

No. 344.

AN ACT

To incorporate the borough of Reading, Berks county, into a city.

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 inhabitants of the borough of Reading, in the county of Berks, as the same extends and is now incorporated, are hereby constituted a corporation and body politic, by the name and style of "the mayor, aldermen and citizens of Reading," and by the same name shall have perpetual succession, and they and their successors, by such name shall at all times forever be able and capable in law, to have, purchase, receive, possess, and enjoy lands, tenements and hereditaments, liberties, franchises and jurisdictions, goods, chattels and effects, to them and their successors forever, or for any other or 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 city, as a body politic and corporate 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.

SECTION 2. The city of Reading shall be divided into five wards, in the manner following, viz: so much of said city as shall be included within a line beginning at the westerly bank of the river Schuylkill; thence east by the northern boundary of the city to Sixth street; thence by Sixth street to Penn street; thence by Penn street to the westerly bank of the river Schuylkill; thence by said river to the northern boundary of the city, shall be one ward, and shall be called Northwest ward; and so much of said city as shall be included within a line beginning at the westerly bank of the river Schuylkill; thence east by Penn street to Sixth street; thence by Sixth street to Spruce street; thence by Spruce street to the westerly bank of the river Schuylkill; thence by said river to Penn street, shall be one ward, and shall be called Southwest ward; and so much of said city as shall be included within a line beginning at the westerly bank of the river Schuylkill; thence east in a line with and by Spruce street to Seventh street; thence by Seventh street to the intersection of the said street with the Philadelphia and Reading railroad; thence by the line of the said railroad to the southern boundary of the city; thence by said boundary to the westerly bank of the river Schuylkill; thence by said river to the place of beginning, shall be one ward, and shall be called Spruce ward; and so much of said city as shall be included within a line beginning at Penn street; thence by Sixth street to Spruce street; thence by said Spruce street to Seventh street; thence by Seventh street to the intersection of Seventh street with the Philadelphia and Reading railroad; thence by the line of said

railroad to the southern boundary of the city; thence by said boundary to the Reading and Perkiomen turnpike; thence by said turnpike to Penn street; thence by Penn street to Sixth street, shall be one ward, and shall be called Southeast ward; and so much of said city as shall be included within a line beginning at Penn street; thence by Sixth street to the northern boundary of the city; thence by the said boundary to the eastern boundary of the city; thence by the said boundary to the Reading and Perkiomen turnpike; thence by said turnpike to Penn street; thence by Penn street to Sixth street, shall be one ward, and shall be called Northeast ward.

Councils.

SECTION 3. Each of the said wards shall have one member of the select council of the said city, who shall be an inhabitant of the ward from which he shall be elected, and qualified to serve as a member of the senate of the commonwealth; and each of the said wards shall have *one member of the common council of the said city for every three hundred taxable inhabitants of such ward, and shall have, in addition thereto, one member of the common council of the said city for every fraction of three hundred taxable inhabitants, exceeding in number two hundred, who shall be an inhabitant of the ward from which he shall be elected, and qualified to serve as a member of the house of representatives of the commonwealth, provided that each ward shall have at least one member of the said common council.*

Common council.

SECTION 4. The number of taxable inhabitants of each ward shall be determined from the returns of the assessors of county taxes, and the common council shall have power to regulate the number of common councilmen to be chosen from each ward, from time to time, being governed in the discharge of that duty by the ratio of representation prescribed in the third section of this charter, and by the returns of the assessors of county taxes.

Common council regulated.

SECTION 5. Until the common council shall regulate the number of common councilmen to be chosen from each ward, Northeast ward shall be entitled to two, Southeast ward to two, Southwest ward to three, Northwest ward to two, and Spruce ward to one member of that body.

Qualification of voters.

SECTION 6. That the freemen of the city of Reading, citizens of this state, or of the United States, who have resided within the bounds of the said city at least one year preceding the election, and within that time paid a borough or a city tax, shall meet in the several wards on the third Friday in March, Anno Domini eighteen hundred and forty-seven, and on the third Friday in March, yearly thereafter, and elect by ballot for their several wards, so many persons as the said wards severally may be entitled to, to be members of the common council for the said city for the year in which they shall be elected; and also, at the first election herein provided for their several wards, one person to be a member of the select council of the said city, and the persons so elected by the several wards members of the select council, shall, at their first meeting after their election, divide themselves by lot into three classes, the seats of the first class, which shall consist of one, shall be vacated at the expiration of the first year, of the second class, which shall consist of two, at the expiration of the second year, and of the third class, which shall consist of two, at the expiration of the third year, so that one class may be chosen by the ward or wards entitled to elect, respectively, every year after such first election; and the first and every subsequent election of select and common councilmen, held under this act, shall be held and conducted in the several wards of the said city, at the place appointed in each ward for holding the general election, by the officers selected by the voters of the said several wards to hold and conduct the

Annual election of officers.

Classification.

general election next preceding, who are hereby authorized and required to hold said elections, and the said officers shall hold and conduct the said elections in their several wards, according to the provisions of the general election law of this commonwealth; and when each election, to be had and held in pursuance of this section shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the persons herein authorized and required to hold and conduct such elections, shall prepare and make, under their respective hands and seals, duplicate returns of all the votes given at such election; one of which shall, with the tally lists and lists of voters for all city officers voted for at such elections, be deposited in one of the ballot boxes, and be sealed with the seals of said officers, and delivered within twenty-four hours of such election to the nearest justice of the peace or alderman for safe keeping, and the other to be delivered within twenty-four hours of such election to the chief burgess of said borough, or to the mayor of the said city, to be filed in his office; and the said officers of election shall make out a certificate of election for each person chosen as a select or common councilman, which certificate shall be delivered to the person so chosen, or left at his usual place of abode by the high constable of said city, within three days after such election.

How elections shall be conducted.

SECTION 7. That the said select and common councilmen elect, shall meet at the county court house in the said city, and afterwards at said court house, until a town hall for their accommodation shall be built by the said city, between the hours of ten and twelve o'clock in the forenoon, on the Friday next following each and every election of select and councilmen, to be held in pursuance of this act, and shall then and there receive from the chief burgess of the said borough, or from the mayor of the said city, the return of election to him made, and shall forthwith proceed to examine the same, and to judge and determine thereon; and for that purpose, and to the end and intent that this act or the provisions herein contained may not be ineffectual, the said select or common councilmen elect, as the case may be, who shall be elected and returned, as aforesaid, or a majority of them, who shall be a quorum for all business, shall be judges of their own election, and shall have full power and authority to approve thereof, or to set aside the same, or afterwards to vacate the seat of any member for misbehaviour, neglect of duty or other misdemeanor, and to order new elections, as the case may require, to be held at such times as shall be by such council respectively appointed, of which they shall give at least fifteen days' previous notice, by handbills posted up in public places in the proper ward, and by advertisement in one or more of the newspapers printed in the said city; which election shall be held in the proper ward, by the proper officers herein authorized and directed to conduct the annual city election in such ward, who are hereby enjoined to do and perform the duties herein required of them at such special election, and to make returns of such election in manner as aforesaid; and so, in like manner, as often as occasion may require, upon the death, resignation or removal from the city of a member or members of either of the said councils, that in case of a tie vote between candidates for membership in either council, is returned to either council respectively, such candidates so having a tie vote shall appear at the proper day, when the council for which they were candidates is organized, and shall, in the presence of such council, determine by lot which of them shall become a member of the same, and the one in whose favor the lot shall determine, shall be forthwith sworn in.

Organization.

Quorum.

SECTION 8. That each and every select and common councilman who shall be elected, chosen and returned in manner aforesaid, and whose name shall be sworn.

Councilmen to be sworn.

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 president or one of the judges of the court of common pleas of Berks county, or before the mayor of the said city, for the time being, 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 therein shall expire, as directed in and by this act.

SECTION 9. That the power of the said corporation of the said city shall be vested in the said select and common councils, who shall, in common councils 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 city, and the same to enforce, put in use and execution by constables, 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 shall have, hold and enjoy all the powers now vested in the borough of Reading, which are hereby transferred to and vested in the said councils.

SECTION 10. That the said select and common councils, in common council assembled, shall have power to borrow, for the use of the said city, any sum or sums of money which they shall deem necessary, and to issue certificates of loan for the amount so borrowed, to the persons respectively lending the same; and the said certificates, signed by the mayor of the said city, and attested by the presidents of the select and common councils, shall be binding and obligatory on the said corporation: *Provided*, That the sums of money so borrowed, shall not, in the whole, including the sums heretofore borrowed for the use of the borough of Reading, for the re-payment of which the faith of the said borough is now pledged, exceed the sum of seventy thousand dollars; and the said councils, in common council assembled, shall have power to lay and collect taxes within the limits of the said city, for the purpose of carrying into effect the by-laws, rules and ordinances of the said city; and for the re-payment of all loans, with the interest thereon, heretofore made for the use of the borough of Reading, for the re-payment of which the faith of the said borough is now pledged; and for the re-payment of all loans, with the interest thereon, hereafter to be made, for the use of the said city, for the re-payment of which the faith of the said city 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 purposes of county rates and levies: *And provided*, That the taxes levied any one year, shall not exceed one per cent. upon such valuation; and the collectors of taxes appointed by the said councils, as hereinbefore provided, shall, on the delivery of the duplicates to them respectively, proceed to collect the amount of such duplicates from the persons therein respectively charged, and pay over the same, when collected, without delay, to the city 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; and in case goods and chattels

sufficient to satisfy the same, with the costs, cannot be found, such collector shall be authorized to take the body of such delinquent, and convey him to the jail of the proper county, there to remain until the amount of such tax, together with the costs, shall be paid or secured to be paid, or until he shall be otherwise discharged by due course of law.

SECTION 11. That the select and common councils, in joint meeting assembled, 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 the said city, who shall collect the taxes for the year for which they shall be appointed, and shall give such security for the faithful discharge of their duty, as the said councils shall direct; and also one solicitor of the said corporation, one or more regulators of the streets, one or more street commissioners, one or more city constables, a clerk of the market, 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 city into effect; and shall have power, by ordinance, to fix the compensations of all the said officers, and to prescribe their duties, and by joint resolution, at pleasure, to dismiss and remove all or any of them, except the tax collectors.

SECTION 12. The said select and common councils, in common council assembled, shall have power, by ordinance, to determine the width of the side or footwalks of the streets, lanes and alleys within the limits of the said city, and to require and direct the paving and curbing thereof 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 pave and curb the side or footwalks in front of his or their lot or lots, agreeably to the requisitions of such ordinance, the street commissioner of the said city shall cause the same to be paved and curbed, at the expense of the said city, and the owner or owners of the said lot or lots shall be liable to re-pay the expenses thereof to the said city; and it shall be lawful for the said councils to file their lien for the same in the court of common pleas of Berks 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 scire facias, as debts are recoverable under the mechanics' lien law in the corporate name of the said city: *Provided*, That such lien shall be filed within thirty days after such expense is incurred by the said city, and recite the name of the owner or reputed owner, and the occupier or occupiers of such lots.

Powers relative to footwalks, streets, lanes and alleys.

Liens.

Proviso.

SECTION 13. That the said select and common council shall assemble in common councils for the transaction of business, on the last Saturday of every month in each year, and oftener if occasion shall require.

Time of meeting.

SECTION 14. That in order that a knowledge of the said laws, ordinances, regulations and constitutions may at all times be had and obtained, and the publication thereof at all times be known and ascertained, such and so many of them as shall not be published in one or more of the public newspapers published in said city, within fifteen days from and after their being severally passed, ordained and established, and also recorded in the office of recorder of deeds, in and for the county of Berks, who shall keep a separate book for that purpose, and shall be allowed and paid for recording thereof, at the same rate as is allowed by law for recording deeds, within thirty days from and after their being so as aforesaid passed, ordained and established, shall be null and void; and before any of the said laws, ordinances, regulations and con-

Laws and ordinances to be published and recorded.

stitutions shall be so as aforesaid recorded, the publications thereof, respectively, with the times thereof, shall be proved by the oath or solemn affirmation of some credible person, which said oath or affirmation shall be recorded therewith, and at all times be deemed and taken as sufficient evidence of the time of such publication.

Halls of council
to be open to ad-
mission.

SECTION 15. That the doors of the respective halls of the said select and common councils, shall be open for the admission of all orderly and peaceable persons, who shall be desirous of being present at the discussion of any by-laws, regulations, ordinances or constitutions for the welfare and good government of the said city; and that all voting in the said select and common councils, or in any convention of the same upon any by-law, regulation, ordinance or constitution, or upon the election or removal of any officer, shall be *viva voce*.

Annual election
of mayor.

SECTION 16. That the freemen of the city of Reading, qualified to vote for members of the select and common councils of said city, shall meet in their several wards on the third Friday in March, Anno Domini, eighteen hundred and forty-seven, and on the third Friday in March, yearly thereafter, and elect, by ballot, one person qualified to serve as a member of the senate of this commonwealth, and who shall have been an inhabitant of said city for at least for years next preceding his election, to be mayor of the said city, for the term of one year, commencing on the Friday next following such election; that the election of mayor shall be held at the same time and places, by the same officers, and in the same manner herein appointed for holding the election of members of the select and common councils of the said city; and the candidate having the highest number of votes polled shall be elected; that when the election to be had and held in pursuance of this section, shall be closed, and the number of votes for each candidate or person voted for, shall be counted and ascertained, the persons herein authorized and required to hold and conduct this election, shall prepare and make under their respective hands and seals, duplicate returns of all the votes given at such election, one of which shall, with the tally lists, be deposited in one of the ballot boxes, and be sealed with the seals of the said officers, and delivered within twenty-four hours of such election to the nearest justice of the peace or alderman, for safe keeping; and the other be delivered to the president of the town council of said borough, or to the president of the select council of the said city.

Returns of elec-
tion.

SECTION 17. That the said president of the town council of Reading, or the president of select council of the said city, or the person acting as such, shall, at a meeting of the said town council of the borough of Reading, or at a joint meeting of the select and common councils of the said city, on the Friday next following the said election, open and publish said returns, and cause the same to be entered on the journal of the town council of the said borough, or on the journal of the said select council, and some one duly qualified to administer oaths, shall then and there administer the usual oath or affirmation to the persons having the highest number of votes for mayor, as aforesaid, who shall thenceforth enter upon and perform all the duties, and possess and enjoy all the powers and privileges appertaining to the office of mayor of said city, by virtue of any law of this commonwealth, or any ordinance, law, regulation or constitution of said city, for the term of one year, as aforesaid, and until another shall have been duly elected and qualified; but if an election shall be contested, and there shall be from the returns received, or other competent testimony, (to be judged of by the members present at such joint meeting,) a reasonable doubt whether the person having the return has been duly elected, then the members of the select and common councils, in joint meeting as aforesaid, which they shall

Qualification of
mayor.

Relative to con-
tested election.

have power to adjourn from day to day, for the purpose of hearing and determining the matter, shall, within one week, decide upon such contested election, by a majority of the votes of the members present in joint meeting; and if the return is confirmed, the person having it shall be forthwith qualified as aforesaid; and if the return is not confirmed, and the election is set aside, a special election shall be ordered, to be holden by the citizens of the said city on the fourth Friday after the third Friday of March, to elect a mayor thereof, which shall be conducted in the manner prescribed in the preceding section of this act; and the returns thereof being made as therein directed, on the Friday next following the same, shall be opened and published as is in this section hereinbefore prescribed, and the person having the highest number of votes at such special election for mayor, shall be duly qualified to act as such for the remainder of the year for which he shall have been elected; and whenever the office of mayor shall become vacant, by the refusal or omission to serve by any person elected as aforesaid, by death, resignation, removal from the said city, or otherwise, it shall be the duty of said select and common councils, in joint meeting, as soon as conveniently may be after such vacancy shall happen, to elect a suitable person to serve as mayor aforesaid, who shall continue in office until the fourth Friday in March next succeeding his election, and until another shall have been duly elected and qualified.

Vacancy, how supplied.

SECTION 18. That the mayor of the said city of Reading shall have power to try, judge, hear and determine all actions for penalties, fines or forfeitures imposed by virtue of the laws of this commonwealth relating to the said city, or by virtue of the ordinances, laws, regulations or constitutions of the said city, as fully and in the same manner, and with the same rights and privileges as any alderman of the said city, by the laws of this commonwealth now has, or hereafter may have, the power to do, subject to the same right of appeal as for debts under one hundred dollars, and all such actions shall be instituted in the corporate name of the said city; and the said mayor shall have, hold, enjoy and exercise the criminal jurisdiction of a justice of the peace, so far as regards offences, of whatever nature, committed within the said city, as fully as the same is had, held, enjoyed and exercised by any justice of the peace of this commonwealth, with regard to offences committed within the district for which he shall be appointed, and shall receive the same fees for services rendered in the exercise of his criminal jurisdiction, as are by law allowed to the justices of the peace of this commonwealth for similar services.

Powers and duties of mayor.

SECTION 19. That each and every mayor and alderman of the said city, who shall misdemean himself in office, shall be liable to be removed from office, in the same manner that justices of the peace are, by the constitution and laws of this commonwealth, removable for misconduct in office, by the general assembly.

Removal of mayor and aldermen.

SECTION 20. That the justices of the peace at present commissioned in and for the borough of Reading, shall be aldermen of the said city, and as such aldermen shall, severally and respectively, have all the jurisdictions, powers and authorities of justices of the peace of and for the said city and for the county of Berks, and shall act therein accordingly, jointly or severally, as fully and amply as any justice or justices of the peace, of or for any county within this commonwealth, may or can do in and for such county; that the aldermen of the said city, and the justices of the peace in the county of Berks, shall have full power and authority to do and perform all the duties of justices of the peace, in civil cases, throughout the said county, and within the bounds of the said city; and in case of vacancy by death, resignation, removal from

Present justices of the peace to be aldermen.

Vacancies, how supplied.

the said city, expiration of commission or otherwise, of any of the said aldermen, such vacancy shall be filled up and supplied in the manner provided by the constitution and laws of this state.

Divided into two districts for the election of aldermen.

SECTION 21. That the city of Reading be divided into two districts, for the election of aldermen of the said city, of which Northeast ward and Northwest ward shall constitute one district, and Southeast ward, Southwest ward and Spruce ward, shall constitute one district, and that each of said districts shall have two aldermen, who shall reside in their respective districts.

Jurisdiction and power of aldermen.

SECTION 22. That the aldermen of the said city, for the time being, shall have the same jurisdiction in all civil cases, as justices of the peace of the county have, and shall proceed therein in like manner, for the like fees and costs, and with the like powers and authorities, and under and subject to the like rules, regulations and restrictions, and to the like means, process and execution, as in cases of debt or other demand, or in cases of damage, trespass and trover, before any justice of the peace within the commonwealth, with the like appeal by the party aggrieved, to the court of common pleas of the county of Berks.

Mayor and aldermen may take acknowledgments of deeds, &c.

SECTION 23. That the mayor and aldermen, or any of them, shall and may take and receive the acknowledgment and probate of all deeds, conveyances, mortgages or other instruments of writing, touching or concerning any lands, tenements or hereditaments, situate, lying and being in any part of this state; and also, shall may take and receive the separate examination of any feme covert, touching or concerning her right of dower, or the conveyance of her estate or right in or to any such lands, tenements or hereditaments; and also, shall and may take and receive the acknowledgment and probate of any instrument of writing, to the recording of which probate or acknowledgment is rendered necessary by the recording acts of this state, as fully to all intents and purposes whatsoever, as any judge of the supreme court, or president or associate judge of any of the courts of common pleas within this commonwealth, can or may take and receive the same; and they, the said mayor and aldermen, or any of them, so taking and receiving such acknowledgments and probates, or examinations as aforesaid, shall and may receive the legal fees therefor.

Powers and duties of constables.

SECTION 24. That it shall be lawful for any constable or constables of the said city, to whom any warrant, under the hand and seal of the said mayor or aldermen, or any of them, shall be delivered, commanding him or them to take any person or persons, who shall have been charged with having committed any offence within the said city, and to bring him, her or them before the said mayor or aldermen, or any of them, and he or they are hereby enjoined and required to execute the same by making the arrest, if the same can be done at any place within the county of Berks, and also by bringing such offender or offenders, before the said mayor or aldermen, or some of them.

Power of mayor and aldermen in certain cases.

SECTION 25. That it shall and may be lawful for the said mayor and aldermen, or any of them, before whom any complaint, matter or thing of a criminal or civil nature, within his or their jurisdiction, shall be made or depending, to issue their subpoena in common form to any person or persons within this commonwealth, commanding him or them to appear and give evidence therein; and every person to whom the same shall be directed, and on whom service thereof shall be duly made shall attend accordingly and give evidence, under such pains and penalties as are by law incurred by any person or persons refusing to attend and give evidence, when duly subpoenaed for that purpose.

Duties of sheriff.

SECTION 26. That the sheriff of Berks county is hereby enjoined and required to receive, and keep in safe custody in the jail of said

county, until legally discharged therefrom, any person or persons who may be committed by virtue of lawful process from the mayor or any alderman, or aldermen of the said city, in the manner, and under the same penalties as if he, she or they had been committed by the court of quarter sessions, or any judge thereof; and all neglect of duty or willful misbehaviour in the said sheriff, or the jailor of said jail, towards such prisoners, or any of them, shall be and the same is hereby made cognizable and punishable, as a like neglect of duty, or a like willful misbehaviour in the said sheriff or jailor of the said jail, towards prisoners committed by any justice of the peace of the said county is or would be cognizable and punishable.

SECTION 27. That the inhabitants of the said city qualified to vote for mayor may, at the times and places, and in the same manner they elect the mayor of the said city, elect a city treasurer, to serve for one year from the fourth Friday in March, 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 the said office, to his successors in office; and the said bond shall be taken in the name of the mayor, aldermen and citizens of Reading, and shall be filed of record in the office of the prothonotary of the county of Berks; and may also, at the same time and place, and in the same manner, elect three reputable persons as auditors for one year, to audit the treasurer's accounts.

Election of city treasurer.

SECTION 28. That the act of the general assembly, passed the thirteenth day of March, Anno Domini one thousand eight hundred and forty-four, entitled "An Act concerning road views and road damages in Berks, Lancaster and Bucks counties," be and the same is hereby repealed, so far as regards the county of Berks and the borough of Reading; and that proceedings may be had, as often as the same may be hereafter required for opening or extending the streets, lanes or alleys in the city of Reading, and for the assessment and payment of damages for the same, under and according to the provisions of the second, third and fourth sections of the act of assembly, passed the fifteenth day of March, Anno Domini eighteen hundred and twenty six, entitled "An Act for extending the time of holding the court of quarter sessions of the peace in the counties of Berks and Bucks, and for the better regulation of the borough of Reading," which are hereby re-enacted and made applicable to the said city.

Act of 1844, as relates to streets, &c., repealed.

Proceedings to open or extend streets, &c.

SECTION 29. That the said select and common councils, in common council assembled, shall have power to provide by ordinance for the erection or purchase of a lock-up or watch house, in some convenient part of the said city, for the detainer and confining of vagrants and persons arrested by the police officers, until the persons so arrested can be taken before the proper magistrate for hearing, and committed to prison or discharged; but no person shall be detained in the said watch house for a longer time than twenty-four hours, except upon the order of a magistrate legally authorized, who may commit such person for further hearing.

To provide a lock-up house.

SECTION 30. That all persons elected or appointed under the authority of this act, shall, in addition to the usual oath of office, be sworn to support the constitution of the United States and of this state; and any person so elected or appointed, who shall refuse to take upon himself the duties of office, shall forfeit and pay the sum of twenty dollars, to be recovered as debts under one hundred dollars are by law collected,

Oath prescribed.

unless the fine shall be remitted by the mayor of said city, who is hereby authorized to remit the same, on sufficient causes shown, or by the select and common councils, who are hereby authorized, on sufficient cause shewn, to remit the said fine, in case of the refusal to act of the person elected to serve as mayor.

SECTION 31. That all acts of assembly now in force touching or concerning the borough of Reading, and all the ordinances of the said borough of Reading, the said acts and ordinances not being inconsistent with the provisions of this act, shall be and remain in force in the said city until the same shall be re-enacted, altered or supplied by other acts of assembly, by ordinances enacted under the authority hereby given, by the select and common councils of the said city.

Incompatibility.

SECTION 32. That no alderman of the said city, or any person holding an office of trust or profit under the ordinances of the select and common councils, the emoluments whereof are paid out of the treasury of said city, shall be competent to serve as a member of the select or common councils.

Estate of borough, vested in the city authorities.

SECTION 33. That all the property and estates whatsoever, real and personal, of the borough of Reading, are hereby severally and respectively vested in the corporation or body politic of the city of Reading, and their successors in and by this act established, by the name, style and title aforesaid, to and for the use and benefit of the said citizens forever; and until the corporation of the said city shall be duly organized under this act, the present charter of the borough of Reading shall continue in full force and operation, and all officers under the same shall be appointed and hold their offices as they now may or can do by law; and as soon as this act shall go into operation, all suits, prosecutions, debts and claims whatever, shall, by force thereof, become transferred to the said city, which in all suits now pending shall be substituted as party therein, and be under the management and control thereof as fully and completely as if no alteration had been made in the said charter; and all claims and demands of whatever nature, whether payable presently or in future, existing against the borough of Reading when this act shall go into operation, shall, by force thereof, be recoverable from or against the said city of Reading.

Publish account annually.

SECTION 34. That the said select and common councils shall, once in every year, cause to be published, in one or more of the newspapers printed in the said city, a just and true account of all the moneys which shall have accrued to them in their corporate capacity during the year preceding such publication, and also of the disposition thereof.

Construction of act.

Proviso.

SECTION 35. 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 the said corporation: *And provided also,* That this act, and the powers and authorities herein vested in the said city, shall not be impaired, affected, defeated or destroyed by any neglect or omission to appoint all or any of its officers at the time or times allotted for the same; and in case of any such neglect or omission, the mayor and alderman of the said city, or a majority of them, shall forthwith take all necessary measures to cure and supply such defects and omissions, giving due notice thereof in the public newspapers of the said city.

JAMES COOPER,

Speaker of the House of Representatives.

WM. WILLIAMSON,

Speaker of the Senate.

APPROVED—The sixteenth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.