

No. 90.

An Act

Authorizing the chief burgess of the borough of Sunbury to sell and convey a portion of the bank of the river opposite said borough, and relative to the boroughs of Carlisle, New Alexandria, Reading and Hollidaysburg, 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 chief burgess of the borough of Sunbury, in the county of Northumberland, and his successors, be, and he is hereby authorized, at such times and in such manner as may be directed by the burgess and town council of said borough, for the time being, to sell and convey in fee simple, to such person or persons as may become the purchaser or purchasers of the same, for the purposes of constructing wharves, so much of the bank of the river Susquehanna, opposite Broadway, in said borough, as may be directed by the said burgess and town council: *Provided,*

Proviso.

That said wharves shall not be extended into the river further than one hundred feet from the top of the bank.

Borough of N. Alexandria, constables.

SECTION 2. The constables of the borough of New Alexandria, in the county of Westmoreland, be, and they are hereby to be elected, appointed and restricted, and hereafter to be regulated by the twenty-first section of the act of which this is a supplement, passed the tenth day of April, one thousand eight hundred and thirty-four.

Borough of Carlisle, high constable.

Powers.

SECTION 3. That the high constable of the borough of Carlisle, shall have all the powers and authorities which a constable of any of the counties of this commonwealth can exercise by the common law, by any act of the general assembly of this commonwealth, or any ordinance or by-law of the said borough, except only that the said high constable shall not be authorized to execute civil process in any suit or action wherein the said borough is not a party.

Borough of Reading, election, &c.

SECTION 4. That the election for burgess, assistant burgess, and town council of the borough of Reading, in the county of Berks, shall be held hereafter on the third Friday in March, and that the street and road commissioners, treasurer, high constable, clerk of the market, and collectors, as well as other officers appointed by the corporation or council, shall settle their accounts on the Saturday preceding the said Friday, and shall be bound to do so in each and every year hereafter.

SECTION 5. That in every trial in court, or before any judicial tribunal, in which the corporation of the said borough of Reading is, or shall be a party, that the corporators thereof shall be held and deemed to be competent and admissible witnesses in all such cases.

SECTION 6. That so much of the act entitled "An act for erecting the town of Reading, in the county of Berks, into a borough, &c." and its supplements, as is by this act altered and supplied, be, and the same is hereby repealed.

SECTION 7. That the qualified electors of the borough of Hollidaysburg, in the county of Huntingdon, shall annually, at the same time and place where they meet to choose their borough officers, elect two reputable citizens in said borough, and return their names to the next court of Quarter Sessions of the said county, one of whom shall be appointed by said court, constable for said borough for one year, in the same manner, with like power and authority, and subject in every respect to all the provisions of the existing laws relative to constables throughout this commonwealth.

SECTION 8. That from and after the passage of this act, the borough of Hollidaysburg, and the town of Gaysport, in the county of Huntingdon, shall constitute a separate school district, and all the residue of the township of Frankstown, not included within the boundaries of said towns, shall constitute another separate school district, and to be subject to all laws relative to a general system of education by common schools within this commonwealth.

WHEREAS, the commissioners appointed in the act entitled "An act for the improvement of the borough of Norristown, in the county of Montgomery," passed the twenty-fourth day of February, one thousand eight hundred and thirty-four, in pursuance of said act, laid out certain streets, lanes and alleys, and widened Brik alley, now called Lafayette street, and Court House alley, now called Penn street, in the said borough, and made report of their proceedings to the court of Quarter Sessions of said county, accompanied with a plan or plot of all the streets, lanes and alleys within the said borough, as well those before laid out by said commissioners, designating thereon the alterations and extensions by them made, and the width and names of the respective streets, lanes and alleys, subscribed by them, and filed in the office of the clerk of the said court, which report was approved by said court; *And whereas*, the said report, by the proper officer, was not recorded agreeably to the directions of said act, and has been mislaid or lost by the clerk of said court; *And whereas*, doubts have arisen whether under said act, in consequence of said report not having been recorded, the said streets, lanes and alleys had

been legally laid out, widened and opened, and whether the said plan or plot would be legal evidence in any matter relating to the length, breadth, location, opening and widening said streets, lanes and alleys, and in claims for damages for opening and widening the same, and removing and taking down buildings within the limits of said streets, lanes and alleys, or any other evidence would be admissible excepting said report, or a certified copy thereof; for remedy whereof,

Plan of the streets, lanes and alleys to be recorded.

Certified copies to be evidence.

Proviso.

SECTION 9. That the plan or plot of the streets, lanes and alleys of the borough of Norristown, in the county of Montgomery, signed by the said commissioners, and filed in the office of the clerk of the court of Quarter Sessions of said county, on a reduced scale, not less than one third of that on which the said plan is laid down, with the words, letters, figures and marks thereon, shall be entered and copied, or laid down in the proper book of record of said court, certified by the clerk thereof, and the certified copies of said report, or any part thereof, which may have been procured before the same was lost, shall also be entered and recorded by said clerk, in the proper docket, and the said certified copies of said report, or any part thereof, and copies of the records made therefrom, and also the said plan or plot, filed as aforesaid, and copies of the entry or record of the same, on a reduced scale, herein directed to be entered and laid down, duly certified by the clerk of said court, shall be deemed as good and sufficient evidence in all matters in which the same is pertinent, as the said report or certified copies thereof would be if the same had been duly recorded, and shall be taken as conclusive evidence of the location, course, distance and breadth of the streets, lanes and alleys marked thereon, or mentioned and described therein, in all matters in relation to the laying out, widening, opening and improving the same, and in claims for damages, which have been done, or may be done, in opening and widening said streets, lanes and alleys, or for taking down or removing any buildings within the limits of the same, as laid out as aforesaid, and in all other cases in which they may be pertinent, and the said streets, lanes and alleys, are hereby confirmed as laid out on said plan or plot, and shall immediately be opened, widened and cleared, of the width marked on said plan, for public use, and shall be kept in repair as other streets in said borough: *Provided*, That the town council of said borough shall pay the expense and cost for making, entering, and laying down the said plan or plot, on the records of said court, and for recording and entering the certified copies before mentioned, to be entered and recorded.

SECTION 10. That the town council of the borough of Nor-Town Coun-ristown be, and they are hereby authorized to assess a tax cil to assess on the taxable property in said borough, not exceeding additional tax half a cent in the dollar, of the valuation thereof, annually, in addition to the tax of half a cent in the dollar which they are now authorized to assess and collect, to be expended for improvements in said borough, and in paying off money heretofore borrowed by said town council for such improve-ments.

WHEREAS, it is represented to this legislature, that on Preamble re- the division into lots, and sale of the country seat of Doctor lative to a Lloyd Zacharry, deceased, situate in then the Northern lane in Dr. Liberties, now partly in the district of Spring Garden, and Lloyd Zach- partly in Penn township, in the county of Philadelphia, by arry's coun- his executors, there was laid out for the use of the several try seat in Philad. co lots adjoining the same, a road or lane, presumed by long usage to have become a public highway, being forty-five feet wide on the Ridge road, and thence extending that breadth north fifty-seven degrees and an half east, ninety-five perches and three tenths, and thence extending fifty feet in breadth, south thirty-two degrees and an half east, seventy-seven perches to Poplar lane, and that in consequence of the laying out and opening of other streets, agreeably to law, the above mentioned road or lane is not only rendered useless, but its continuance would be prejudicial to such immediate substantial improvement as would otherwise take place; Therefore,

SECTION 11. That the aforesaid road or lane, be, and the Lane vacated. same is hereby vacated, and that the title to the soil over Title vested. which the road or lane passes, be, and the same is hereby vested in fee simple, in the several owners of the ground adjoining the same, each to have and take one half thereof, so far as their respective lots adjoining the same road or lane: *Provided nevertheless*, That said road or lane shall Proviso. not be closed, till the several owners of the adjoining ground shall have laid open for public use, the several streets hereinafter designated, free from cost to the county, viz: Schuylkill Sixth, Schuylkill Seventh, and Schuylkill Eighth streets, from Parrish street to Girard street, Parrish, Poplar, Girard, and two forty feet wide streets, designated in their plan, from Broad street to Schuylkill Sixth streets: 2d Proviso. *Provided also*, That the residue of said road or lane, shall not be closed, till the before mentioned Parrish, Poplar, Girard, and the two forty feet wide streets, shall fully be opened, as aforesaid, through the ground of the late Doctor Lloyd Zacharry, any thing herein before contained to the contrary thereof notwithstanding.

Borough of
Harrisburg.

Town coun-
cil divided
into 3 classes

SECTION 12. That after the passage of this law, the town council of the borough of Harrisburg, shall be divided by lot, as equally as may be, into three classes, the term of service of the members of the town council of the first class shall be vacated at the expiration of the first year, those 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 elected annually, and so much of any act as is hereby altered and supplied, be, and the same is hereby repealed.

LEWIS DEWART,
Speaker of the House of Representatives.
J. R. BURDEN,

Speaker of the Senate.

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

JOS : RITNER.

No. 91.

An Act

Authorizing the Governor to incorporate a company to erect a bridge over the Allegheny river, at or near the borough of Franklin.

Commiss'rs.

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 Alexander M^cCalmant, John Galbraith, Arnold Plumer, John Evans, L. T. Reno, James Kinnear, John W. Howe, Hugh M^cClelland, James R. Snowden, and Jacob Dubbs, of Franklin, Elijah Heath, Thomas Hastings, Levi G. Clover, and C. A. Alexander, of Brookville, Hardman Philips, James M^cGark, and Henry Lorain, of Philipsburg, Thomas Burnside, John Mitchell, and Benjamin Bennett, of Bellefonte, Henry Shippen, Joseph Douglass, Griffith Bennett, Stephen Barlow, David Dick, and John M^cFarland, of Meadville, William Curry, John Robinson, and Joseph L. Chase, of Titusville, Robert Falconer, Josiah Hall, and Robert Miles, of Warren, Thomas S. Cunningham, John J. Pearson, and John Findley, of Mercer, P. S. V. Hamot, John H. Walker, Daniel Dobbins, Elijah