

No. 78.

AN ACT

To incorporate the village of Bethlehem, in the county of Northampton, into a 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 village of Bethlehem, in the county of Northampton, shall be and hereby is erected into a borough, which shall be called the borough of Bethlehem, and shall be bounded and limited as follows: Beginning at the river Lehigh, at the fording place immediately above Jones' island; thence up the said river to the mouth of Monokosy creek; thence along said creek to the stone bridge at the Hanover township line, in Northampton county; thence along the centre of the upper road leading from Allentown to Easton, to the intersection of the road leading from Nazareth to Philadelphia; thence along the centre of the road last mentioned, to the river Lehigh, to the place of beginning. Bounds.

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 the election hereinafter mentioned, shall on the third Friday in March, eighteen hundred and forty-five, (being the day of the township elections in the state,) meet at the house now in the occupancy of Caleb Yohe, in said borough, and then and there, between the hours of one and seven in the afternoon, elect by ballot one citizen, who shall be styled burgess, and nine citizens who shall be a council, and three citizens who shall be auditors, all of whom shall be inhabitants of the said borough; the first election to be held by the same officers who held the general election last fall, and after the said election shall have been closed shall declare the persons having the greatest number of votes duly elected; whereupon a certificate of the said election shall be signed by the said judges, a copy thereof transmitted by the clerk to each person elected, and the original recorded in the record books of the corporation; and in case of death, resignation, removal, or refusal to accept any of the said offices, a new election shall be held for the purpose of supplying such vacancy in the manner hereinafter provided: *Provided,* That it shall be the duty of the constable of the township of Bethlehem, for the time being, to give ten days' notice by advertisements set up at four of the most public places in said borough; at such borough elections each officer shall be allowed fifty cents for his services. Election.
Burgess and council.
Proviso.

SECTION 3. On the Monday next after the said election, the members of the council elected as aforesaid, shall be convened at the house of Caleb Yohe, in the said borough, by order of the burgess, and then and there shall by lot divide themselves into three classes; and the seats of members of the council of the first class shall be vacated at the expiration of the first year, counting the year from the first Monday after the third Friday in March; and the second class, at the expiration of the second year; and the third class, at the expiration of the third year. The auditors shall divide themselves in like manner, one going out every year. Meeting and classification of council.

Annual election.

SECTION 4. The inhabitants of said borough entitled to vote as aforesaid, shall, on the third Friday in March next ensuing the election aforesaid, and on the same day in every year thereafter, meet at the house now in the occupancy of Caleb Yohe, and elect in manner aforesaid, one burgess, three members of council, and one auditor, to supply the place of the members of council and auditor, vacated in manner hereinbefore mentioned; and shall also elect as aforesaid, one constable, and one assessor, and assistant assessor, and two school directors, and every five years two justices of the peace; and a certificate of such election shall be signed by the said judges, a copy thereof transmitted by the constable of the preceding year to the persons so elected, and the original recorded in the record books of the corporation; and in case of death, resignation, or refusal to accept of any of said offices, or if it should at any time happen that no election shall be holden at the time and place appointed, the burgess, or in his absence, or inability, or refusal to act, any member of the council shall issue his precept, directed to the high constable, to hold an election in manner aforesaid, to supply such vacancy; and in the mean time the officers of said borough, elected for the last year, shall continue to all intents and purposes to hold their respective offices, and exercise all the powers appertaining thereto, as fully and effectually as if their term of office had not expired.

Name.

Powers.

SECTION 5. From and after the first Monday after the third Friday in March next, the burgess and council elected as aforesaid, and their successors, shall be one body politic and corporate, by the name and style of "The Burgess and Council of the borough of Bethlehem, in the county of Northampton," and shall have perpetual succession, and shall be capable, in law, to have, require, receive, hold, purchase and possess goods, chattels, lands and tenements, rents, liberties, jurisdictions, purchases and hereditaments, to them and their successors, in fee simple or otherwise, not exceeding the yearly value of five thousand dollars; and also to give, grant, sell, let and assign the same goods, chattels, lands, tenements, hereditaments and rents; and by the 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 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.

Penalty for neglect of duty.

SECTION 6. If any person duly elected as burgess or member of council as aforesaid, and having received notice thereof, as is directed by this act, shall refuse or neglect to discharge the duties of the same, according to law, every such person neglecting or so refusing shall, for every such offence, forfeit and pay the sum of twenty dollars, which fine, and all other fines and forfeitures incurred and made payable in pursuance of this act or of any by-laws, ordinances, rules and regulations of the burgess and council, shall be for the use of the corporation, and shall be recoverable in the same manner as debts of equal amount are or shall be by law recoverable, unless herein otherwise provided for; and when so recovered shall forthwith be paid to the treasurer of the borough, and it shall be the duty of the officers of the borough, on receiving any money belonging to the corporation to pay the same to the treasurer forthwith: *Provided*, That no person elected to serve as aforesaid shall be liable to a fine for refusing or neglecting to serve more than once in four years.

Proviso.

Oath.

SECTION 7. The burgess, members of the council and high constable, and each of them, before entering on the duties of their respective offices, shall take and subscribe an oath or affirmation, before a justice of the

peace of the said county, to support the constitution of the United States and of this commonwealth, and to perform the duties of their respective offices with fidelity; and the certificate of such oath or affirmation shall be recorded amongst the records of the corporation; and the said burgess shall have power and authority to administer oaths and affirmations when the same may be necessary in the investigation of any matter within the cognizance of the said corporation.

SECTION 8. It shall be the duty of the burgess and town council, six of whom shall be a quorum, to hold monthly meetings on the third Monday of every month in each and every year, and oftener if occasion requires, at which meetings the burgess shall preside, and, in case of an equal division, give the casting vote; and the said burgess and council shall have power, at such meetings, to ordain and enact, revive and repeal, and amend such ordinances, by-laws, rules and regulations, as shall be deemed expedient to promote the peace, good order, benefit, and accommodation of the citizens of said borough, particularly of providing for the regulations of the market, improving, repairing, and keeping in good order the streets, lanes, alleys and highways, and removing nuisances therefrom; to designate the width of side-walks, to regulate the depth of vaults, sinks, drains, make permanent rules for the foundation of buildings and party walls, regulate the fences, side posts, and railings along the streets, to impose fines and penalties, and to require and compel the owners of houses, stores, work-shops, stables, buildings and lots, to pave the side-walks on such streets: *Provided however,* That they shall not have power to compel the paving of such side-walks over four feet in width, and with such materials as shall, by the burgess and town council, be deemed necessary and expedient, and the same to keep in repair; and to prohibit the exhibition of plays, shows, mountebanks, jugglers, and all and every other exhibition, under such restrictions, fines and penalties, as the said burgess and council shall direct; and to require and compel the inhabitants of the borough, and others occupying property therein, to clean the chimneys and stove-pipes in the buildings used and occupied by them, in such manner and as often as the said burgess and town council shall direct; and the said burgess and town council shall have power and authority to organize as many fire companies of the citizens of said borough, as there are or shall be fire engines belonging to said borough; and the said burgess and town council shall have power and authority to assess and apportion, raise and appropriate such taxes as may and shall by them be deemed necessary for carrying the said rules, ordinances and regulations, from time to time, into complete effect; they shall also appoint annually one or more street supervisors, a town clerk, a treasurer, and such other officers as may be deemed necessary, and the same officers, from time to time, remove; and all by-laws, ordinances, rules and regulations, shall be signed by the burgess and attested by the town clerk, and entered in the records of the corporation: *Provided,* That no by-laws, rules, or ordinances of the corporation shall be repugnant to the constitution of the United States or of this commonwealth; and that no person shall be fined or punished for the breach of any by-law or ordinance, made as aforesaid, until ten days have expired after the promulgation thereof by at least five advertisements, set up in five public places in said borough: *And provided,* 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 said tax shall not, at any one time, exceed one-sixth of a cent on the dollar in such valuation for county purposes: *Provided also,* That if the amount of such assessment be less than three hundred dollars, then, and in every such case,

Quorum.

Monthly meetings.

By-laws.

Proviso.

Taxes.

Supervisors.

Proviso.

Amount of tax.

the burgess and council shall have a right to increase the amount to a sum not exceeding three hundred dollars, excepting, however, that in all cases of general utility the burgess shall have a right to call a public meeting, after not less than five days notice shall have been given by written or printed advertisements, stating the object of the call of said meeting, put up in not less than five of the most public places in said borough; and if two-thirds of the citizens present at said meeting shall agree to raise an additional tax for such purpose, then the said burgess and town council shall proceed to levy and assess such additional tax, and cause the same to be collected and paid over to the borough treasurer, in the same way and manner as is provided for by this act; all property, officers, professions and persons, made taxable by the laws of this commonwealth for county rates and levies, shall be taxable after the same manner by the said borough; and all taxes, rates, and levies, rated and levied therein, shall be recovered in the same manner as the county rates and levies in the county of Northampton are by law recoverable.

Streets, &c.

SECTION 9. It shall be the duty of the supervisor, or supervisors, to open the streets, repair the same, and also the lanes and alleys in said borough, and to erect and repair the bridges and causeways in the same, under the direction and supervision of the said burgess and town council, excepting such alleys and bridges as are or shall be considered private property, and used as such.

Collection of taxes.

SECTION 10. The burgess elected as aforesaid, or in case of his absence, inability or refusal to act, the first named in the list of council is hereby authorized and empowered to issue his precept as often as occasion may require, directed to the high constable, (who shall be appointed annually by the council,) or in case of his inability to act, to some other fit person, commanding him to collect all taxes assessed in pursuance of this act, and the same to pay over to the treasurer; and the said burgess shall carry into effect whatsoever is enjoined upon him by the aforesaid rules and ordinances, for the well ordering and government of the said borough; he shall have power to remit fines and forfeitures in cases when it shall appear that the person or persons so fined, did not intentionally offend, or on their having some other just and reasonable excuse, which excuse shall be satisfactorily proved to the said burgess, the fees for collecting such taxes to be fixed by the council.

Clerk.

SECTION 11. It shall be the duty of the town clerk to attend all sessions of the burgess and town council, when assembled on business of the corporation, and keep and procure the common seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties that may be enjoined on him by virtue of this act and the acts of the corporation; and attestation of the said town clerk, with the seal of the corporation, shall, in all cases be good evidence of the act or thing so certified.

Treasurer.

SECTION 12. The treasurer shall give sufficient security for the faithful discharge of the duties of his office, and for the safe delivery of all books, papers and accounts appertaining thereto, and all money remaining in his hands into the hands of his successor, upon demand made for that purpose; and the high constable shall give sufficient security for the faithful discharge of the duties of his office, and the payment to the treasurer of all moneys he shall or may collect by virtue of his office, and for his services the said high constable shall be allowed such fees and compensation as are by law allowed to township constables for similar services, to be paid and collected in such manner as is by law provided in case of the township constable aforesaid: *Provided*, That this shall not be so construed as to prevent the said burgess and coun-

cil from allowing a reasonable compensation for his services, to be paid out of the treasury of the corporation.

SECTION 13. It shall be the duty of the high constable to give at High constable. least ten days previous notice thereto of the annual elections of said borough, by at least four advertisements set up at four of the most public places therein; and he shall attend and see that the election is opened at the time and in the manner directed by law. The burgess and town council shall from time to time affix the salaries of the town clerk, treasurer, and such other officers as may be appointed under this act, which compensation shall be paid out of the borough treasury by orders drawn thereon by the burgess, or in any other manner as the burgess and council shall direct.

SECTION 14. No money shall be drawn from the treasury except by Money. authority of the council, on orders drawn by the burgess, and attested by the town clerk. It shall be the duty of the burgess and town council to settle the accounts of the several officers, and cause a fair statement to be made every year in the month of February, a copy of which shall be left with the burgess for public inspection by the citizens of the borough, having however first been approved by the auditors.

SECTION 15. The burgess, treasurer, and first named on the list of Appeal. council, shall constitute a court of appeal; and prior to the collection of any borough tax, the high constable shall inform each of the inhabitants of the amount of his tax, and of the time and place of appeal: *Provided nevertheless,* That the said court of appeal shall have no *Proviso.* other power as such, than to determine the justness of the apportionment of said tax, conformable to the county rates and levies, and to correct any mistake in that respect.

SECTION 16. If any person shall think him, her, or themselves *Grievances.* aggrieved by anything done in pursuance of this act, except what relates to the imposing and collecting of the borough tax, and the appointments made by the burgess and 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 thereon as to them shall seem just and reasonable, the same shall be conclusive.

SECTION 17. From and after the passage of this act, the citizens of *Road tax.* the borough of Bethlehem shall be exempted from paying road tax to the township of Bethlehem, for any real estate and premises situated and lying in said borough.

SECTION 18. The inhabitants of said borough shall elect one assessor *Assessors.* and one assistant assessor of the county rates for said borough, and such other officers as may be by law required, at such time, under like regulations, and for the same purposes as are or shall be hereafter directed by law in the several townships within this commonwealth; and the assessor and the assistant assessor so elected shall have, use and exercise all and every the powers, rights and privileges, perform all and every the same duties, and be subject to the same penalties, within the said borough respectively, which are or shall be suffered by or imposed upon like officers of the several townships of this commonwealth.

SECTION 19. From and after the passage of this act the citizens and *Separate from* property in the borough of Bethlehem, shall be and remain distinct and *Bethlehem town-* separate from the township of Bethlehem, in the assessment and collec-*ship.* tion of all state and county taxes, rates and levies.

SECTION 20. No misnomer or failure of the election of officers on *Misnomer.* the day appointed, shall dissolve or discontinue the said corporation,

but the officers respectively for the time being, shall continue in office till a new election shall be made as is hereinbefore directed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The sixth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 79.

A SUPPLEMENT

To “An Act to incorporate the Woodland Cemetery company of Philadelphia.”

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 Woodland Cemetery company may add, not exceeding five acres, to their present burial grounds, and two to their number of managers, making nine managers.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The sixth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.