

No. 248.

## AN ACT

To authorize the trustees of the Second Presbyterian church, in the city of Philadelphia, to sell certain real estate.

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 trustees of the Second Presbyterian church, in the city of Philadelphia, be and they are hereby authorized to sell and convey a certain lot of ground, with the buildings thereon, to them belonging, situate in the city of Philadelphia, on the south side of Cherry street, beginning at the distance of forty-nine and a half feet westward from the westside of Delaware Fifth street, and containing in front fifty-three feet, and in depth fifty-nine feet: *Provided,* That before the said trustees shall make and deliver a deed or deeds for the said real estate, to the purchaser or purchasers thereof, they shall first give security, by bond or recognizance, to the commonwealth, in such manner and amount as the court of common pleas of Philadelphia county shall approve, for the faithful application of the proceeds of the sale of said real estate. Power to sell.  
Proviso.

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

WM. WILLIAMSON,  
*Speaker of the Senate.*

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

FRS. R. SHUNK.

No. 249.

## AN ACT

To incorporate the village of West Elizabeth, in the county of Allegheny, 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 from and after the passage of this act, the town of West Elizabeth, Jefferson township, Allegheny county, Pennsylvania, described within the following limits, to wit: commencing at a stake at low water mark in the Monongahela river, below and north of said town, north thirty-eight and one-half degrees west twenty-one perches to a white walnut; thence Boundaries.

forty-five and one-fourth degrees west seventy-six perches to a post; south fifty-five and one-half degrees west fifty-four and one-half perches to a hickory; thence south sixty-eight and one half degrees west fifty-nine perches to a locust; thence south fifty-six degrees west one hundred and two perches to Washington Parkinson's line; thence south fifty-one degrees east ninety-eight perches to a post, at low water mark on the Monongahela river; thence down said river north forty-one degrees east two hundred and seventy-three perches and one-half to the beginning of the survey, is hereby erected into a borough, which shall be called and styled the borough of West Elizabeth.

Style.

Annual election  
for officers.

Town council  
and other officers.

**SECTION 2.** That the inhabitants of said borough entitled to vote for members of the general assembly, having a bona fide residence of at least thirty days immediately preceding the election, shall, on third Friday of April next, and annually thereafter on the same day which now or may be hereafter fixed by law for the election of constables and other township officers within this commonwealth, meet at the school house in said borough, and then and there, between the hours of twelve M., and seven o'clock, P. M., elect by ballot, one of the citizens of said borough, to be styled burgess, and five other citizens, to be styled the town council, one street commissioner, at the first election after the passage of this act, one justice of the peace, and afterwards two justices of the peace, six school directors, two to serve one year, two two years, and two three years, and thereafter two annually, and one person to be constable of said borough, whose name shall be returned to the next court of quarter sessions for the like purposes as in the election of township constables; the said inhabitants shall also, at the same time and place, elect one judge, two inspectors of election, and assessors, all of whom shall be residents of said borough, agreeably to the laws of this commonwealth; the said elections shall be conducted in the same manner as is provided for in the election of township officers of this commonwealth, except that the certificates of election of burgess shall be filed among the records of the corporation, and duplicate certificates of said election shall be signed by the judge, one of which shall be transmitted to each of the persons elected: *Provided*, That the first election to be held under this act, shall be held by one judge, one inspector and one clerk, who shall be chosen by a majority of citizens present at the said school house, on said third Friday of April after the passage of this act, at twelve o'clock M.; and said judge and inspector shall be sworn or affirmed in the manner as is provided by law for the swearing or affirming election officers, and they shall perform the duties required of them by law, relative to township elections; and the constable of the township of Jefferson, Allegheny county, is hereby required to attend at the said school house, on the said third Friday of April next, at twelve o'clock, for that purpose, and to give at least ten days' notice thereof, in at least three places in said borough.

Proviso.

President of  
council.

Annual meeting  
of burgess and  
council.

Quorum.

**SECTION 3.** That the burgess shall be president of the council at its several meetings; he shall only have power at said meetings to preserve and enforce order, and shall not have the privilege of voting.

**SECTION 4.** That the burgess and town council shall meet on the first Monday of April next succeeding their election, in each year, and as often thereafter as occasion may require; four members shall constitute a quorum to do business, and the proceedings of a majority of a quorum, when there is one formed, shall be valid; they shall have power, in the absence of the burgess, to elect a president pro tempore, who shall, in the case of the death, resignation, refusal to accept or to act, or inability of the burgess to attend, perform all and every duty enjoined on the burgess; in his absence, the president pro tem. shall have power

to call special meetings of the council, but in all cases of special meetings personal notice shall be given to each member, unless absent from the borough; the burgess and town council shall, in all cases, continue to hold their respective offices until their successors shall be duly elected and qualified: *Provided*, That the burgess and town council elected in April next, shall hold their first meeting on the first Monday of May. Proviso.

SECTION 5. That if any person duly elected burgess or a member of the town council, and having received notice thereof, as directed by this act, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, or having taken upon himself such duties, shall neglect to discharge the same according to law, every such person so refusing or neglecting, shall, for every such offence, pay and forfeit the sum of five dollars; and every other officer elected and appointed by virtue of this act, or the by-laws or ordinances of the town council aforesaid, who shall refuse or neglect to take upon himself the execution of such office, or having accepted the same, shall refuse or neglect to perform the duties thereof, shall, for every such refusal or neglect, pay a fine not exceeding five dollars, at the discretion of the burgess, which fines, and all other fines that may be incurred under this act, or any of the by-laws or ordinances of the town council, shall be for the use of said borough, and shall be recovered in the name of the burgess and town council of the borough of West Elizabeth, as debts of like amount are recoverable by law: *Provided*, That no person or persons shall be compelled to serve more than one year in any term of three years; and the payment of a fine shall be equivalent to a service of one year in any office: *And provided further*, That nothing herein contained shall be construed to exonerate any constable or other officer from the payment of any fine or penalty imposed by the existing laws, or that may hereafter be enacted for refusing to serve in such office. Penalty for refusing to accept office.  
Proviso.  
Proviso.

SECTION 6. The burgess shall take and subscribe an oath or affirmation, before one of the judges of the court of common pleas, or before a justice of the peace in said county of Allegheny, to support the constitution of the United States and of the state of Pennsylvania, and to execute the office of burgess of West Elizabeth with fidelity; and when so qualified, he shall administer an oath to each of the members of the town council, high constable, town clerk, clerk of the market, if one shall be appointed, and such other officers as shall be appointed or elected under this act, or any by-law or ordinance of said borough, before they shall enter upon the duties of their respective offices; which oath or affirmation so taken and subscribed, shall be filed among the records of the corporation. Qualification of burgess.  
To administer oaths to council and other officers.

SECTION 7. That from and after the first Monday in April, the burgess and town council duly elected, and their successors, shall be one body politic and corporate, by the name and style of the burgess and town council of the borough of West Elizabeth, and shall have perpetual succession, and shall be capable in law to have, receive, hold and possess goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors in fee simple, or otherwise, not exceeding the yearly value of five thousand dollars; and also to grant, sell, let and assign the same; and shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law in this commonwealth, in all manner of actions whatever, and to have and use one common seal, and the same from time to time, at their will, to change and alter. Corporate body.  
Style.  
Privileges.

SECTION 8. That the town council shall have power to pass and enact by-laws, rules, regulations and ordinances, as they may deem necessary, to promote the peace and good order, and general welfare of the borough. Enact by-laws for the regulation of the borough.

the inhabitants and well being of said borough, and for the purposes of improving and keeping in good order the side-walks, streets, lanes, alleys, common grounds and other property whatsoever, that has heretofore been granted to the use of the citizens of West Elizabeth, or that may hereafter be granted to the use of the corporation, and for removing nuisances or obstructions therefrom, and the same to alter, make, renew or annul, as the occasion may require; and also assess, levy, collect and appropriate such taxes as shall be necessary to carry their rules and ordinances into effect, which said taxes shall not exceed in any one year, four mills on the dollar; they shall have authority to obtain materials for improving the streets, lanes or alleys, and public grounds, and order and direct the manner and ways in which the same shall be improved, repaired and kept in good order; they shall annually appoint a town clerk, treasurer, collector of taxes, coal measurer, clerk of the market, when necessary, and such other officers as they may deem expedient, and the same to remove at pleasure; the officers to be appointed by the town council, shall be allowed such compensation as the council may fix and agree upon; but the members of the council themselves shall not receive any compensation for their services, as members of the council; the council may remit any fines or penalties that may be incurred by and under this act, or any of the by-laws or ordinances, when in their judgment it may be proper so to do: *Provided*, No by-law, rule, regulation or ordinance of said corporation, shall be repugnant to the constitution and laws of the United States or of this commonwealth; and that no person shall be subjected to any fine or punishment, for a violation of any by-law or ordinance of said borough, until after six days shall have expired after the promulgation thereof, by at least four copies of the same being put up at the most public places within the said borough, and signed by the president or president pro tem., and attested by the town clerk; it shall be the duty of the burgess to cause all the by-laws and ordinances of the council to be carried into effect, and to do and perform all such other services as may be imposed upon him by the same.

Proviso.

Issue warrant for the collection of taxes.

SECTION 9. It shall be the duty of the burgess to issue his warrant to the collector, as often as occasion may require, commanding him to collect the taxes assessed by the town council, a list or duplicate of which shall be made out and delivered to the said collector, and to pay the same to the treasurer; and the collector shall have the power and authority in the collection of said taxes, as the collectors of county rates and levies, and may be proceeded against in the same manner that the county treasurer or county commissioners are authorized by law to proceed against the collectors of county taxes, when they neglect to collect or pay over the amount of their duplicates according to law: *Provided*, That the town council may hold appeals, hear any complaint in relation to the assessment of said taxes, and grant such relief as may seem best, at any time, and also exonerate the collector from the payment of any taxes that may be impracticable to collect; and in all cases of any tax assessed upon any vacant or unseated land in said borough, and the taxes remain unpaid, it shall be lawful for the collector to certify the same to the commissioners of Allegheny county, in the same manner as the supervisors of the roads are authorized by law to return road taxes or unseated lands; and the county treasurer shall in like manner collect the said taxes, or sell and convey the lot or lots for the payment of the same, and pay the money into the treasury of the borough, or to whoever it may belong.

Proviso.

Duty of clerk.

SECTION 10. It shall be the duty of the town clerk to attend all meetings of the town council, when assembled on business of the cor-

poration, and perform the duty of clerk thereto, and keep and preserve the corporate seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties that may devolve upon him by this act or the acts of the corporation; he shall keep a fair journal of the proceedings of the town council, in a book to be provided for that purpose, and shall enter all the by-laws and ordinances, adopted by the council, in a separate book for that purpose, and when signed by the president shall attest the same; he shall certify copies under the seal of the corporation, which copies of any book, paper, by-laws, ordinances or proceedings of the council, when so certified and attested by the clerk, shall be good evidence of the thing certified; he shall deliver over to his successor, the seal and all the books, papers and other things belonging to the corporation, and upon neglect or refusal to do so, upon demand made, he shall forfeit and pay a fine of not less than fifty dollars, and be accountable for all damages sustained by the corporation, to be recovered as like debts and damages are by law recoverable.

SECTION 11. It shall be the duty of the treasurer to receive moneys due to the corporation, whether for fines, taxes, donations, or in any other way, and to pay out of the same on orders of the president or president pro tem.; he shall keep a fair account of his receipts and payments, and settle his accounts with the town council, whenever they shall require the same to be done, and pay over all moneys or balances found in his hands, and deliver to his successor in office, all books, papers and accounts, belonging to the corporation or pertaining to his official duties, when demanded, for which he shall give a bond to the burgess and town council, with sureties thereon, as they may require.

SECTION 12. That no moneys shall be drawn from the treasury but by the authority of the council, on orders signed by the president thereof, and attested by the clerk; it shall be the duty of the town council to settle the accounts of the treasurer, street commissioner, collector of taxes, and of the several officers, annually, and to cause a fair statement, showing the receipts in the treasury, and how the same shall have been expended, to be published by the town clerk every year, in the manner prescribed by said town council.

SECTION 13. The school directors elected under this act, shall perform the same duties, and possess the like powers, in all respects, as school directors elected agreeably to the general laws of this commonwealth.

SECTION 14. The justice of the peace residing in said borough, shall continue to hold his commission as if this act had not been passed; and the citizens of this borough shall proceed to elect one person, a citizen thereof, to serve as a justice of the peace in said borough, until the next election for justices of the peace will be held under the laws of the commonwealth.

SECTION 15. The citizens of the borough of West Elizabeth shall be exempt from paying road tax in the township of Jefferson, and shall not be entitled to vote for supervisors or justices of the peace in said township.

SECTION 16. That the burgess and town council of the said borough are hereby authorized and empowered to have built, or otherwise provided or supported in said borough, at the expense thereof, a suitable lock-up house. building for the security and temporary detention of any person or persons committed by any justice of the peace, burgess or constable of said borough, for any violation of the laws of this commonwealth, or of the ordinance or ordinances of the borough aforesaid, for which such per-

## LAWS OF PENNSYLVANIA,

Proviso.

son or persons could be lawfully committed to the common jail of the county aforesaid, there to remain and be kept until such offender or offenders can be removed to the common jail of said county, if committed for an indictable offence, or until discharged according to law: *Provided*, That no person or persons shall be confined in said lock-up house, at any one time, for a longer period than twenty-four hours, except such person or persons be charged with an indictable offence, and it may be necessary to detain him, her or them for a legal examination.

Expenses, how to be paid.

SECTION 17. That the expense of arresting, binding over or committing and keeping any such person or persons in said lock-up house, or conveying him, her or them to the common jail of the county aforesaid, on any indictable offence, shall be paid by the county of Allegheny, on the presentation of proper accounts of the same, to the commissioners of said county.

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

WM. WILLIAMSON,  
*Speaker of the Senate.*

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

FRS. R. SHUNK.

No. 250.

## AN ACT

Relating to roads between the states of Pennsylvania and Ohio.

Duties of supervisors.

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*, If the legislature of the state of Ohio shall concur, that for the purpose of opening and keeping in repair any road now or hereafter to be laid out, by authority of law, on the line between the states of Pennsylvania and Ohio, it shall be the duty of the road supervisors, or other officer or officers having charge of the public roads in any two adjoining townships through which such road may pass, one of which shall be on either side of said line, to meet annually on the first day of April, or as soon thereafter as conveniently may be, and lay off so much of said road as shall lie between such adjoining townships, into sections not exceeding one mile in length, as they may think most convenient, and suitably mark the same, and divide said sections equally between said adjoining townships, and cause a record thereof to be made on the book of the township clerk of said adjoining townships, respectively; and it is hereby made the duty of said clerks to make such record; and thenceforth it shall be the duty of such supervisors, or other officer or officers as aforesaid, to open and keep in repair such portion or portions of such road, as may thus be allotted to the township of which they may be