manner of actions whatsoever; and also to have and use one common seal, and the same from time to time at their will to change; and the said inhabitants may, and shall have hereafter, markets in the said borough, forever, on such days, and as many in the week, as the said corporation shall order and direct; and that all the corporate property, and estate whatsoever, of "The burgesses and inhabitants of the town of Pottsville, in the county of Schuylkill," is hereby severally and respectively, vested in "The corporation of the borough of Pottsville," and their successors in and by this act established, by the name, style and title aforesaid, to and for the use of the citizens of the borough of Pottsville, forever; and until the corporation of the said borough shall be duly organized, the present shall continue in full force and operation.

Style of cor-
poration.

Penalty on
refusal to ac-
cept office.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if any person, duly elected chief burgess or member of the town council, or appointed or elected town clerk, street commissioner, high constable, or other officer, and having received notice thereof, shall refuse or neglect to take upon himself, the duties of the said office, or shall neglect or refuse to discharge the same, after having taken upon himself the duties of the said office, every person so refusing or neglecting, shall for every such offence, forfeit and pay the sum of twenty dollars, which fine and all others incurred and made payable by this act, or by the acts of the corporation, shall be adjudged to be paid to the said corporation, on conviction before any justice of the peace, resident in the said borough, and when recovered, shall forthwith be paid to the treasurer of the said borough; and it shall be the duty of all officers of the said borough, on receiving money belonging to the corporation, to pay the same forthwith to the treasurer thereof.

How recover-
ed and appro-
priated.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the members of the said corporation, and high constable, and all other officers, created by this act, shall severally before taking upon themselves the duties of their respective offices, take an oath or affirmation before a judge or justice of the peace, of the county of Schuylkill, to support the constitution of the United States, the constitution of the state of Pennsylvania, and to perform the duties of their respective offices, with fidelity; certificates of which oaths or affirmations shall be filed among the papers of the corporation.

Oaths of borough officers

SECT. 7. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said council, five of whom shall be a quorum, to hold meetings from time to time, as occasion may require; at which meetings they may revise, repeal or amend, all such by-laws and ordinances, that have heretofore been made in the borough of Pottsville, which shall have full force and authority until so repealed, and make such other rules and regulations, and enact such other by-laws and ordinances, as shall be determined on by a majority of them, necessary to promote the peace, good order, benefit and advantage of the said borough, particularly for the providing for the regulation of markets, improving, repairing, keeping in order, and regulating the streets, roads, lanes and alleys, and removing nuisances and obstructions therefrom, regulating the width of porches, steps, cellar doors or other device that may project into or encroach upon any street, road, lane, alley or public highway, ascertaining and regulating the depths of vaults, of sinks or pits for necessary houses, and making permanent rules and regulations, relative to the foundation of buildings, party walls and fences; they shall have full power and authority, to prevent and restrain, the exercising or practising of any trade or occupation, the exercise or practice of which shall be dangerous to the health or property of the inhabitants; they shall have power to impose fines and penalties, partial and total forfeitures, and also to assess, apportion, and appropriate such taxes, as shall be determined by a majority of them, necessary for carrying the said rules and ordinances, from time to time, into complete effect; and also to appoint street commissioners, treasurer and collector, annually, and such other officers as may be necessary, from time to time, and the same officers from time to time, to remove for misconduct, neglect or misdemeanor in office, excepting the chief burgess, who shall only be removable in the manner hereinbefore prescribed: *Provided,* That no rules, by-laws or ordinances 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 punished for a breach of a by law or ordinance made as aforesaid, until ten days have expired, after the promulgation thereof, in at least one newspaper, printed

General powers of council.

Borough taxes.

Appointment of treasurer, collector, &c.

Proviso. Of the by-laws.

in said borough, or by ten advertisements set up in the most public places in the said borough.

ASSESSMENT, &c. COLLECTION OF TAX.
SECT. 8. *And be it further enacted by the authority aforesaid,* That the general borough tax, rates and levies, assessed, rated and levied, by the said council, shall not, in any one year, exceed one cent in the dollar, on the valuation of the property by the assessor, elected in pursuance of this act; and it shall be the duty of the assessor and assistant assessors, to be elected as aforesaid, to value, according to the best of their judgments, all property, and rate all single freemen, offices and professions, within the said borough, made taxable by the laws of this commonwealth; and to make out the returns of the said assessment, in such form, and within such time, as the council, by ordinance, shall direct; and all taxes, rates and levies, assessed, rated and levied, by the council, shall be recovered in the same manner as the county rates and levies, in the county of Schuylkill, are, or may hereafter be by law recoverable.

FOOT PAVEMENTS, GUTTERS, &c.
SECT. 9. *And be it further enacted by the authority aforesaid,* That the said council shall have full power and authority to pave, form, or lay with brick, hard substances or gravel, all or any of the footways and gutters within the borough; and shall set curb stones, or posts, to prevent the same from being injured, at such times and in such manner, as they by ordinance may direct: *Provided,* That all and every the owners or owner of property, or ground, shall have the privilege of paving the footway on their own front, as aforesaid, provided they have it completed within sixty days, after due notice in writing being given for that purpose by the said council, or any person they may appoint.

PAVING OR TURNPIKING STREETS.
SECT. 10. *And be it further enacted by the authority aforesaid,* That the said council shall have full power and authority, upon the application of two thirds of the owners of property or lots, fronting on any street, road, lane or alley, to pitch and pave, or lay with broken stone and gravel, any such street, road, lane or alley; and shall tax the property in front of which such street, road, lane or alley, shall be pitched and paved, or laid with broken stone or gravel, for the expense thereof, in proportion to the extent of the same in front: *Provided,* That no application as aforesaid, shall be for less than four hundred feet, or more than twelve hundred feet, of any street, road, lane or alley, at one time:
PROVISO. *And provided further,* That in all applications as aforesaid, the owners of an undivided estate shall be entitled to but one signature; and that no person, whatever may be the number of lots owned by him, shall be entitled to more than one signature on any such petition.

COLLECTION OF TAXES FOR PAVING, PITCHING, &c.
SECT. 11. *And be it further enacted by the authority aforesaid,* That the said council are hereby authorised to recover the taxes for pitching and paving, laying with broken stone

or gravel, in the same manner that county rates and levies are, or hereafter may be, by law recoverable; or may institute actions for the recovery of such taxes or assessments, before any tribunal in the state, having jurisdiction of the amount claimed against the owner or owners of the property, or their legal representatives, in front of which such pitching and paving, laying with broken stone or gravel, mentioned in the tenth section of this act, shall be done; and the said council shall, and they are hereby authorised, to recover legal interest, from the time of making such assessment, together with a commission of five per cent. for collecting the same.

Interest and
commission.

SECT. 12. *And be it further enacted by the authority aforesaid*, That the council shall have full power and authority to establish a nightly watch, and fix so many lamps, in such part or parts of the said borough, as from the state of the improvements thereof, may, in their discretion, be necessary; and for the more conveniently watching the same, may divide the said borough into districts, as they may think proper: *Provided*, That when a nightly watch shall be established, or lamps fixed in any part or parts of the said borough, the holders of property in such divisions, and they only, shall be assessed with the expense of maintaining the same.

Watchmen
and lamps.

Proviso.

SECT. 13. *And be it further enacted by the authority aforesaid*, That the said council shall have full power and authority to make any by laws or ordinances, to oblige the owners or occupiers of houses, in the said borough, to provide and keep in repair any number of leather buckets, not exceeding two, to be used only in extinguishing fires.

Fire buckets.

SECT. 14. *And be it further enacted by the authority aforesaid*, That the chief burgess, elected and qualified agreeably to this act, or in his absence, refusal, neglect, or inability to act, the president of the council is hereby authorised to issue his precept, as often as occasion may require, to the collector, commanding him to collect the taxes assessed in pursuance of this act, and the same to pay over to the treasurer; and the said chief burgess, or in his absence, refusal, neglect, or inability to act, the president of the council is hereby authorised to carry into effect all by laws and ordinances, enacted by the council, and whatever else may be enjoined on him or them for the well ordering and good government of the borough; and all attestations, made by the chief burgess, with the seal of the corporation, shall be good evidence of the acts or things certified; and for affixing the seal of the borough to any instrument, for other than borough purposes, he shall receive fifty cents.

Duties and
powers of the
chief burgess.

SECT. 15. *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 busi-

Town clerk.

ness of the corporation, and perform the duties of a clerk thereto, and attest, keep and preserve, the records of the corporation; and also, to perform all the duties enjoined on him by this act, or by the acts of the corporation.

Security of
treasurer.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the treasurer shall give sufficient security to the chief burgess, for the faithful discharge of the duties of his office, and for the safe delivery of all moneys, books and accounts, appertaining thereto, into the hands of the successor, upon demand being made for that purpose.

Election of
auditors to
adjust ac-
counts.

SECT. 17. *And be it further enacted by the authority aforesaid,* That there shall annually be elected, by the citizens of the said borough, qualified to vote as aforesaid, at the time of electing members of the town council, three citizens as auditors, who shall, within one month after their election, settle and adjust the accounts of the several officers of the said borough; and the said accounts being so settled and adjusted, shall forthwith be published by the corporation, showing particularly the amount of taxes assessed and collected, and of all moneys paid into the treasury, and the amount of and items of expenditure.

Court of ap-
peal.

SECT. 18. *And be it further enacted by the authority aforesaid,* That the chief burgess, and two inhabitants qualified to vote for members of the town council, to be appointed by a majority of the council for that purpose, or any two of them, shall constitute a court of appeal; and prior to the collection of any borough tax, the collector shall inform each inhabitant of his tax, and the time and place of appeal: *Provided,* That the said court of appeal shall have no other power, than to determine the justness of the apportionment of the said tax, and to remedy any grievance that may occur in imposing the same.

Proviso.
Power re-
stricted.

Compensa-
tion of elec-
tion and other
officers.

SECT. 19. *And be it further enacted by the authority aforesaid,* That the judges, inspector and clerks of the election of borough officers, shall be allowed each seventy-five cents per day, for their services in holding their said election; and the council shall fix the compensation of such officers as shall be appointed or elected under this act or the acts of the corporation, which compensation shall be paid out of the borough treasury, by orders drawn on the treasurer, at such times and in such manner as the council by ordinance may direct.

Streets, lanes,
&c. declared
highways.

SECT. 20. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, all streets, lanes and alleys, within the said borough, opened or laid out, or drawn or marked, or plans or plots by those persons, who have laid out additions to the original plan or plot of the town of Pottsville, as public streets, roads, lanes and alleys shall be deemed and considered public highways.

SECT. 21. *And be it further enacted by the authority aforesaid,* That the said council, so soon as the same can conveniently be done, shall cause an accurate survey to be made of the streets, lanes and alleys within the said borough, and when the said survey shall be completed, shall cause two drafts or plans to be made thereof, to be made with every explanation necessary to the full understanding of the same, one of which said plans shall be deposited in the office of the clerk of the court of quarter sessions, of the county of Schuylkill, for public inspection and examination, and the other to be kept with the papers of the corporation; and it shall be the duty of the chief burgess, to give notice in all newspapers printed in the borough, that the said survey and plans are completed, and that on a certain day, to be appointed, the council will hear any objection that may be made thereto, and the place where the said drafts are deposited for examination, and the said council shall at the time appointed adjudge and determine whether any and what alterations shall be made therein, and shall direct one of the said drafts or plans, authenticated by the chief burgess and town clerk, under the seal of the corporation, to be recorded in the office for recording deeds, in and for the county of Schuylkill; and the said survey and drafts so made and authenticated, shall from thenceforth be deemed conclusive as to the courses, widths and lengths of the streets, roads, lanes and alleys in the said drafts, laid down and marked as public steets, roads, lanes and alleys shall be deemed and considered from thenceforth public highways, and the said drafts so made and recorded shall remain unalterable.

Plans of borough to be made.

Where deposited.

SECT. 22. *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, by setting up advertisements, in eight of the most 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; and it shall and may be lawful for the said high constable to perform all the duties, and exercise all the authorities of the constables of the several townships of this commonwealth, within the said borough, and generally to do, execute and perform whatever else may be enjoined on him by the council; and the said high constable shall be entitled to the same fees for the same services that are by law allowed to other constables: *Provided,* 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, A. D. one thousand eight hundred and thirty-one.

Notice of elections.

Duties of high constable.

Proviso. Publication of first election.

SECT. 23. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said borough and all persons holding property therein, shall be competent witnesses

Appeal of persons aggrieved to court of quarter sessions.

in all actions arising under this act, or the laws or ordinances of the corporation; and if any person shall think themselves aggrieved by any thing done in pursuance of this act, or of the by-laws or ordinances of the corporation, they may appeal to the next court of quarter sessions, to be held for the county of Schuylkill, upon giving security to prosecute such appeal with effect; and the said court having taken such order thereon as to them shall seem just and reasonable, the same shall be conclusive against all parties.

Election of constables.

SECT. 24. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the inhabitants of the said borough, entitled to vote for members of the town council, at the same time and under the same regulations as constables in the several townships are now by law elected, to elect four suitable persons as constables, in manner following, viz: the inhabitants residing east of Centre street or Centre turnpike, in the said borough, shall elect two; and the inhabitants residing to the west of Centre street or Centre turnpike aforesaid, shall elect two; the said constables to reside in the divisions for which they are respectively elected, and to return the names of the persons so elected to the next court of quarter sessions of the county of Schuylkill; and the said court shall appoint two of them, one from the returns of each division, one to be constable of the eastern division, and one to be constable of the western division of the said borough.

Appointment of police officers.

SECT. 25. *And be it further enacted by the authority aforesaid,* That the said council shall, whenever the same may appear to them necessary, appoint a sufficient number of persons as police officers, to keep the peace of the borough, who, during the time of their appointment, shall be vested with the same authority, and entitled to the same privileges, emoluments and fees as the constables of the said borough are, or shall hereafter be invested with, or be entitled to by law.

Election of overseers of the poor.

SECT. 26. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said borough, entitled to vote for members of the town council, shall elect, at the same time, and under the same regulations as overseers of poor of the several townships of the county of Schuylkill, are now by law elected, two persons for overseers of the poor of the said borough, who shall have the same powers and privileges, perform the same duties, and be subject to the same penalties as are now or may be given to, or enjoined or imposed upon the overseers of the poor of the several townships of the county of Schuylkill, and shall render their account, annually, to the town council.

Exemption from township taxes.

SECT. 27. *And be it further enacted by the authority aforesaid,* That the citizens of the said borough shall be exempted from paying all road or poor taxes to the township of

Norwegian, for property within the limits of the said borough, that may be assessed after the passing of this act.

SECT. 28. *And be it further enacted by the authority aforesaid,* That so much of any other act as is hereby altered or supplied, be and the same is hereby repealed. Repealing clause.

SECT. 29. *And be it further enacted by the authority aforesaid,* That this act and the powers and authorities herein vested in the said borough, shall not be impaired, affected, defeated or destroyed by any neglect or omission, to elect or appoint all or any of its officers at the times allotted for the same. This act not to be affected by neglect.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 197.

AN ACT

Authorising the supervisors of public roads and highways, in Cambria township, in the county of Cambria, to assess and levy an additional road tax, for certain purposes.

WHEREAS, the amount of tax, authorised by law to be assessed and levied by the supervisors of public roads and highways, is insufficient to discharge the debts incurred by the township of Cambria, in the county of Cambria, for making and keeping in repair the public roads and highways therein: Therefore, Preamble.

SECT. 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 it shall and may be lawful for the supervisors of public roads and highways, in the said township, to increase the amount of taxes, now authorised to be assessed and levied by the laws of this commonwealth, for road purposes, so that by the same, such sum shall be raised, as may be necessary for the discharge of the said debts, incurred and contracted by the township as aforesaid; which said additional tax shall be appropriated to the said purposes, Increase of tax to discharge certain debts.