

No. 110.

AN ACT

To erect the town of Elizabeth in the county of Allegheny 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 Elizabeth, in the county of Allegheny, shall be and the same is hereby erected into a borough, which shall be called the "borough of Elizabeth," and shall be comprised within the following bounds, to wit: Beginning at the mouth of Philip Smiths' run; thence up said run to the spring whence it issues; thence a direct course to the house of Samuel Walker, now occupied by David Jacobs, including the same; thence a direct course to the dam of Walker and Craighead's saw mill on Fallen Timber run; thence along the foot of the hill a direct course to the frame house of Doctor Penniman, including the same; thence by the line of the front of said house to the eastern corner of Hugh Fergas's meadow lot; thence by the course of Fallen Timber run to the Monongahela river; thence along the margin of said river at low water mark to the place of beginning.

Name:

Boundaries.

Election of
burgess,
council and
high constable.

SECTION 2. It shall and may be lawful for all persons having resided within the said borough six months next preceding the election, and being entitled to vote for members of the General Assembly, on the first Monday of May in each and every year hereafter, to meet at the tavern house belonging to John Walker and now occupied by John Walden, and then and there elect by ballot, between the hours of twelve meridian and six in the evening, one reputable citizen residing therein, who shall be styled the burgess of the borough, and five reputable citizens to be a town council, and shall also elect a high constable; but previous to the opening of such elections, the said inhabitants shall elect three reputable citizens, one of whom shall preside as judge, one act as inspector and the other perform the duty of a clerk, according to the general election laws of this Commonwealth, so far as relate to the receiving and counting votes, and who shall be subject to the same penalties for mal-practices as by the said election laws are imposed. And the said judge, inspector and clerk, before they enter on the exercise of their respective duties, shall take an oath or affirmation before any justice of the peace of the county of Allegheny, to perform the same with fidelity, and shall hold the said elections from time to time as occasion may require; receive and count the ballots and declare the persons having the greatest number of votes to be duly elected, whereupon duplicate certificates thereof shall be signed by the said judge, inspector and clerk, one of which shall

be transmitted to each of the persons elected and the other filed among the records of the corporation for their safe keeping; and in the case of vacancy by death, resignation, refusal to accept, or removal from the borough, of any of the said officers, the burgess, or in his absence or inability to act, the first named of the town council shall issue his precept directed to the high constable, directing him to hold an election to fill such vacancies, he giving at least ten days notice of such election by advertisements put up at three of the most public places in the said borough.

SECTION 3. The burgess and town council duly elected as aforesaid, and their successors forever hereafter, shall be one body politic and corporate in law by the name of "the burgess and town council of the borough of Elizabeth, in the county of Allegheny," and shall have perpetual succession; and the said burgess and town council and their successors forever hereafter, shall be capable in law to receive, hold and possess lands, tenements, hereditaments, rents, liberties, franchises and jurisdictions, to them and their successors in fee simple or otherwise; also, goods, chattles and other things of whatever nature, not exceeding the yearly value of three thousand dollars; and also to give, grant, let, sell and assign the same lands, tenements, hereditaments, &c. and by the name aforesaid they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of 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.

Style.

Capacities & privileges.

SECTION 4. If any person duly qualified to elect and be elected, whether a burgess, or a member of the town council aforesaid, having been elected and notified as before directed, 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 twenty dollars, which fine, and all other fines and forfeitures, incurred and made payable in pursuance of this act, or the by-laws and ordinances of the town council, shall be for the use of the town council.

Penalty for refusing office.

SECTION 5. The burgess and town council, and high constable, and each of them shall take an oath, or affirmation, before a justice of the peace of the county of Allegheny, to support the constitution of the United States and of this State, and well and truly to execute the duties of their respective offices in the borough of Elizabeth, before they shall enter upon the execution thereof, and the certificate of such oath or affirmation shall be recorded in the books of said corporation.

Officers to be sworn or affirmed.

SECTION 6. It shall be lawful for the town council to meet as often as occasion may require, and may appoint a town clerk, and such other officers as may be necessary for regulating the streets, lanes, and alleys, and removing nuisances therefrom; for regulating partition walls and fences; to enact

Powers of the town council.

such laws as may be necessary, to assess, apportion, and appropriate such taxes, as may be thought by a majority of the town council best calculated to promote the foregoing purposes, and to do every matter and thing incident to, and for the good of the said borough; for the preservation of peace and good government within the same, which by-laws, rules, ordinances, and regulations shall not be repugnant to the constitution and laws of the United States and of this State; and the same to revise, alter, and amend, and make anew, as occasion may require; but no person shall be punished for any breach of the ordinances, by-laws, rules, and regulations, unless after passing of any ordinance, the same shall have been put up at three of the most public places within the said borough, and no ordinance or by-law shall take effect, until after the lapse of three weeks from the date of each publication: *Provided nevertheless*, That no tax shall be levied in any one year on the valuation of taxable property, exceeding one half cent in the dollar, unless some object of general utility should be thought necessary; in such case, a majority of the taxable inhabitants of the said borough, by writing under their hands, shall certify the same to the town council, who shall proceed to assess the same, as before directed.

Proviso.

Collection of
taxes & fines

SECTION 7. The burgess elect, agreeably to the directions of this act, is hereby authorized and empowered to issue his precept to the high constable, commanding him to collect all taxes, assessed from time to time as aforesaid, and all fines and forfeitures that may become due by this act, or by the ordinances and regulations of the corporation, and the same to pay over to the treasurer to be appointed by the town council, and to carry into effect whatever may be enjoined on him for the well ordering and good government of the said borough: *Provided nevertheless*, That it may be lawful for the justice or justices of the peace, residing in the said borough, to do and execute any and every act pertaining to their offices, agreeably to the powers conferred upon them by the constitution and laws of this Commonwealth.

Proviso.

Ordinances to
be recorded,
&c.

SECTION 8. The burgess shall be, and he is hereby required to cause the by-laws, rules, ordinances, and regulations made as aforesaid, to be recorded in a book to be kept for that purpose, and he shall carry the same into full execution without further delay, after the publication thereof, as directed by the sixth section of this act; and 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 duties of clerk thereto, and keep the common seal, books, records, papers, and all documents belonging or relating to the corporation, under the penalty of being answerable to any person concerned for all damages, and of removal from office by the burgess on complaint of a majority of the council, and the high constable shall perform all the duties on him enjoined by this

Duties of the
town clerk.

act, and the by-laws and ordinances of the town council, under the like penalties and manner of removal: *Provided always*, Proviso. That if any person shall think himself or herself aggrieved by any thing done in pursuance of this act, he or she may appeal to the next court of Quarter Sessions, to be holden for the county of Allegheny, he or she giving security according to law, to prosecute his or her appeal with effect, which said court shall take such order therein as shall be just and reasonable, which order or judgment shall be conclusive upon all parties.

SECTION 9. Nothing contained in an act of the General Assembly, entitled An act, for opening and better amending, and keeping in repair the public roads and highways within this province, passed in the year of our Lord, one thousand seven hundred and seventy-two, or in any of the subsequent acts relating to public highways, shall be construed or taken to extend to the public roads, streets, lanes or alleys, within the said borough, or to assessing the inhabitants thereof for the purpose therein mentioned, or to any matter or thing to be done or performed therein.

Not subject
to the gene-
ral road laws.

WM. PATTERSON,
Speaker of the House of Representatives.

THO'S. RINGLAND,
Speaker of the Senate.

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

GEO: WOLF.

No. 111.

AN ACT

Authorizing the Commissioners and inhabitants of the incorporated district of the Northern Liberties to extend the market houses in Second street, between Coats'-street and Poplar lane.

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 it shall and may be lawful for the commissioners and inhabitants of the incorporated district of the Northern Liberties, at such time or times as they may think proper, to construct or build additions to the ends of the market houses now erected in Second-street, between Coats'-street and Poplar lane, of the same width as the said market houses now are, so as that the said market houses between Coats'-street and Brown-