

Commencement
and completion
of road.

SECTION 3. That if the said company shall not commence the construction of their road within two years after the passage of this act, and complete the same within five years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of the company.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 351.

AN ACT

To alter an act, entitled “An Act to erect the town of Minersville, in the county of Schuylkill, into a borough.”

Name.

Boundaries.

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 Minersville, in the county of Schuylkill, shall be and the same is hereby erected into a borough, under the name and title of “The borough of Minersville,” the extent and boundaries of which shall be as follows: beginning at a spruce tree, for a corner, on lands now or late belonging to Bennett and Walton, adjoining lands of Wetherells and others; from thence south sixty degrees west one hundred and thirty-one perches to a white oak stump; thence north thirty degrees west sixty-three perches; thence north fifty-one degrees west one hundred and twenty-seven perches; thence north sixty-six degrees east one hundred and twenty eight perches; thence north sixty degrees to the division line between Bennett and Walton’s and J. White’s land; and thence south thirty-two degrees east one hundred and fifty-one perches to the place of beginning.*

Annual meeting.

Officers to be
elected.

SECTION 2. That the inhabitants of 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 Friday preceding the third Saturday in March, in each and every year, to meet at the place where the elections for members of 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 one and seven in the afternoon, elect by ballot, one citizen residing in said borough, for burgess, to be styled “Burgess of the borough of Minersville,” and members of a town council, a town

clerk, a 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*, to compose the town council; and at each succeeding election one person for burgess, qualified as aforesaid, and three persons qualified as aforesaid for members of the town council; but previous to the opening of the first or any subsequent election, the inhabitants of said borough qualified to vote for borough officers 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 said election; and said elections shall be regulated throughout according to the general election laws of this commonwealth, so far as relates to the receiving and counting of votes; and the said judges and 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 duly elected to the respective offices, for which such persons were named on the ballots of the electors, 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 said judges and clerks, by the said inspector, after the election shall be closed and the votes counted; whereupon the said judges shall make out duplicate returns under their hands, containing the names of the candidates and the number of votes given for each, one copy of which shall be delivered to the town clerk, and the other filed among the records of the corporation; and duplicate certificates of the said election shall be signed by the said judges, one of which shall be transmitted to each of the persons elected, and the other filed and preserved among the records of the corporation; and it shall be the duty of the town clerk to give notice in writing, within twenty-four hours from the time the said return is made out, to each of the persons so elected, naming particularly in said notice the office to which such person is elected, and he shall hand over the returns of such election in his possession to the town council at their first meeting after said election, which said returns shall also be filed among the records of the corporation; and if it should at any time happen that no election should be holden on the day and in the manner aforesaid, the burgess shall issue his precept, directed to the high constable, to hold an election in the manner aforesaid, to supply such neglect, giving at least eight days' notice by six advertisements, set up in the most public places in said 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 successors are duly elected or appointed.

SECTION 3. 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 orders, to convene the board when occasion may require, and generally to perform such duties as may be enjoined on him by ordinances of council; and in case of his absence, death, resignation, neglect of duty or other inability to act, the said council may and shall from time to time, elect a president pro tempore, as occasion may require, who shall exercise the

Town council.

Burgess.

Officers of election.

To take an oath or affirmation.

Duties.

Judges, duty of.

Duty of town clerk to give notice of election.

Proviso.

Meeting of council to examine returns of election, and divide themselves into classes.

Vacancies in town council, how filled.

same authority, and perform the duties that are or may be enjoined on the president; and whenever a vacancy or vacancies occur in the town council occasioned by death, resignation, refusal to act, or removal from the borough of any of the members thereof, the council may at the next stated meeting, or any subsequent stated meeting thereafter, fill such vacancy or vacancies by the election of any qualified citizen or citizens by ballot, and the person or persons so elected by the council as aforesaid to fill such vacancy or vacancies, shall remain in office until the next annual election for borough officers, when the qualified voters of the said borough shall elect a sufficient number of citizens qualified as in this act before directed, for the unexpired terms of such members whose places were thus supplied by an election of the council.

Incorporate.

Style.

Privileges.

SECTION 4. That from and after the passage of this act, the 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 Minersville," and by the same name shall have perpetual succession, and by such name shall at all times forever be able and capable in law to have, purchase, acquire, receive, hold, possess and enjoy lands, tenements, rents, hereditaments, liberties, franchises and jurisdiction, goods, chattels and effects to them and their successors forever, in fee simple or for any other less estate, and the same lands, tenements, hereditaments, goods, chattels and effects, by such name to grant, bargain, sell, alien, convey, mortgage, pledge, charge and encumber or demise and dispose of at their will and pleasure; and by the same name shall be able and capable in law or in equity to sue or be sued, plead or be impleaded, answer and be answered unto, defend and be defended in all courts of record and elsewhere, in all manner of suits, actions, complaints, pleas, causes, bills, answers, matters and things that to the said borough as a body politic in law and in fact, shall and may appertain, and for that purpose shall have and use one common seal, and the same from time to time may change, alter, deface and make anew.

Penalty for refusing or neglecting to serve when elected.

SECTION 5. 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 him 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 payable by this act, or by the acts of the corporation, shall be adjudged to be paid to the corporation, on conviction before any justice of the peace residing in 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 of the said borough.

Officers required to be sworn before entering upon the duties of their respective offices.

SECTION 6. That the members of the said corporation, 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, and the constitution of the state of Pennsylvania, and to perform the duties of their respective offices with fidelity; certificates of which oath or affirmation, shall be filed among the papers of the corporation.

Chief burgess authorized to issue his precept to the collector for

SECTION 7. *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 authorized 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 authorized 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 the sum of fifty cents; and the said burgess shall be entitled to a seat in town council, but he shall not be entitled to or allowed a vote upon any measure or question acted upon by the said council.

SECTION 8. That the power of the said corporation of said borough shall be vested in the said town council, who shall in town council assembled, have full power and authority to make, ordain, constitute and establish, such and so many laws, ordinances, regulations and constitutions: (*Provided*, The same shall not be repugnant to the laws and constitution of the United States, or of this commonwealth,) as shall be necessary or convenient for the government and welfare of the said borough; and the same to enforce, put in use and execution by policemen, watchmen, and other proper officers, (whom they shall have power to appoint and to remove at pleasure,) and at their pleasure to revoke, alter and make anew, as occasion may require; and seven of said council shall form a quorum.

SECTION 9. That the said council shall have power to borrow for the use of said borough, for the purpose of grading and improving the streets, lanes and alleys of said borough, and for other purposes, any sum or sums of money which they shall deem necessary, and to issue certificates of loan for the loan, for the sum or sums, amount or amounts so borrowed, to the persons respectively lending the same; and the said certificates, signed by the chief burgess, by the president of the town council, and by the treasurer, shall be binding and obligatory on the said corporation: (*Provided*, That the sums of money so borrowed shall not in the whole exceed the sum of seven thousand dollars; and the said council shall have power to lay and collect taxes within the limits of the said borough, for the purpose of carrying into effect the by-laws, rules and ordinances of the said borough, for meeting the current expenses of said borough, and for the re-payment of all loans, with interest thereon, hereafter to be made for the use of said borough, for the re-payment of which the faith of the said borough shall hereafter be pledged: *Provided*, That the assessment of such taxes upon real or personal property, shall be made upon the valuation of property taken for the purpose of county rates and levies: *And provided*, The taxes levied any one year shall not exceed one per cent. upon such valuation; and the collector of taxes appointed by said council shall, on the delivery of the duplicate to him, proceed to collect the amount of such duplicate from the persons therein respectively charged, and pay over the same when collected, without delay, to the borough treasurer, taking his receipt therefor; and if any person shall neglect or refuse to make payment of the amount due by him for such tax, within thirty days from the time of demand made, it shall be the duty of the collector holding the duplicate wherein such tax shall be charged, to levy such amount by distress and sale of the goods and chattels of such delinquent, giving ten days' public notice of such sale, by written or printed advertisements, to be set up in six of the most public places within the said borough.

Town council may annually elect collectors of taxes. SECTION 10. That the said council shall have power at their first meeting after they shall have been elected and qualified, and yearly thereafter, to elect, *viva voce*, as many suitable persons as they shall deem necessary to be collectors of taxes for said borough, who shall collect the taxes for the year for which they shall be appointed, and shall give

To give security. Solicitor, street commissioners, clerk of markets. such security for the faithful discharge of their duties as the said council shall direct; and, also, one solicitor of the said corporation, one or more street commissioners, a clerk of the markets, (if the said last named officers shall be deemed necessary,) and such other officers as they shall deem necessary for the proper execution of the laws and ordinances, and the carrying of the police regulations of the said borough into effect; and shall have power by ordinance to fix the compensation of all the said officers, and to prescribe their duties, and at pleasure to dismiss and remove all or any of them except the tax collectors.

Court of appeal. SECTION 11. That the chief burgess and two inhabitants qualified to vote for members of town council, to be appointed by a majority of the council for that purpose, 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 appointment of said tax, and to remedy any grievances that may occur in imposing the same.

Markets. SECTION 12. That the inhabitants of the said borough may and shall have hereafter forever markets in said borough, on such days, and as many in the week, as the said council shall direct; and the said council may and shall by ordinance provide for the regulation of said markets, for removing nuisances and obstructions from the streets, roads, lanes and alleys, and regulating the width of porches, steps, cellar doors, and other devices that may project into any street, lane, or public highway, ascertain and regulate the depth of any vaults, sinks or pits for necessary houses, make permanent rules relative to foundations for buildings, party walls and fences; they shall have full power and authority to prevent and restrain the exercising or practicing of any trade or occupation which shall be dangerous to the health and property of the inhabitants; they shall have power to impose fines and penalties, and the same to enforce and recover; they shall have full power and authority to establish a nightly watch, to fix lamps in any part or parts of said borough, and for more conveniently watching the same, may divide the borough into districts: *Provided*, That when a nightly watch shall be established, or lamps fixed in any part or parts of said borough, the owners of property in such divisions or districts, and they only, shall be assessed with the expense of maintaining the same.

Establish a night watch. SECTION 13. That all dogs kept and owned by any inhabitant of the said borough, within the limits of the said borough, shall be deemed personal property, and subject to taxation for the use of said borough, and it shall be the duty of the town council annually, to issue their precept to the high constable of said borough, authorizing and requiring him to enumerate and return to said council within twenty days thereafter, the names of all the inhabitants of the said borough, who own or keep any dog or dogs, designating the number owned or kept by such; whereupon the said town council shall proceed to levy and assess on every such owner or keeper as aforesaid, a tax not exceeding one dollar for the first dog, two dollars for the second dog, and so on in proportion to the number of dogs owned or kept by such inhabitant, which said tax shall be enforced and collected in the same manner as other taxes are collected by said borough.

Dogs taxable.

Enumeration to be made of persons owning dogs.

SECTION 14. That the inhabitants of said borough, qualified to vote for burgess and town council, may and shall at the time and place, and in the same manner they elect the burgess and town council, elect a borough treasurer, to serve for one year from the time of his said election, and until another person be duly elected and qualified to serve in his stead; and the said treasurer shall give security, by bond, with two or more sufficient sureties, for the faithful discharge of the duties of his office, for the payment over of all moneys remaining in his hands, in his official capacity, at the expiration of his term of office, and the delivery of all books and papers in his hands belonging to his said office to his successor in office, and the said bond shall be taken in the name of the corporation of the borough of Minersville, and shall be filed of record in the office of the prothonotary of the county of Schuylkill; and they may also at the same time and place, elect three reputable persons as auditors for one year, to audit the treasurer's accounts.

Borough treasurer.

To give security.

SECTION 15. That the qualified voters of said borough, may at the time and place of holding their borough election, elect one person for supervisor, to superintend the opening, widening and repairing of the public streets, alleys and highways within the said borough, under the direction of the street commissioners.

Supervisor.

Duties.

SECTION 16. That it shall be the duty of the town clerk, to attend all the meetings of the council when assembled on business of the corporation, and perform the duty of clerk thereto, and attest, keep and preserve the records of the corporation, and be answerable for the same; and also to perform all the duties enjoined upon him by this act, or by the acts of the corporation.

Town clerk, duties of.

SECTION 17. 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 Minersville, as public streets, lanes and alleys, shall be deemed and considered public highways.

Streets, lanes and alleys to be deemed and considered public highways.

SECTION 18. 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, alleys, within this borough, and the grades of said streets accurately fix and establish, and when the survey shall be completed, and said grades established, shall cause two drafts or plans to be made thereof, with every explanation necessary to a 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 Schuylkill county, for public inspection, and the other be kept with the papers of the corporation; and it shall be the duty of the chief burgess to give notice by printed advertisement, put up in six of the most public places of said borough, and in one of the newspapers printed in the county of Schuylkill, 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 same time appoint, 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, lanes and alleys in the said drafts, marked and laid down as public streets, roads, lanes, alleys and highways, and the said drafts so made and recorded shall remain unalterable.

Survey of streets, lanes, &c., to be made.

Drafts of survey to be deposited in the office of the clerk of the court of quarter sessions, and with the papers of the corporation.

To be recorded in the office for recording deeds, in the county of Schuylkill.

Council to determine the width of side walks, &c.

SECTION 19. That the said council shall have power by ordinance, to determine the width of the side or foot-walks of the streets, lanes and alleys within the limits of the said borough, and to regulate, grade, cut down, fill up, pave, curb and re-curb the same, and to form and make all and every the foot-ways, side-walks and gutters in the streets, lanes and alleys of the said borough, and to require and direct the curbing and paving of all and every the side or foot-walks by the owner or owners of lots fronting thereon; and on the failure or neglect of any person or persons owning lots as aforesaid, to curb and pave the side or foot-walks in front of his or their lot or lots, agreeably to the requisitions of such ordinance, the chief burgess shall issue his precept to the street committee, commanding them to cause the same to be paved and curbed at the expense of said borough, and the owner or owners of said lot or lots shall be liable to repay the expenses thereof to the said borough, and it shall be lawful for the said council to file their lien for the same, in the name of the said corporation, in the court of common pleas of Schuylkill county, which shall have priority to any mortgage, judgment, recognizance or liability to which the said lot or lots may become liable after the passage of this act; and the amount secured thereby may be recovered by seire facias, as debts are recoverable under the mechanics' lien law, in the corporate name of the said borough: *Provided*, That such lien shall be filed within thirty days after such expense is incurred by the said borough, and recite the name of the owner or reputed owner, and the occupier or occupiers of such lots.

High constable to give notice of annual elections.
Further duties.

SECTION 20. 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 previous thereto; he shall attend and see that the same is opened at the time and in the manner directed in 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 in this commonwealth, within the said borough, and generally to do, execute and perform whatever else may be enjoined on him by said council; and the said high constable shall be entitled to the same fees for the same service that are by law allowed to other constables.

Inhabitants of said borough to be competent witnesses, &c.

SECTION 21. That the inhabitants of said borough, and persons holding property therein, shall be competent witnesses in all actions arising under this act, or the laws or ordinances of the borough.

May elect constable.

SECTION 22. That it shall any may be lawful for the inhabitants of said borough entitled to vote for burgess and town council, at the same time and under the same regulations as constables are now by law elected in the several townships, to elect one suitable person as constable.

May elect overseers of the poor.

SECTION 23. That the qualified voters as aforesaid shall elect, at the time and under the same regulations as overseers of the poor of the several townships of the county of Schuylkill are by law elected, one person to be overseer of the poor of said borough, subject to the same duties, privileges, regulations and penalties as are enjoined upon the overseers of the poor of the several townships; and said overseer shall render his account annually to the town council.

Citizens of said borough exempt from paying tax to any township.

SECTION 24. That the citizens of the said borough shall be exempt from paying all road and poor tax to any township, for property within the limits of said borough, that may be assessed after the passing of this act.

Repeal.

SECTION 25. That all and every part of any other act hereby altered or supplied is hereby repealed.

SECTION 26. That as often as any doubts shall arise touching the construction of this act, the same shall in all courts of law and equity, and elsewhere, be construed and taken most favorably for said corporation.

Debts arising from the construction of this act, the same shall in all courts be construed most favorably to the corporation.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 352.

AN ACT

To authorize the extension of Cherry street, in the borough of Columbia, and to authorize the Columbia water company to erect an engine house in said 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 members of the town council of the borough of Columbia, or any seven of them, after being duly sworn or affirmed, are hereby authorized on or before the first day of June next, to view the ground for an extension of Cherry street, in the said borough, to Front street; and if the actual viewers or any six of them agree that there is occasion of public necessity for said street to be extended either to Second street, or to Front street, they shall proceed to lay out the same upon such ground as shall appear to them most suitable, taking into view the damage that may be done to private property thereby, and shall make report thereof, stating particularly whether they judge the same to be necessary, together with a plot or draft thereof, to the next court of quarter sessions for the county of Lancaster; and if the said court shall approve the same, it shall at the next court thereafter be entered of record, and thenceforth shall be taken, deemed and allowed to be a public street, and the damages if any arise or accrue to private property by the said extension, shall be viewed, assessed and paid as is provided in the act, entitled "An Act relating to roads, highways and bridges," passed the thirteenth day of June, A. D., one thousand eight hundred and thirty-six: *Provided*, That all damages which may be incurred or sustained by reason of the opening of said street, shall be paid by the borough of Columbia aforesaid, and in no event shall the county of Lancaster be liable therefor: *And provided further*, That the said borough, before opening the said street, shall first ascertain the amount of damages done to private property, in the manner provided for in this act, and make compensation or give adequate security therefor, before such property shall be taken

Town council of the borough of Columbia authorized to extend Cherry street.

Proviso.