

No. 66.

A N A C T

To authorize James B. Irwin, trustee of John D. Mahon, and wife, to borrow money.

Powers of trustee.

Proviso.

Bond.

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 B. Irwin, trustee under a certain deed of settlement, executed by J. D. Mahon, and Agnes, his wife, on the 15th January, 1833, be and he is hereby authorized, with the written approbation and assent of said John D. Mahon, and wife, under their hands and seals, duly acknowledged and recorded, to borrow, on mortgage of any part of the trust estate, such sum or sums of money as may be required to pay the debts for which said trust property is, on any account, liable; or which have heretofore been contracted in the execution of said trust; or which may be required for any purpose connected with the execution thereof, not exceeding the sum of five thousand dollars: *Provided*, That before such loan and mortgage be made, the trustee shall give bond to the commonwealth, for the use of the persons interested, in such penalty, and with such securities as the court of common pleas of Allegheny county shall approve, for the faithful appropriation of the moneys so borrowed.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

APPROVED—The thirteenth day of March, one thousand eight hundred and forty-four.

DAVID R. PORTER.

No. 67.

A SUPPLEMENT

To an act entitled "An Act to incorporate the city of Allegheny," passed thirteenth April, one thousand eight hundred and forty.

Election of mayor

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 freemen of said city of Allegheny, citizens of this commonwealth, who have resided within the bounds of said city, at least six months immediately preceding the election, and within one year paid a city tax,

assessed in said city, shall, on the second Tuesday of January next, and annually thereafter, meet in their respective wards, as hereinafter designated, or as may at any future time be designated by the select and common councils of said city, and then and there elect, by ballot, a citizen of said city, to serve as mayor of said city; and at the same times and places, elect by ballot, four persons of each ward, qualified to serve as members of the house of representatives of this commonwealth, to be members of the common council of said city, (who shall be at the time of their election, and during the term they are elected to serve, residents of the ward they are elected to represent,) and who shall hold their offices for one year, and until their successors are duly qualified; and also at the said election, one person in each ward, (in addition to those heretofore elected, and whose term of office has not expired,) qualified to serve as senators of this commonwealth, (who shall be at the time of their election, and during the term for which they are elected to serve, residents of the ward they are elected to represent,) to be members of the select council of said city, who shall hold their offices for three years, and until their successors are duly qualified.

SECTION 2. That all elections in said city shall be held in each ward, by the judges, inspectors and clerks appointed to hold the general elections, who shall meet within the limits of their respective wards, at the places designated by the councils, by their ordinance passed for that purpose; and shall proceed to hold and conduct such elections, in all respects according to the provisions of the act of assembly, entitled "An Act relating to the elections of this commonwealth," passed the second day of July, Anno Domini, one thousand eight hundred and thirty-nine: and when each election to be had and held, pursuant to this act, shall be closed, and the number of votes for each candidate or person voted for in the respective wards, shall be counted and ascertained, the judges herein authorized to hold and conduct such elections, shall, within twenty-four hours thereafter, meet together at the town house in said city, and shall prepare and make, under their respective hands and seals, a return thereof, containing the names of the persons voted for mayor, and other officers, with the number of votes for each of them, and designating which are elected; and shall forthwith give a notice, in writing, to the officers elect, of their respective elections; and the said judges shall appoint one of their number, whose duty it shall be to deliver a true copy of said return to the president of the select council, previous to the first meeting of the select and common councils, and shall file the original returns in the office of the mayor of said city; and the select and common councils elect shall, in their joint meeting, to be held at the town house in said city, between the hours of ten and two o'clock, on the Friday next following each and every election, held in pursuance of this act, proceed to examine such election returns, and to hear all remonstrances and objections to the same, and judge and determine thereon, and to declare the person qualified, having the greatest number of votes, to be legally elected; and in cases where the election has been illegally or unfairly conducted, or the number of illegal votes given may render the result doubtful, the councils, or a majority of them, who shall be a quorum for the transaction of business, shall have power to set the same aside, and order a new election, giving notice thereof, as in case of other elections; and the said councils shall have full power to vacate the seat of any member, for misbehaviour, neglect of duty, or other misdemeanor, and to order new elections to fill the same; and so in like manner, as often as occasion may require, upon the death, resignation, or inability of a member or members of either of said councils, or other officers; and it shall be

Ward elections,
how held and conducted.

the duty of the mayor of said city, to give at least ten days previous notice of the time and places of holding all elections authorized by this act, by proclamation, published in the public newspapers of said city, if there be a newspaper published therein, and by printed handbills, posted up at the most conspicuous public places within the boundaries of said city.

Oath.

SECTION 3. That the mayor elect shall take and subscribe, in the presence of the councils, a solemn oath or affirmation before one of the aldermen of said city, "to support the constitution of the United States and the constitution of this commonwealth, and well and faithfully to execute the office of mayor of the city of Allegheny, to the best of his knowledge and ability;" and shall thereupon enter upon and perform the duties of said office without any further or other commission, and shall continue in office for one year, and until a successor shall be duly elected and qualified.

Councilmen.

SECTION 4. That each and every select and common councilman, who shall be elected, chosen and returned in manner aforesaid, and whose election shall be so as aforesaid approved of, shall, before he enters on the execution of his office, take a solemn oath or affirmation, before the mayor or one of the aldermen of said city, well and faithfully to execute the office of a select councilman or of a common councilman, (as the case may be,) of said city; and shall thereupon, without any further or other commission, enter upon the duties thereof, and shall hold and exercise the same until the term of office shall expire, as directed in and by this act.

By-laws and ordinances.

SECTION 5. That it shall be the duty of the mayor of said city of Allegheny, to promulgate the by-laws and ordinances of the corporation, and specially to attend to the due execution and fulfilment of the same; and he shall be entitled to receive, hold and enjoy all the emoluments, which by-laws and ordinances of the said corporation are now or may hereafter be annexed and attached to the said office of mayor; and for the purpose of enforcing the observance of said laws and ordinances, and preserving the peace and good order of said city, the said mayor shall have and exercise all the powers, jurisdictions, authorities, fees and perquisites of an alderman of said city: *Provided*, That nothing in this act shall be construed to vest the said mayor with any authority or jurisdiction in civil cases.

Proviso.

Vacancy.

SECTION 6. That in case of the death, resignation or removal of the mayor, or other vacancy in said office, or in case of a neglect or failure by the citizens to elect a mayor at the time designated by this act, such vacancy or omission shall be filled or supplied by a new election, for the remainder of the term of office, to be held at such time, within thirty days thereafter, as the said councils, by resolution, shall designate; of which election, and the time of holding the same, the mayor, for the time being, shall give notice by proclamation, published as hereinbefore directed; and until the said vacancy is filled by a new election, the select and common councils shall appoint a mayor to act pro tempore.

Meetings.

SECTION 7. That the place of meeting of the said select and common councils, shall be at the town house in said city, or at such place as by an ordinance duly passed may be fixed for that purpose; and the doors of the respective halls of said select and common councils shall be open for the admission of all peaceable and orderly persons, who shall be desirous of being present at the discussion of any by-laws, ordinances, rules or regulations, for the welfare and good government of the said city.

SECTION 8. That the said city of Allegheny shall be divided into four wards in the manner following, viz : All that part of the city, embraced between the Allegheny river, Ohio street, and Water lane, and lying west of Federal street, shall constitute the First ward ; all that part north of Ohio street and Water lane and west of Federal street, shall constitute the Second ward ; all that part north of Ohio street and the Butler turnpike road, and east of Federal street, shall constitute the Third ward ; and all that part between the Allegheny river, Ohio street and the Butler turnpike road and east of Federal street, shall constitute the Fourth ward.

Wards.

Bounds.

SECTION 9. That the select and common councils shall have power from time to time to change the boundaries of said wards, and to divide the said city into four or more wards or districts, so as to make the number of taxable inhabitants of each ward of said city as nearly equal as may be ; and the said councils are hereby authorized and required to fix the places of holding all general and city elections for said wards, and not elsewhere, and change the same as often as public convenience may require ; and it shall not be lawful for any inhabitant of said city to vote at any of the said elections, except within the ward wherein he resides.

Bounds may be changed.

SECTION 10. That it shall be lawful for the qualified electors of the aforesaid wards, and such other ward or wards as may be hereafter created and established, under the same provisions and regulations, as are prescribed by the act, entitled "An Act relating to the elections of this commonwealth," passed the second day of July, Anno Domini one thousand eight hundred and thirty-nine, on the second Tuesday of January next, and yearly thereafter, to elect two inspectors and one judge of elections and assessors, as is prescribed by the several acts of this commonwealth for the election of assessors : and the assessor or assessors who may be chosen, pursuant to said laws, prior to the said second Tuesday of January next, shall hold their offices until said day, and no longer.

Election of inspectors & judges.

SECTION 11. That it shall be lawful for the qualified electors of the Second, Third and Fourth wards of said city, to meet in their respective wards, on the second Tuesday of January, one thousand eight hundred and forty-six, and the qualified electors of the First ward on the second Tuesday of January, Anno Domini one thousand eight hundred and forty-five, and according to the provisions and regulations of an act, entitled "An Act providing for the election of aldermen and justices of the peace," passed the twenty-first day of June, one thousand eight hundred and thirty-nine, elect two aldermen for each of the wards of the said city, who shall hold their offices for the time prescribed by the constitution of this commonwealth ; and shall have, respectively and severally, all the powers, jurisdictions, authorities, fees and perquisites of justices of the peace of this commonwealth ; and the aldermen of said city, who may have been heretofore chosen or appointed, pursuant to said laws, or the act to which this is a supplement, shall hold their offices until their successors, elected in pursuance of this act, shall be duly qualified, and no longer.

Election of aldermen.

SECTION 12. That it shall be lawful for all persons entitled by law to vote for mayor of said city of Allegheny, to meet in the respective wards, on the second Tuesday of January next, and yearly thereafter, and elect one reputable citizen for each ward, and return the name of the person so elected, to the next court of quarter sessions of Allegheny county ; and the said court shall appoint the said person, so returned, to be constable of said ward for the term of one year from the date of his appointment, in the same manner and with like power and authority,

Constables.

and subject to the same regulations and penalties, as are provided and contained in the laws now existing, or that may be hereafter passed, concerning constables within this commonwealth; and all manner of process which may by law be directed to the constables of any township in said county, may in the same manner be directed to the constables of said wards respectively, whose duty it shall be to execute the same according to law.

Security.

SECTION 13. That all officers of the said city, (except councilmen,) whether created by this act, the act to which this is a supplement, or by the ordinances of the select and common councils of said city, shall each give bond to the mayor, aldermen and citizens of Allegheny, with security, to be approved by the president of the select council, in such sum as may be designated by the councils, conditional for the faithful discharge of the duties of their respective offices, and for the safe delivery into the hands of their successors of all moneys, books, papers, records and accounts, and all other things appertaining thereto; and it shall not be lawful for any of said officers elect, to enter upon or exercise any of the duties of their respective offices until their bond is given and approved as aforesaid; and all officers of said city shall render their accounts to the committee appointed by the councils for that purpose, once in every year for settlement, and said accounts after being adjusted and settled by said committee, shall be published by the councils in the same manner as the city accounts.

Certain laws extended to the city of Allegheny.

SECTION 14. That the provisions of the sixth, seventh and eighth sections of the act of the sixteenth of June, one thousand eight hundred and thirty-six, relating to judicial proceedings, in which the city of Pittsburg may be interested, be extended to the city of Allegheny, in the county of Allegheny; and that all like proceedings now depending or hereafter to be preferred, in which the city of Allegheny may be in like manner interested, shall be subject to the same jurisdiction and to like rules and regulations as prescribed by the said sections of the act aforesaid: *Provided*, That the provision of the sixth section which excludes certain jurors of the city of Pittsburg, when that city is interested, shall not be construed to exclude jurors of the city of Pittsburg, when the city of Allegheny is interested.

Repeal.

SECTION 15. That so much of the act to which this is a supplement, and so much of the laws of this commonwealth as are by this act altered or supplied, be and the same are hereby repealed, so far as they affect the said city of Allegheny.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

APPROVED—The thirteenth day of March, one thousand eight hundred and forty-four.

DAVID R. PORTER.