

## No. 80.

**An Act**

To erect Shirleysburg in the county of Huntingdon, New Hope in the county of Bucks, and Hamburg in the county of Berks, into Boroughs, and for other purposes.

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 Shirleysburg, in the county of Huntingdon, shall be, and the same is hereby erected into a borough, which shall be called Shirleysburg, and shall be comprised within the following boundaries, to wit: beginning at a post on the western line of Main street, forty feet south of the extreme southern boundary of a lot of Benedict Stevens, on the lands of Alexander Dysart, north eighty-seven degrees and a half west, eleven perches to a post, thence by lands of Alexander Dysart, Jesse Hollingsworth, Walter B. Hudson, and Doctor James Moore, north two and a half degrees east, sixty-four perches to land of James Oliver, thence north seventy-four degrees west, eight and five-tenth perches to a post, thence by land of James Oliver, John Lutz, H. Irvin's heirs, and lands of John Lutz, north two and a half degrees east, seventy-seven perches to a post, thence south seventy-eight degrees east, eight and five-tenth perches to a post, and line of Back street, thence north two and a half degrees east, twenty-six and six-tenth perches to a post, thence south eighty-seven and an half degrees east, eleven perches to line of Mainstreet, thence by said street north two and an half degrees east, twenty-one perches to public ground for school and meeting house, so as to embrace said building, thence south eighty-seven and a half degrees east, three perches to a post, thence south two and a half degrees west, twenty-one perches on the eastern line of Main street to a post, thence south eighty-seven and a half degrees east, eleven and seven-tenth perches to a post, on land of John Lutz, thence by land of John Lutz and James Oliver, to line of M'Vity's heirs, south two and a half degrees west, one hundred and three perches, thence south seventy-four degrees east, three perches to a post, thence by land of James Oliver and M'Vity's heirs south two and a half degrees west, thirteen perches to line of Charles Barton, thence south seventy-four degrees east, ten and five tenth perches to a post, south two and a half degrees west, thirteen and five-tenth perches to a post, thence by land of

Shirleysb'g,  
Huntingdon  
co., erected  
into a bo-  
rough.

Boundaries.

Thomas Barton, north seventy-four degrees west, to a post and line of Back street, thence south two and a half degrees west, thirty-two perches to a post, on land of Thomas Barton, thence by land of said Barton north eighty-seven and a half degrees west, to Main street, fourteen and seven-tenth perches to the place of beginning.

Election of  
borough offi-  
cers.

SECTION 2. It shall and may be lawful for all persons entitled to vote for members of the legislature, who have resided in the said borough three months previously to such election, to meet at the house now occupied by John Price, on the first Friday of 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 respectable citizen residing therein, who shall be styled the burgess of the said borough, and five citizens residing therein who shall be a town council, and one citizen residing therein, town constable, but previously to such election, the inhabitants present shall elect two respectable citizens as judges, one as inspector, and two as clerks 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 and mal-practices, as by the said law is imposed, and the said judges, inspector, 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 the said county, but if no justice of the peace be present at the election, one of the judges, after first having the oath or affirmation required by the aforesaid act, administered to him, by one of the other judges, shall administer the oaths or affirmations to the other judges, and to the inspector and clerks, 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, or refusal to accept, or neglect or refusal to act, after acceptance of any of the said officers, 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 town

Vacancies  
how filled.

council, shall advertise and hold an election in the manner aforesaid, to supply such vacancy, giving at least ten days notice thereof, by advertisements, set up at four of the most public places in the said borough.

SECTION 3. From and after the first Friday of 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 council of Shirleysburg, and shall have perpetual succession, and the said burgess and council aforesaid, and their successors, shall be capable in law to receive, hold and possess, goods and chattels, land and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors, in fee simple or otherwise, not exceeding the yearly value of one thousand dollars, and also to give, grant, sell, let and assign the same lands, tenements, hereditaments, rents, and by the same 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 in this commonwealth, in all manner of actions whatsoever, and to have and to use one common seal, and the same from time to time, at their will, to change and alter.

Name and style.

Rights and privileges.

Liabilities.

SECTION 4. If any person an inhabitant of the said borough, duly qualified to elect as aforesaid, shall be elected to the office of burgess, and having notice of his election, shall refuse to undertake and execute that office, every person so refusing, shall forfeit and pay a fine of ten dollars, and if any other person duly qualified as aforesaid, shall be duly elected to any other office in said borough, enacted by this act, and having notice of his election, shall refuse to undertake and execute the duties of that office, every person so refusing, shall forfeit and pay a fine of five dollars, which fines, forfeitures, and all others in pursuance of this act, or of the by-laws of the said council, shall be recoverable before any justice of the peace of said county, for the use of said corporation: *Provided*, That no person shall be compelled to serve more than one year in any term of three years, and that if any person or persons shall conceive himself or themselves aggrieved by the judgment of any justice of the peace, by virtue of this act, he, or they, may appeal to the next county court of Common Pleas, upon giving security, according to law, to prosecute his or their appeal with effect, who shall, on the petition of the party, take such order therein as to them shall appear just and reasonable, and the same shall be conclusive to all parties.

Burgess on refusing to act to forfeit 10 dollars.

Other officers refusing to act, to forfeit 5 dolls. each.

Proviso.

SECTION 5. The burgess shall take and subscribe an oath or affirmation, before one of the associate-judges, or justice

**Oaths of bur-** of the peace, for the county of Huntingdon, to support the  
**gess, town** constitution of the United States, and of this state, and an  
**council and** oath or affirmation, well and truly to execute the office of the  
**clerk.** burgess of the borough of Shirleysburg, and when so qualified,  
 he shall administer an oath or affirmation to the town council,  
 town constable, or town clerk, in manner and form aforesaid,  
 before they shall enter on the duties of their respective offices,  
 the certificates of which oaths and affirmation shall be filed  
 among the records of the said corporation.

**Powers of**  
**the town**  
**council.**

**SECTION 6.** The town council may meet by their own authority,  
 as occasion may require, or upon the summons of the burgess;  
 they shall have power to enact by-laws, and to make such rules,  
 regulations and ordinances, as shall be determined on by a  
 majority of the whole council, necessary to promote the peace,  
 good order, and general welfare of the inhabitants of the said  
 borough, and for the purpose of improving and keeping in order  
 the streets, lanes, alleys, public squares, and common ground  
 belonging to said town, within the said borough, for removing  
 nuisances and obstructions therefrom, and the same to annul,  
 alter, or make anew, as the occasion may require, and also to  
 assess, levy and collect a tax for said purposes, and also annually  
 to appoint a town clerk, treasurer, street commissioner, overseer  
 of the poor, and such other officers as may be deemed necessary,  
 with all other powers required for the well ordering and better  
 government of the said borough: *Provided*, That the said  
 ordinances, rules and regulations, shall not be repugnant to  
 the constitution or laws of the United States or of this  
 commonwealth: *And provided also*, That no tax shall be laid  
 by them in any one year, to exceed one half of a cent in the  
 dollar, on the valuation of taxable property taken from the last  
 assessment, unless some object of general utility shall be  
 thought necessary, in which case, a majority of the freeholders  
 of said borough, by writing, under their hands, shall approve  
 and certify the same to the town council, who shall proceed to  
 assess the same accordingly, and all taxes which may be assessed  
 or laid in their said borough, shall, as nearly as the same is  
 practicable, be assessed and collected, conformably to the laws  
 for raising county rates and levies.

**Taxes.**

**Proviso.**

**2d Proviso.**

**Duty of town**  
**clerk.**

**SECTION 7.** 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.

SECTION 8. 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 successors of all moneys, books, and accounts appertaining thereto, upon demand being made by the burgess for that purpose. Treasurer to give security

SECTION 9. The street commissioner, treasurer, constable, and overseer of the poor, 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. Accounts to be published annually.

SECTION 10. It shall be the duty of the town constable to give notice of the election, by setting up advertisements in three public places in the said borough, at least ten days previously thereto, and shall attend and see that the same is opened at the time and in the manner directed by this act. Notice of election.

SECTION 11. The burgess, president of the council, treasurer, or any two of them, shall constitute a court of appeal, and prior to the collection of any borough tax, they shall appoint a day for the hearing of appeals, of which, and of the amount of his or her tax, and the place where the appeal will be held, the collector shall notify each taxable by a written notice, in the usual manner, at least ten days before the day of appeal, and where the said tax shall have been properly adjusted, it shall be the duty of the burgess, or in case of his absence or inability to act, of the treasurer, and he is hereby authorized to issue his precept, directed to the collector, commanding him to collect all taxes so assessed, and vesting him with like powers and authorities given to the collectors of county rates and levies, by the laws of this commonwealth, and the amount so collected, shall be paid into the treasury, for the use of the corporation. Court of appeal.  
Collector of taxes.

SECTION 12. In the absence from the borough, or inability of the burgess, it shall be the duty of the first named of the town council who may be present, to perform the duties which are enjoined on the burgess by this act, or which may be enjoined by the by-laws which may be passed in pursuance of the same. When burgess is absent a member of town council to act.

SECTION 13. In any meeting of the burgess and town council, it shall require at least three to form a quorum to transact business. Quorum.

**First election how to be held.** SECTION 14. John Lutz and James Ramsey of said town, or either of them, shall publish and superintend the first election of borough officers, on the first Friday of April next, after the passage of this act, at the place appointed by law for holding the elections for said borough, and they are hereby directed to give five days notice, by advertisements, as before directed in other cases of election, of the time and place of holding the same.

**New Hope, Bucks co., erected into a borough.**

SECTION 15. So much of the township of Solebury, in the county of Bucks, viz: beginning at a post at the Delaware river, thence by Chesnut Grove, along the line known as "Pike's line," through lands late of Elias Ely, deceased, and lands of Joseph E. Reeder, and Merrick Reeder, south eighty-six and an half degrees west, two hundred and seventy-eight perches to a post, thence through Merrick Reeder's land, and along the line between Samuel Kinsey and John Kitchen's, and through J. Olcott's land, south two degrees east, three hundred and forty-two perches to a post, in the line of the Manor of Highlands, thence through and along lands of Joseph Dirce, Amos Ely, Aaron Ely, and Lewis S. Coryell, along the said line of the Manor of Highlands, north eighty-six and an half degrees east, three hundred and ten perches to a post, at the river Delaware, thence up the river Delaware, bounded by low water mark, three hundred and fifty perches to the place of beginning, is hereby created a borough, which shall be called New Hope, with all the powers and immunities, and subject to the same restrictions as are contained in the foregoing act, and that John C. Paffry and David Reeder, or either of them, shall publish and superintend the first election for borough officers.

**Boundaries.**

**Powers and restrictions.**

**Hamburg, in Berks co., erected into a borough.**

SECTION 16. That the town of Hamburg, in the county of Berks, shall be, and is hereby erected into a borough, which shall be called the borough of Hamburg, the boundary of which shall include the entire limit of the present town plot of said town.

**Election of borough officers.**

SECTION 17. The inhabitants of said borough entitled to vote for members of the general assembly, having resided within said borough at least six months immediately preceding the election, and within that time paid a borough tax, (if such tax shall have been assessed,) shall have power, on the first Saturday of May, to meet at the house of William Shamo, in said borough, and annually thereafter, and then and there, between the hours of one and six in the afternoon, elect by ballot, one reputable citizen residing therein, who shall be styled the chief burgess, one other citizen who shall be styled the assistant burgess, and seven citizens to be a town council, all of whom shall be residents of said borough,

but previous to the opening of said election, such citizens as are present at the said place of election, shall elect three reputable citizens, one of whom shall preside as judge, one as inspector, and the other discharge the duties of a clerk, according to the general election laws of this commonwealth, so far as it relates to receiving and counting votes, and shall be subject to the same penalties for malpractices, as by the said election laws are imposed, and the said judge, inspector and clerk, before they enter on the duties of their respective offices, shall take an oath or affirmation, before a justice of the peace in the county of Berks, or shall swear or affirm each other 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 any two or more candidates shall have an equal number of votes, the preference shall be determined by lot, to be drawn by the judge and inspector, in presence of the clerk, whereupon duplicate certificates of such election shall be signed by the said judge, inspector and clerk, one of which shall be transmitted to the person elected chief burgess, and the other filed among the records of the corporation, and it shall be the duty of the high constable for 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 the 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 vacancies, giving at least five days notice, by eight advertisements, set up in the most public places in said borough: *Provided*, That the citizens of said borough shall be entitled to vote at the first election, although they shall have paid no borough tax.

Vacancies,  
how filled.

Proviso.

SECTION 18. From and after the third Saturday 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, Assistant Burgess, and Town Council of the borough of Hamburg," and shall have perpetual succession, and the said chief burgess, assistant burgess, and town council, and their successors, shall be capable in law to have, get, receive, hold and possess, goods and chattels, lands and tenements, in fee simple or otherwise, not exceeding the yearly value of twenty thousand dollars, and also to grant, sell, let and assign the same goods and chattels, lands and tenements, and by the name and style aforesaid, they shall be capable in law to sue and be sued, plead and

Name and  
style.

Rights and  
privileges.

Liabilities.

be impleaded, in any of the courts of law in this commonwealth, and 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, until otherwise directed by law.

Seal

Chief bur-  
gess, on refu-  
sing to act,  
to forfeit  
20 dollars.

Other officers  
refusing to  
act to forfeit  
20 dollars.

Proviso.

Organization  
of council.

Quorum.

Meetings.

Powers.

Taxes

SECTION 19. If any person or inhabitant of said borough, duly qualified to elect as aforesaid, shall be elected to the office of chief burgess, and having notice of his election, shall refuse to undertake and execute that office, every person so refusing, shall forfeit and pay a fine of twenty dollars, and if any other person, duly qualified as aforesaid, shall be duly elected or appointed, in pursuance of this act, to any other office in said borough, and having notice of his election or appointment, shall refuse to undertake and execute the duties of that office, every person so refusing, shall forfeit and pay a fine of twenty dollars, which fines, forfeitures, and all others in pursuance of this act, or any of the by-laws and ordinances of the town council, shall be for the use of the said corporation, and shall be recoverable before any justice of the peace, in the same manner as debts not exceeding one hundred dollars are recoverable by the laws of this commonwealth, and shall be paid to the treasurer of the borough, and it shall be the duty of the officers of said borough, on receiving the money belonging to the corporation, to pay the same to the treasurer forthwith: *Provided*, That no person elected as aforesaid, shall be liable to a fine for refusing or neglecting to serve more than once in three years.

SECTION 20. The town council shall meet on the first Monday next after their election in each year, at such places as a majority of them shall agree upon, and choose one of their number president, who shall preside at all their meetings, and it shall be the duty of said council, (five of whom shall be a quorum,) to hold quarterly meetings on the third Saturdays in April, July, October and January, in each year, and oftener if occasion requires, at which meeting, they may enact, alter, revise, repeal and amend all such by-laws, 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 election and regulation of markets, improving, repairing and keeping in good order the streets, lanes, alleys and highways, ascertaining the depth of vaults, sinks, pits for necessary houses, and making permanent rules relative to the foundation of buildings, party walls and fences, and the draining of cellars; they shall 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 a town clerk, treasurer, street supervisor, and a collector, annually, and such other officers as may be deemed necessary from time to time, and the same officers from time to time to remove for misdemeanors in office: *Provided*, That no by-laws, rules or ordinances of the 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 any by-law or ordinance of the said corporation, until ten days shall have expired after the promulgation thereof, by at least six advertisements, or copies of the said by-laws or ordinances, set up in the most public places 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, so that the tax in any one year shall not exceed one cent on the dollar of such valuation, unless some object of general utility shall be thought necessary, in which case three-fourths of the taxable inhabitants of said borough shall approve and certify the same, in writing, under their hands, to the town council, who shall proceed to assess the same accordingly; they shall also have power to make by-laws or ordinances to prevent horses, cattle, sheep or hogs, from running at large within the limits of said borough: *And provided further*, That before the chief burgess, assistant burgess, members of the town council and high constable, shall enter on the duties of their respective offices, they 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 perform the duties of their respective offices with fidelity, which certificates of said oaths and affirmations, shall be filed among the records of said corporation.

Proviso.

2d Proviso.

3d Proviso.

Oaths of office.

SECTION 21. The chief burgess elected and qualified agreeably to this act, or in his absence or inability to act, the assistant burgess, and in his absence or inability, then three members of the town council, are hereby authorized to issue their 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 chief burgess, or in his absence or inability to act, the assistant burgess, or in his absence or inability to act, three of the town council, are hereby authorized and required to carry into effect all by-laws and ordinances enacted by the town council, and whatever shall be enjoined on

When chief burgess is absent, the assistant burgess or three members of council to act

him or them, for the well ordering or governing of said borough.

**Town clerk.** SECTION 22. 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 and preserve the common seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of the duties which may be enjoined upon him by virtue this act, or by the by-laws and ordinances of the corporation, and his attestation, with the seal of the corporation, shall be good evidence of the act or thing so certified.

**Treasurer to give security.** SECTION 23. The treasurer shall give sufficient security for the faithful discharge of the duties of his office, and for the delivery of all moneys, books and accounts appertaining thereto, into the hands of his successor, upon demand made for that purpose.

**Accounts to be published annually.** SECTION 24. The street supervisor, treasurer, high constable, collector, and all other officers that may be appointed by the corporation or council, shall, in the month of February yearly, render their accounts to the council for settlement, and the said accounts being so adjusted and settled, shall be forthwith published by the council, showing particularly the amount of taxes laid and collected, and all moneys paid into the treasury, and the amount of expenditures, and in case any of the officers of the corporation shall fail, or neglect to perform the duties enjoined upon him by this act, or by the ordinances of the town council, he shall forfeit and pay a fine for the use of the corporation, at the discretion of the council, not more than fifteen dollars, and if the said person has been appointed by the council, he may be removed from office by the said council, and his place be supplied by the appointment of another person.

**Penalty for neglect of duty.** SECTION 25. It shall be the duty of the high constable to give notice of the election, by setting up advertisements in at least eight public places in the said borough, four days previously thereto, and shall attend and see that the same is opened, at the time and in the manner directed by this act: *Provided*, That in his absence or inability, said duties shall be performed by the supervisor.

**Notice of election.** SECTION 26. It shall and may be lawful for all persons entitled by law to vote for burgess, or other officers of the borough of Hamburg, at the same time and place where they vote for said officers, to elect two reputable citizens of said borough, 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

**Proviso.**

**Election of constables.**

same manner, with like power and authority, and receive like fees, and be subject to the same 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 shall serve and execute all manner of processes which may by law be directed to the constable of said borough, and the constable so appointed, 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. Duties.

SECTION 27. The chief burgess, assistant burgess, and president of the council, 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 the amount of his tax, and the time and place of appeal: *Provided nevertheless*, That the 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. Court of appeal.  
Proviso.

SECTION 28. The town council in assessing taxes as aforesaid, shall have power to levy and cause to be collected a tax on all offices, professions, occupations, and callings of all freemen, according to the valuation of the same in the county rates and levies, and also to levy and cause to be collected a tax on all single freemen above the age of twenty-one years, who shall not follow any occupation or calling, at their discretion, not to exceed the sum allowed by law for county purposes. Assessment of taxes.

SECTION 29. The town council shall from time to time, fix the compensation of the high constable, town clerk, treasurer, and such other officers as may be appointed under this act, or the by-laws or ordinances of said council, which compensation shall be paid out of the borough treasury, by orders drawn thereon, and all orders for the payment of money from the treasury, shall be granted by the town council, signed by the president, and countersigned by the town clerk. Compensation of officers.

SECTION 30. That hereafter nothing contained in the general road laws of this commonwealth, shall extend to the said borough, but it shall be the duty of the street supervisors, under the direction of the burgesses and town council, to keep all the public streets, lanes and alleys in said borough, in good order, for the accommodation of the public, and for the neglect thereof, the chief burgess, the assistant burgess, members of the town council, and street supervisor, or any of them, in whom any default or neglect of duty has Duties of st. supervisors.

been, shall be liable to indictment in the court of Quarter Sessions of the peace in the county of Berks, and may be convicted and punished in the same manner as supervisors of high ways: *Provided*, That nothing herein contained shall prevent the court of Quarter Sessions of Berks county, from granting views or reviews, for opening, vacating, or changing the route of roads or streets in said borough, and that nothing herein contained shall interfere with the assessment and collection of county taxes, as heretofore.

Proviso.

Setting curb stones, etc.

SECTION 31. From and after the passage of this act, the setting of curb stones, grading and digging the side walks for pavements, shall be done under the direction and management of the town council, as they may direct by any ordinance passed at their meetings for such purpose, the expense whereof shall be paid out of the borough treasury.

Pavements.

SECTION 32. It shall be the duty of every lot owner to pave his or their pavements, with good stone or brick, as may be directed by the council, within three months after the curb stones shall have been set, in the manner set forth in former section, and in case of failure on the part of lot owners so to do, then it shall be the duty of the council to cause the pavement to be made, and the costs thereof to be assessed and collected of such lot owner, for the use of the borough, in the same manner as all other debts are by law recoverable.

Right of entry on lands to cut & open ditches.

SECTION 33. It shall be lawful for the supervisor aforesaid, or for any other person, by order and direction of the supervisor, to enter on any lands lying near the public streets, lanes or alleys in said borough, and to cut and open such drains or ditches through the same, as may be judged necessary to carry off and drain the waters from such roads:

Proviso.

*Provided*, The same be done with as little injury as may be to the owners of such lands, which drains or ditches shall be kept open by the supervisor, if necessary, for amending the said streets, lanes or alleys, or for the preservation of health, and shall not be stopped or injured by the owner of the land, or by any other person, under the penalty of any sum not exceeding fifty dollars, nor less than ten, for every such offence, to be recovered on conviction thereof before any justice of the peace of the proper county, with costs of suit.

Penalty for stopping or injuring ditches.

Competency of witnesses.

SECTION 34. No citizen of said borough, or any other person, otherwise competent to give testimony respecting the breach of any ordinances, by-laws or regulations of said borough, shall be excluded from giving testimony respecting the same, by reason that the fine, forfeiture or penalty imposed for such breach, is or may be appropriated in aid of

the funds of said corporation, but every such person otherwise competent, shall be admitted to give testimony.

SECTION 35. It shall be the duty of the town council, to cause public notice of any by-law or ordinance, which they may enact, to be given, in written or printed handbills, to be set up at eight of the most public places within the borough, at least ten days before any such by-law or ordinance shall take effect. Ordinances to be published.

SECTION 36. The chief burgess, or in his absence or inability to act the assistant burgess, or in his absence or inability to act three members of the town council, shall have power at all times, when occasion may require, to call a meeting of the council, and lay before them any matter he or they may think proper for their consideration, and for which purpose he or they may issue their precept to the high constable, or in his absence or inability to act to the supervisor, commanding him to give notice to the members of council, that a meeting of council will be held at a certain time and place, to be appointed by the said burgess or members of council. Power to call meetings.

SECTION 37. In case the election shall not be held on the day appointed by this act, the old officers shall continue in office until the next annual election. Old officers to continue.

SECTION 38. If any person or persons shall think him, her, or themselves, aggrieved by any thing done in pursuance of this act, excepting what relates to the appointments made by the town council, he, she or they, may appeal to the next court of Common Pleas to be held in 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 to them just and reasonable, the same shall be conclusive. Right of appeal to court of Common Pleas.

SECTION 39. Joseph Shomo, William Feather, and John Shenk, or either of them, shall publish and superintend the first election for borough officers, on the Saturday preceding the first Saturday of May next, after the passing of this act, at the place appointed by law for holding the elections for said borough, and they are hereby directed to give at least five days notice, by advertisement, as before directed in other cases of election, of the time and place of holding the same. 1st election. Notice thereof.

SECTION 40. That from and after the passage of this act, the town council of the borough of Elizabeth, in the county of Allegheny, shall have power, and are hereby authorized to elect and appoint a citizen of said borough as a collector of the borough taxes, and that so far as the proper execution of the ordinances and laws of said borough may require Borough of Elizabeth in Alleg'y. co. Collector of taxes.

Powers of Burgesses. it, the burgess of said borough of Elizabeth, shall be invested with the powers of a justice of the peace.

Town Council of Easton empowered to rent out wharves. SECTION 41. The town council of the borough of Easton be, and are hereby authorized and empowered to rent out, from time to time, upon such terms, to such individuals, and in such manner as they may deem expedient, the public wharves of the said borough which now are or hereafter may be constructed.

29th Section of act of June 16, 1836, extended to the borough of Easton. SECTION 42. The benefits and provisions of the twenty-ninth section of the act of sixteenth June, eighteen hundred and thirty-six, relating to the liens of mechanics and others upon buildings, are hereby extended to the borough of Easton, aforesaid, so as to enable the corporation of the said borough, or any person or persons furnishing curbstones for the pavement of any building within the said borough, to file a claim of lien therefor against the said building, agreeably to the provisions of the said act.

Tax on Dogs. SECTION 43. That the town council aforesaid be, and are hereby authorized and empowered to levy and collect a tax on any dog or dogs, owned or kept within the limits of the said borough, which tax shall be levied and collected in the same manner, and applied to the same purposes as the other taxes of the said borough, and that they be further authorized to pass all ordinances necessary to effect the said purpose.

Vacancies how filled. Proviso. SECTION 44. In case the place of any member of the town council of said borough shall become vacant, by the death, resignation, or otherwise, the said vacancy shall be supplied by an appointment made by the council, and any person so appointed, shall hold his office until the next borough election: *Provided*, That any member resigning, shall be liable to the same penalties as if he had originally refused to serve, and any person refusing to serve, when duly appointed by the town council aforesaid, shall be liable to the same penalties.

LEWIS DEWART,  
Speaker of the House of Representatives.

J. R. BURDEN,  
Speaker of the Senate.

APPROVED—The third day of April, Anno Domini, one thousand eight hundred and thirty-seven.

JOS: RITNER.