

No. 360.

AN ACT

To incorporate the borough of White Hall, in the county of Philadelphia; relative to the borough of Brownsville and Uniontown, in Fayette county; in relation to the publication of certain notices in Northumberland county; relative to Eleventh street, Moyamensing, Philadelphia county; to certain election districts; and relative to the directors of the Delaware, Lehigh, Schuylkill and Susquehanna railroad company.

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 White Hall, in the county of Philadelphia, shall be and the same is hereby erected into a borough, which shall be called the borough of White Hall, and shall be comprised within the following boundary, to wit: beginning at Frankford creek and the easternmost line of Doctor Duncan's farm, northwardly by said line to the centre of Tacony road; thence by said road to the centre of Church street, continued; thence northwardly along the centre of said street to Little Tacony creek; thence up said creek to the north-west corner of James D. Pratt's lands; thence eastwardly by the north line of James D. Pratt, J. B. Mallock and Isaac F. Bakers, to the north-east corner thereof; thence southwardly by the east line of Isaac F. Baker's lands, to John Deal's line; thence southwardly by the easterly line of John Deals and A. Cummings' land to the river Delaware, and mouth of Frankford creek; thence along the middle of said creek to the place of beginning.

Name.

Boundaries.

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 previous to such election, to meet at the hotel of Jacob Hellings, or at such other place as may be selected by the town council, in the said borough, on the first Monday in May 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 said borough, and six citizens residing therein, who shall be a town council; but previously to said election, the judges, inspectors and clerks, shall be elected and appointed as such officers are elected and appointed under 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, for the malpractices as by the said law is imposed; and the said judge, inspectors 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, the judge after having first taken the oath or affirmation required, administered to him by one of the inspectors, shall administer the oaths or affirmations to the inspectors and clerks to perform the same with fidelity; and after the said elections 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 judge and inspectors; whereupon,

Annual election.

Burgess and town council.

Officers of elections.

To be sworn or affirmed.

Duplicate returns, one of which to be forwarded to the persons elected.

Proceedings in case of refusal to accept or neglect to act, &c.

duplicate returns thereof, shall be signed by the said judge and inspectors, 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 the 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 constable, or where there is no constable, or where he refuses or neglects to act, then any of the members of the town council, shall advertise and hold an election in the manner aforesaid, to supply such vacancy, giving at least ten days' notice thereof, by advertisement, set up at four of the most public places in the said borough.

Incorporate.
Style.
Privileges.

SECTION 3. From and after the first Monday of May 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 White Hall," and shall have perpetual succession; and the said burgess and town council aforesaid, and their successors, shall be capable in law to receive, hold and possess, goods, chattels, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors, in fee simple or otherwise, not exceeding the yearly value of five hundred 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 of 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.

Burgess to take and subscribe oath, &c.

Burgess to administer oath or affirmation to council, constable and town clerk.

SECTION 4. The burgess shall take and subscribe an oath or affirmation, before one of the associate judges, or a justice of the peace, for the county of Philadelphia, to support the constitution of the United States, and of this state, and an oath or affirmation, well and truly to execute the office of burgess of the borough of White Hall; and when so qualified, he shall administer an oath or affirmation to the council, constable and town clerk, in the manner and form aforesaid, before they shall enter on the duties of their respective offices; the certificates of which oaths or affirmations, shall be filed among the records of the said corporation.

Meetings of town council.

Powers.

SECTION 5. 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 sales, 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, surveying, laying out, grading and fixing side-walks, and keeping in order the streets, lanes, alleys, public squares and common ground if any belonging to said town; 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 secretary, treasurer, street commissioner, 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; the secretary and treasurer may be appointed from their own number: *Provided*, That the said ordinances, rules and regulations shall not be repugnant to the constitution and 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 and one-half mill for borough, and one and one-half mill for road purposes, in the

Proviso.

dollar on the valuation of taxable property taken from the last assessment, and a personal tax not to exceed that levied for county purposes, unless some objects of general utility shall be thought necessary, in which case a meeting of the freeholders of said borough shall be called, and if a majority thereof shall approve the same, then the town council may 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, or may be taken from said county valuation.

SECTION 6. It shall be the duty of the secretary to attend all meetings of the town council, when assembled on business of the corporation, of 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 town council; and his attestation with the corporation seal shall be good evidence of the thing or act so certified. Secretary, duties

SECTION 7. 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 8. The officers hereby elected or appointed, as well as all other officers who may be appointed by the council, shall render their accounts to the council once in every year for settlement, and the said accounts being adjusted and settled, shall be forthwith published by the said council, showing particularly the amount of taxes laid and collected, and the expenditures. Accounts.

SECTION 9. It shall be the duty of the constable to give notice of the election, by setting up advertisements in three public places in the said borough, 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. Constable to give notice of election.

SECTION 10. It shall and may be lawful for all persons entitled by law to vote for burgess and other officers of the borough of White Hall, at the same time and places where they vote for said officers, to elect two reputable citizens of the said borough, and return the names of the said persons so elected to the next court of quarter sessions of the said county, one of whom shall be appointed by the said court constable of said borough, with like power and authority, and subject to the same regulations and penalties as are provided and contained in the laws now existing, or that hereafter may be passed, concerning borough constables within this commonwealth; and the said constable so appointed shall do and perform all the duties required to be done by the constable of said borough; and the said constable shall have, exercise and possess all the powers and duties of the constables elected in the several townships of the said county of Philadelphia, and shall enter into a bond to the amount of five hundred dollars, with at least one sufficient surety, to be approved by the court of quarter sessions of said county, in the same manner as now with reference to the several constables of the several counties within this commonwealth, and for the same uses and trusts to all intents and purposes, and the same penalties imposed for neglect or refusal to serve; and in case a vacancy shall occur by death, refusal to serve, or any other cause, the said court shall appoint, as they have power to do in such cases, in the several townships in this commonwealth. Election of constables.

SECTION 11. The burgess, one member of the council and 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 Duties of constables.

where the appeals will be held, the collector shall notify each taxable by a written notice in the usual form and manner, at least ten days before the day of appeal; and when 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 the county rates and levies by the laws of this commonwealth; and the amounts so collected shall be paid into the treasury for the use of the corporation.

In the absence of the burgess the first named of the town council to act in his stead.

SECTION 12. In the absence of the burgess from the borough, or his inability to act, 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 may be enjoined by the by-laws, which may be passed in pursuance of the same.

Quorum.

SECTION 13. In any meeting of the burgess and town council, it shall require at least three of the council to form a quorum to do business, passing the by-laws and ordinances, et cetera.

First election, by whom to be conducted and when to be held.

SECTION 14. Thomas T. Webster, Richard C. Taylor, and W. W. Smedley of said town, or either of them, shall publish and superintend the first election for borough officers, to be held on the first Monday in May next, after the passage of this act, at the hotel of Jacob Hellings, in said borough, and they are hereby directed to give five days' notice by advertisement, as before directed in other cases of holding elections, of the time and place of holding the same.

Taxes, how expended.

SECTION 15. All the taxes collected by said borough, shall be expended exclusively within their own boundaries, for the repairs of their own streets, and the other purposes heretofore enumerated; and no property within said borough shall after the passage of this act be subject to a road tax for township purposes.

Police officers.

SECTION 16. That said council shall, whenever the same shall appear necessary, appoint a sufficient number of persons as police officers, to keep the peace of the borough, with the same authority, and entitled to the same privileges, emoluments and fees, as the constables of the said borough are or shall hereafter be invested with or be entitled to by law.

Separate election district.

SECTION 17. That the borough of Brownsville be and the same is hereby erected into a separate election district, and the qualified voters of said borough shall hereafter hold their general elections in the town hall in said borough; and that William Barkman shall act as judge, and James Lanning and David Anderson shall act as inspectors at the next succeeding election, after the passage of this act.

Sheriff and commissioners of Northumberland county to publish the proclamations relative to courts, &c.

SECTION 18. That hereafter the sheriff and commissioners of Northumberland county, be and they are hereby required to publish the proclamations relative to the holding of courts, and any general or special election, and all notices of publications required to be published by said sheriff and commissioners, in three English newspapers, if such number of newspapers be published in said county; and that the act relative to the publication of certain notices of the sheriff and commissioners in the German language, in Northumberland county, approved the sixth day of April, one thousand eight hundred and forty-four, be and the same is hereby repealed.

Part of Eleventh street vacated.

SECTION 19. That so much of Eleventh street as is now laid out, opened and used from the south side of Federal street to the Moyamensing prison, in the county of Philadelphia, over and above the width of fifty feet, be and the same is hereby vacated; twenty-five feet of the fifty feet vacated to be taken from the east side, and the remaining twenty-five feet to be taken from the west side of Eleventh street; and

that the soil over which the same passes, be and the same is hereby vested in fee simple in the several owners of the ground adjoining and fronting upon the same respectively. Soil vested in the several owners adjoining.

SECTION 20. That the township of Upper Salford, in the county of Montgomery, shall hereafter constitute a separate election district; and that the qualified electors thereof shall hold their general and township elections at the house of George W. Reed, in said township. Upper Salford, Montgomery county, constituted a separate election district.

SECTION 21. That the qualified electors of the township of West Brandywine, in the county of Chester, shall hereafter hold their general and township elections at Union school house, in said township. West Brandywine township, Chester county, place of holding elections in.

SECTION 22. That the qualified voters of the township of New Britain, in the county of Bucks, shall hereafter hold their township and general elections at the house of Isaac Heacock, in said township. New Britain township, Bucks county, place of holding elections in.

SECTION 23. That the qualified electors of the township of Radnor, in the county of Delaware, shall hereafter hold their general elections at the Radnor Friends' school house, in said township. Radnor township, in Delaware county, place of holding elections in.

SECTION 24. That so much of the second section of the act, entitled "An Act relating to corporations," passed the thirteenth March, eighteen hundred and forty-seven, as requires a majority of the directors to be citizens, resident within this commonwealth, shall not be held to extend to the Delaware, Lehigh, Schuylkill and Susquehanna railroad company. Second section of a certain act not to extend to the "Delaware, Lehigh, Schuylkill and Susquehanna railroad company."

SECTION 25. That the qualified voters of Butler township, Butler county, shall hereafter hold their elections at the house of Elijah Burkhardt, in said township. Butler township, Butler county, place of holding elections in.

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. 361.

AN ACT

To incorporate the Franklin and Butler plank road company.

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 James Adams, B. A. Plumer, James Myres, A. P. Whitaker, John W. Howe, Robert Lamberton, William Raymond, Alexander M'Callmont, D. W. S. Cook, John Evans, E. A. Wilson, Samuel Riddle, Arnold Plumer, William Elliott, James Kennear, James P. Hoover, J. C. May, Robert M'Cormick, John Adams, Henry Gould, Andrew Bowman, E. A. Wilson, John H. Shannon, Alexander Cochran, John Commissioners.