

orphans' court of Mercer county, conditioned for the faithful appropriation and investment of the proceeds of such sale.

JAMES COOPER,
Speaker of the House of Representatives.

CH. GIBBONS,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 188.

AN ACT

Supplementary to an act, passed on the first day of April, one thousand eight hundred and thirty-four, entitled "An Act to provide for the incorporation of boroughs," as far as respects the borough of Germantown, in the county of Philadelphia.

Preamble. WHEREAS, It appears from the great extent of this borough, and the large and increasing population of the same, that the duty imposed on the present burgess and town council has become onerous, and for the better discharge of their several duties demand an increase of their number; therefore,

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 term of service of the present burgess, town council and town constable shall expire so soon as their places shall be supplied by others, to be elected and qualified to serve in their places, agreeable to the provisions of the second section of this act.

Term of present burgess and council.

SECTION 2. That it shall and may be lawful for the inhabitants residing within the said borough, who are or may be qualified to vote for members of the general assembly of this commonwealth, to elect, by ballot, on the third Friday in the month of March next, (at the time and place appointed by law, for the choice of inspectors of the general election, and the election of township officers,) out of such of the inhabitants residing within the said borough as are or may be qualified to serve as members of the general assembly, one suitable person to serve as burgess for one year, and four suitable persons to serve as town council for one year, and four like suitable persons to serve as town council for two years, and one suitable person to serve as town constable for one year; and on the third Friday in the month of March, which will be in the year one thousand eight hundred and forty-eight, one like suitable person to serve as burgess for one year, in the room of the burgess whose term of service will then expire, and four like suitable persons to serve as town council for two years, in the room of the town council whose term of service will then expire, and one suitable person to serve as town constable for one year, in the room of the town con-

To elect borough officers.

Tenure.

stable whose term of service will then expire; and also on the third Friday in the month of March annually thereafter, one suitable person to serve as burgess for one year, and four suitable persons to serve as town council for two years, and one suitable person to serve as town constable for one year: *Provided*, That no person shall be disqualified from being elected on account of his having before filled the office of burgess, town council or town constable; and that in all cases where the number of votes are equal for two or more candidates, the preference shall be decided by lot, to be drawn by the inspectors of said election: *And provided further*, That if either of the above named offices of burgess, town council or town constable shall become vacant by death or otherwise, the town council, at a special meeting to be held for that purpose, may supply such vacancy until the next election. Proviso.

SECTION 3. That all elections to be held in pursuance of this act, shall be held at the usual place for holding the elections of this borough, and shall be conducted in the same manner as by the laws of this commonwealth is or shall be directed for holding the general election for persons to serve in the general assembly of this commonwealth; and the judges and inspectors of the general election shall conduct and superintend the same, under and subject to the same rules and penalties as are or may be prescribed for holding the general election. Elections to be held at usual place.

SECTION 4. That when each election so had and held in pursuance of this act, shall be closed, and the number of votes for each person shall be ascertained, the judges of the election, or a majority of them, shall prepare and make out, under their hands and seals a return thereof, containing the names of the burgess, town council and town constable elect, with the number of votes in favor of each; and shall, within three days after the closing of such election, give notice, in writing, to each of the persons elect of their respective election; and shall also deliver, or cause to be delivered, the said returns to the town council, at the time and place in and by this act appointed for them to meet and receive the same. Returns of elections.

SECTION 5. That the persons who shall, at every election, have the highest number of votes for burgess and town council, together with the members of the town council whose term of service shall not have expired, shall meet together at the hall of the town council, between the hours of five and eight o'clock in the evening, on the fifth day next subsequent to each and every election to be held in pursuance of this act, and then and there shall receive the said returns of the persons elect, and shall forthwith proceed to examine the same, and to judge and determine thereon; and for that purpose the said town council so met, or a majority of them, shall have full power and authority to judge thereof, and to confirm or set aside the same, and to order new elections, as the case may require. Time and place of meeting of council.

SECTION 6. That five of the town council, together with the burgess, if present, or if absent a burgess pro tem. shall be appointed, who, together, shall constitute a quorum for the transaction of all business; and at their meetings the doors of their hall shall be open for the admission of any peaceable or orderly citizen. Duties.

SECTION 7. That the town constable elected under this act, shall be and he is hereby vested with like powers, and entitled to all the privileges, emoluments and fees, and subject to the same penalties as township constables are at this time entitled and subject to. Quorum.

SECTION 8. That the burgess and town council shall have full power and authority to prohibit all menageries, shows and theatrical performances, under such penalties or fines as they may think proper, or they may grant license for the same, as they or a majority of them shall by Constable.

Power to prohibit shows, &c.

To prohibit dogs from running at large. ordinance determine ; they shall also have power and authority, in like manner, to regulate, restrict, or to prevent dogs from running at large within the borough ; or when they shall be deemed a nuisance or endanger the lives or property of the citizens, they may have them properly secured or killed, as the circumstances of the case may require.

To erect a lock-up house. SECTION 9. That it shall and may be lawful for the burgess and town council to erect, or procure and establish a suitable building within the borough, to be used for a lock-up house, or place of security, for the temporary detention of any person or persons committed by a justice of the peace, for any violation of the laws of this commonwealth or of this borough, for which such person or persons could be lawfully committed to the common prison, there to remain and be kept until such offenders can be conveniently conveyed to the county prison, or until he, she or they be discharged according to law : *Provided*, That no person committed shall be confined in said lock-up house, at any 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.

Proviso.

By-laws.

SECTION 10. That the burgess and town council, when assembled for that purpose, shall have full power and authority to make, ordain, and establish such and so many laws, ordinances and regulations as shall be necessary for the governing of said borough, and the welfare thereof, and the same to enforce and put in execution at their pleasure, by the proper officer or officers appointed by them for that purpose ; and also to revoke, alter or amend the same, as the occasion may require.

Regulate streets, &c.

SECTION 11. That the burgess and town council shall have authority to regulate all the streets, lanes and alleys, and the footways thereof, that are now laid out, or which may hereafter be laid out by private citizens or the court of quarter sessions, and to fix the several heights and grades of the same ; and the said streets, lanes and alleys, shall be and taken as public highways, over which the said burgess and town council shall exercise such jurisdiction, from time to time, as circumstances or the convenience of the public may require ; they shall also have power to employ a competent surveyor or surveyors, to run and ascertain the lines of all the streets, lanes and alleys, now laid out or hereafter to be laid out, from the best records that can be obtained from the proper offices ; and all obstructions over the lines of the streets, lanes or alleys, whether of fences, walls or otherwise, shall be deemed and taken as a public nuisance, without respect to the length of time they may have been there, and shall be removed by the owners of the ground fronting the same, upon due notice given them for that purpose ; and in default of such owners, they shall be removed by the town council, at the expense of such owners.

Pave footways.

SECTION 12. That the burgess and town council shall have full power and authority to pave, or cause to be paved, all or any of the footways or gutters within the borough, which they may deem necessary, with brick or flat stone, as the case may require, and to have those laid and out of repair, relaid or repaired as may be necessary ; and also to plant or cause to be planted, curbstones or posts, as to them may appear proper, to prevent the said gutters from being injured by carriages or other vehicles, and shall tax the property fronting such footways so much as may be necessary to defray the expenses thereof : *Provided*, That all and every owner of ground shall have privilege of paving the footways on their own front aforesaid, so that they have it completed within thirty days, after due notice in writing being given for that purpose by the said town council, or any person by them appointed.

Proviso.

SECTION 13. That all taxes assessed by the burgess and town council shall be collected, in the same manner as is or may hereafter be prescribed by law, for collecting and recovering of county taxes; and the said burgess and town council are hereby authorized to recover taxes for paving and curbing in front of property, which may be unoccupied, or if occupied, shall not contain sufficient personal property to satisfy the same, as the commissioners of the several counties now are or hereafter may be authorized to recover tax on unseated lands within the same. Collection of taxes.

SECTION 14. That the burgess and town council shall have full power and authority to appoint a suitable person or persons, under such security and penalties as to them may appear necessary, for the inspection and measurement of all cord wood that may be offered for sale, within any part of the borough; and to make, ordain, and establish such and so many laws, ordinances and regulations, not inconsistent with the constitution and laws of this commonwealth, as shall be necessary and convenient for directing the conduct of all persons concerned in buying or selling cord wood, within the limits of the borough aforesaid. To appoint wood corder.

SECTION 15. That so much of the act for the incorporation of boroughs, as is hereby altered or supplied, be and the same is hereby repealed, so far as it respects the borough of Germantown, in the county of Philadelphia. Repeal.

JAMES COOPER,
Speaker of the House of Representatives.

CH. GIBBONS,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 189.

A N A C T

Authorizing Matthias and Abraham Roland, remaining administrators of Matthias Roland, deceased, to sell certain real estate in Cambria county.

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 Matthias Roland and Abraham Roland, administrators of Matthias Roland, deceased, are hereby authorized and empowered to sell, at public or private sale, at such time as they may deem expedient, for cash or on credit, as they may deem best, a certain tract or piece of land in Cambria county, of which the said Matthias Roland died seized, and to convey the same to the purchaser or purchasers thereof, by deed, duly executed and acknowledged: *Provided,* That before any such sale shall be made as aforesaid, the said Matthias Roland and Abraham Roland shall give security, to be approved of by the orphans' court of Power to sell. Proviso.