

No. 266.

AN ACT

To alter and amend an act, entitled "An Act to erect the town of Chester and its vicinity, in the county of Delaware, into a borough, and for other purposes therein mentioned."

Name.	SECTION 1. <i>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,</i> That the town of Chester, in the county of Delaware, shall be and the same is hereby erected into a borough, under the name and title of the borough of Chester, the extent and boundaries of which shall be as follows: beginning on the river Delaware, at the mouth of Lemokin run at low water mark; thence up the said river to the mouth of Ridley creek; thence up the said creek to the line dividing the lands of Spencer M'Ilvain and the heirs of John Burke; thence a straight course to a hawthorn tree upon the western side of the Providence great road, on the lands of Joseph Engle, and upon the south-eastern line of lands formerly of Joseph Neide, deceased; thence along said line to the middle of the public road leading to Middletown; thence down the middle of said road to Ship creek; thence down the said creek to where the same empties into Chester creek; thence a straight course to Lemokin run aforesaid, at the line dividing the lands of William Young and William G. Flower; thence down Lemokin run to the place of beginning.
Boundaries.	
Annual election of burgess, town council, clerk, constable, &c.	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 one year immediately preceding such election, and within that time have paid a borough tax, shall have power, on the first Monday in April in each and every year, to meet at the place where the elections for members of general assembly are held, or at such other place within the said borough as the council, by ordinance, may direct, and then and there, between the hours of two and seven in the afternoon, elect by ballot one citizen residing in said borough for burgess, to be styled "burgess of the borough of Chester;" and at the first election nine persons qualified to vote at said election, and at each succeeding election three persons, qualified as aforesaid, for members of the town council; and at every such election one such person to serve as town clerk, and one such person to serve as high constable of said borough; but previous to the opening of the first or any subsequent election, the inhabitants of said borough qualified to vote for borough officers as aforesaid, who may be present at the place where the election is to be held, shall choose two persons as judges, one as inspector, and two as clerks of said election; and said elections shall be regulated throughout according to the general election laws of this commonwealth, so far as relates to the receiving and counting of votes; and the said judges and inspector, and clerks, shall respectively take an oath or affirmation, to be administered by any of them, to perform their respective duties with fidelity and impartiality; and after the said election shall be closed, they shall declare the persons having the greatest number of votes duly elected to the respective offices for which such persons were named on the ballots of the electors; and in case two or more candidates shall have the same number
Officers of elections.	
Duties.	

of votes, the preference shall be determined by lot, drawn in the presence of said judges and clerks, by the said inspector, after the election shall be closed and the votes counted, whereupon the said judges shall make out duplicate returns, under their hands, containing the names of the candidates and the number of votes given for each, one copy of which shall be delivered to the town clerk, and the other filed among the records of the corporation; and duplicate certificates of the said election shall be signed by the said judges, one of which shall be transmitted to each of the persons elected; and the other filed and preserved among the records of the corporation; and it shall be the duty of the town clerk to give notice in writing, within twenty-four hours from the time the said return is made out, to each of the persons so elected, naming particularly in said notice the office to which said person is elected; and he shall hand over the returns of such election in his possession to the town council, at their first meeting after such election, which said returns shall also be filed among the records of the corporation; and if it should at any time happen that no election should be holden on the day and in the manner aforesaid, the burgess shall issue his precept, directed to the high constable, to hold an election in the manner aforesaid to supply such neglect, giving at least eight days' notice, by six advertisements set up in the most public places in said borough: *Provided*, That the members and officers of the corporation shall continue to exercise all the powers and perform all the duties given to and enjoined upon them by this act until successors are duly elected or appointed.

SECTION 3. That the said council shall meet on the first Wednesday after their election, to receive and examine the returns of their election; and at their first meeting the members shall divide themselves by lots into three classes, the seats of the first class shall be vacated at the expiration of the first year, of the second at the expiration of the second year, and of the third class at the expiration of the third year, so that one-third may be chosen every year after the first election; and the said council shall appoint one of their body president of their board, whose duty it shall be to preside at the meetings of their board, sign all orders, to convene the board when occasion may require, and generally to perform such duties as may be enjoined on him by ordinances of council; and in case of his absence, death, resignation, neglect of duty, or other inability to act, the said council may and shall from time to time elect a president pro tempore, as occasion may require, who shall exercise the same authority and perform the duties that are or may be enjoined on the president; and whenever a vacancy or vacancies occur in the town council, occasioned by death, resignation, refusal to act, or removal from the borough of any of the members thereof, the council may at the next stated meeting, or any subsequent stated meeting thereafter, fill such vacancy or vacancies by the election of any qualified citizen or citizens by ballot; and the person or persons so elected by the council as aforesaid to fill such vacancy or vacancies, shall remain in office until the next annual election for borough officers, when the qualified voters of the said borough shall elect a sufficient number of citizens, qualified as in this act before directed, for the unexpired terms of such members whose places were thus supplied by an election of the council.

SECTION 4. That from and after the passage of this act, the burgess and council duly elected as aforesaid, and their successors, shall be one body politic and corporate, by the name and style of "The corporation of the borough of Chester," and by the same name shall have perpetual succession, and by such name shall at all times forever be

Council to examine returns, &c.

Classification of members.

President of board.

Duties.

Vacancies in town council.

Style.

Privileges.

able and capable in law to have, purchase, acquire, receive, hold, possess and enjoy, lands, tenements, rents, hereditaments, liberties, franchises and jurisdiction, goods, chattels and effects to them and their successors forever in fee simple, or for any other less estate, and the same lands, tenements, hereditaments, goods, chattels and effects by such name, to grant, bargain, alien, sell, 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 borough as a body politic 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.

Penalty for refusing to serve as burgess, &c.

Proviso.

Take oath.

Precept to the collector of taxes.

SECTION 5. That if any person duly elected chief burgess or member of the town council, or appointed or elected town clerk, street commissioner, high constable or other officer, and having received notice thereof, shall refuse or neglect to take upon him the duties of the said office, or shall neglect or refuse to discharge the same after having taken upon himself the duties of the said office, every person so refusing or neglecting, shall, for every such offence, forfeit and pay the sum of twenty dollars: *Provided*, That no person shall be required to serve the same office more than one term thereof in five years; which fine, and all others incurred and payable by this act, or by the acts of the corporation, shall be adjudged to be paid to the corporation, on conviction before any justice of the peace residing in the said borough, or in the county of Delaware; and it shall be the duty of all officers of the said borough, on receiving money belonging to the corporation, to pay the same forthwith to the treasurer of the said borough.

SECTION 6. That the members of the said corporation, high constable and all other officers created by this act, shall severally, before taking upon themselves the duties of their respective offices, take an oath or affirmation before a judge or justice of the peace of the county of Delaware, or the chief burgess or president of council aforesaid, to support the constitution of the United States and the constitution of the state of Pennsylvania, and to perform the duties of their respective offices with fidelity; certificates of which oath or affirmation shall be filed among the papers of the corporation.

SECTION 7. That the chief burgess elected and qualified agreeably to this act, or in his absence, refusal, neglect or inability to act, the president of the council is hereby authorized to issue his precept as often as occasion may require, to the collector, commanding him to collect the taxes assessed in pursuance of this act, and the same to pay over to the treasurer: and the said chief burgess, or in his absence, refusal, neglect or inability to act, the president of the council is hereby authorized to carry into effect all by-laws and ordinances enacted by the council, and whatever else may be enjoined on him or them for the well ordering and good government of the borough; and all attestations made by the chief burgess or person acting in his stead, with the seal of the corporation, shall be good evidence of the acts or things certified; and for affixing the seal of the borough to any instrument for other than borough purposes, he shall receive the sum of fifty cents; and the said burgess shall be entitled to a seat in town council, but he shall not be entitled to or allowed a vote upon any measure or question acted upon by the said council.

SECTION 8. That the power of the said corporation of said borough, shall be vested in the said town council, who shall, in town council 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 borough; and the same to enforce, put in use and execution by 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 five of said council shall form a quorum.

By-laws.

SECTION 9. That the said council shall have power to borrow for the use of said borough, for the purpose of grading and improving the streets, lanes and alleys of said borough, and for other purposes, any sum or sums of money which they shall deem necessary, and to issue certificates of loan for the same, for the sum or sums, amount or amounts so borrowed, to the persons respectively lending the same; and the said certificates signed by the chief Burgess, by the president of the town council and by the treasurer, shall be binding and obligatory on the said corporation: *Provided*, That the debt or debts created against the said borough for moneys borrowed under this or any other section of this act, for any and all purposes whatever, shall not at any time in the whole, exceed the sum of five thousand dollars, and that no certificates of loan shall be issued for a less sum than fifty dollars: *And provided further*, That before any such borrowing shall be done, a meeting of the citizens of the borough shall be called by the council, by written or printed notice, posted in at least six public places in said borough for ten days previous to said meeting, specifying the object of the meeting, and the object and amount of the loan asked for, and the majority of the citizens attending said meeting shall approve of the same by ballot; and the said council shall have power to lay and collect taxes within the limits of the said borough, for the purpose of carrying into effect the by-laws, rules and ordinances of the said borough, for meeting the current expenses of said borough, and for the repayment of all loans, with interest thereon, hereafter to be made for the use of said borough, for the re-payment of which the faith of the said borough shall hereafter be pledged; the assessment of which taxes shall be made upon all real and personal property within the said borough, and upon all professions, trades and occupations of the citizens thereof, taxable for county purposes; and shall be assessed upon the valuation of the same next before made, for the purpose of county rates and levies, and shall not in any one year exceed one-half per cent. upon such valuation: *Provided*, That no one tract of land within the said borough, used for agricultural purposes, shall, with the farm house, barn and other agricultural buildings thereon, be appraised for said assessment at a higher valuation than that of the best dwelling house and curtilage within the said borough: *And provided further*, That moneys at interest, and stocks in banks and other corporations, shall not be included in said assessment; and the collector of taxes appointed by said council, shall, on the delivery of the duplicate to him, proceed to collect the amount of such duplicate from the persons therein respectively charged, and pay over the same when collected without delay to the borough 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 chattles of such

Borrow money.

Certificates of loan.

Proviso.

delinquent, giving ten days' public notice of such sale, by written or printed advertisements, to be set up in six of the most public places within the said borough.

Collectors of
taxes.

SECTION 10. That the said council 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 said borough, 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 duties, as the said council shall direct; and also, one or more street commissioners, a clerk of the markets, 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 borough into effect; and shall have power by ordinance, to fix the compensation of all the said officers, and to prescribe their duties, and at pleasure to dismiss and remove all of or any of them, except the tax collectors.

Court of appeal.

SECTION 11. That the chief burgess and two inhabitants qualified to vote for members of town council, to be appointed by a majority of the council for that purpose, shall constitute a court of appeal; and prior to the collection of any borough tax, the collector shall inform each inhabitant of his tax, and the time and place of appeal, by serving a written or printed notice upon him, or by leaving the same at his place of residence: *Provided*, That the said court of appeal shall have no other power than to determine the justness of the apportionment of said tax, and to remedy any grievances that may occur in imposing the same.

Markets, regulation of.

SECTION 12. That the inhabitants of the said borough may and shall have hereafter forever, markets in said borough on such days and as many in the week as the said council shall direct; and the said council may and shall by ordinance provide for the regulation of said markets, for removing nuisances and obstructions from the streets, roads, lanes and alleys, and regulating the width of porches, steps, cellar doors and other devices that may project into any street, road or public highway; ascertain and regulate the depth of any vaults, sinks or pits for necessary houses, and fix the distance of the same from the lines of adjoining lots; make permanent rules relative to foundations for buildings, party walls and fences; they shall have full power and authority to prevent and restrain the exercising or practising of any trade or occupation which shall be dangerous to the health and property of the inhabitants; they shall power to impose fines and penalties, and the same to enforce and recover; they shall have full power and authority to establish a nightly watch, to fix lamps in any part or parts of said borough, and for more conveniently watching the same, may divide the borough into districts: *Provided*, That when a nightly watch shall be established, or lamps fixed in any part or parts of said borough, the persons applying for the same, and they only, shall be assessed with the expenses thereof.

Tax on dogs,
&c.

SECTION 13. That all dogs owned, kept or permitted to remain at or about any house or premises within said borough, by the owner or occupant thereof, shall be subject to taxation for the use of said borough; and it shall be the duty of the town council annually to issue their precept to the high constable of said borough, authorizing and requiring him to enumerate and return to said council, within twenty days thereafter, the names of all the inhabitants of said borough who own or keep any dog or dogs, or permit the same to remain about their houses or premises, designating the number so owned, kept or permitted to remain by each, whereupon the said town council shall proceed to levy and assess on every such person, so returned to them as aforesaid, a tax of

one dollar for each and every dog owned, kept or permitted to remain as aforesaid by such inhabitant, which said tax shall be enforced and collected in the same manner as other taxes are collected by said borough.

SECTION 14. That the inhabitants of said borough qualified to vote for burgess and town council, may and shall, at the time and place and in the same manner they elect the burgess and town council, elect a borough treasurer, to serve one year from the time of his said election 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, to be approved by the town council, for the faithful discharge of the duties of his office, and for the payment and delivery of all moneys, books and papers remaining in his hands belonging to his said office, over to his successor in office; and the said bond shall be taken in the name of the corporation of the borough of Chester, and shall be filed among the records of the said borough; and they shall also at the same time and place, with the first election hereinbefore provided for, elect three respectable citizens of said borough, one for three years, one for two years, and one for one year, and at every subsequent election hereinbefore provided for, one such citizen for three years to serve as auditors, whose duty it shall be to audit the said treasurer's account, and the accounts of the said town council, and compel by attachment or otherwise, the production of books and papers for that purpose.

Election of borough treasurer.

Treasurer to give bond.

SECTION 15. That it shall be the duty of the town clerk to attend all the meetings of the council when assembled on business of the corporation, and perform the duty of clerk thereto, and attest, keep and preserve the records of the corporation and be answerable for the same; and also to perform all the duties enjoined upon him by this act, or by the acts of the corporation.

Duty of town clerk.

SECTION 16. That from and after the passing of this act, all streets, lanes and alleys within the said borough, opened or laid out, or drawn or marked on plans or plots by those persons who have laid out additions to the original plan or plot of the town of Chester, as public streets, roads and alleys, shall be deemed and considered public highways.

All streets, lanes and alleys to be deemed public highways.

SECTION 17. It shall and may be lawful for any person or persons owning lands within the limits of said borough, at any time after the passage of this act, with the consent of the town council, to open a street or streets through the same, and to declare said street or streets to be for public use; and when the same shall be so opened, a survey thereof shall be made and together with a plot or draft thereof submitted to the town council, with the written agreement of the owner or owners of said lands, that the said street or streets shall be used in all respects as public streets of said borough, and the said town council shall signify their assent to the same in writing, signed by the president and attested by the town clerk, and shall cause the same to be filed amongst the records of said borough; and from thenceforth the said street or streets shall be deemed and taken to be public street or streets of said borough, and shall be kept and maintained, and if need be, vacated as other streets of the said borough are now or may hereafter be by law, kept, maintained and vacated: *Provided*, That the said streets shall not be less than forty nor more than one hundred feet in width: *And provided further*, That mortgages and persons holding liens against said lands, shall not be affected by such agreement, without their written consent.

Persons owning land within said borough, may open streets, &c.

Proviso.

Appointment of
viewers to lay
out streets, &c.

SECTION 18. That the courts of quarter sessions of the county of Delaware, on being petitioned to grant a view for opening, widening or extending any street, road or alley within the borough of Chester, in the county aforesaid, shall have power and by virtue of this act are directed and required as often as they judge it useful, in open court, to order and appoint six discreet and disinterested freeholders, neither of whom shall reside or own real estate in the borough aforesaid, whose duty it shall be after being first sworn or affirmed to view the ground proposed for opening, widening or extending such street, road or alley; and if they or any five of them view the said ground, and any four of the actual viewers agree that there is occasion for such street, road or alley to be opened, widened or extended, they shall proceed to lay out the same as agreeably to the desire of the petitioners as may be, in such manner as to do the least injury to private property, and shall make report thereof stating particularly whether they judge the same necessary, together with a plot or draft thereof to the next court of quarter sessions; and if then and there the court aforesaid shall approve of the same, it shall at the next court thereafter be entered on record, and thenceforth shall be taken, deemed and allowed to be a public street, road or alley; compensation being made to the owner or owners of the ground or other property as herein directed.

Returns of view-
ers.

SECTION 19. That on the return of the viewers reporting in favor of opening, widening or extending any street, road or alley as aforesaid, and the same being approved of by the court at their next session thereafter, to which the report is returned, the court shall appoint six discreet and disinterested freeholders, neither of whom shall reside or own real estate within the borough of Chester aforesaid, who being first sworn or affirmed shall inquire what damages the owner or owners of lands, house or houses or other property shall or may sustain by reason of the same being taken, used and appropriated for the purpose aforesaid: *Provided always*, That it shall be the duty of the said freeholders in assessing damages, to consider the advantages which may accrue to the owner or owners of such lands, house or houses, or other property by reason of opening, widening or extending such street, road or alley.

Damages.

Damages to be
paid by treasurer.

SECTION 20. That upon the return of the valuation and assessment of damages as aforesaid, for ground or other property taken and appropriated for any public streets, roads or alleys within the borough aforesaid; and the court of quarter sessions of the said county of Delaware having approved the same, the amount of damages awarded as aforesaid shall be paid by the treasurer of the said borough; and the chief burgess and town council of the said borough shall cause such street, road or alley or other passage to be opened, widened or extended agreeably to the directions of the said court.

Track or tracks
of railroad.

SECTION 21. That the town council of the said borough of Chester shall be authorized to empower any person or persons to lay down at the expense and for the profit and advantage of such person or persons a track or tracks of railroad on any street, lane or alley of the said borough from the piers or wharfs, public or private, on the river Delaware, to connect with the Philadelphia, Wilmington and Baltimore railroad at the said borough, whenever they deem it expedient.

High constable to
give notice of an-
nual elections.

SECTION 22. That it shall be the duty of the high constable to give notice of the annual elections of the said borough, by setting up advertisements in eight of the most public places in the borough, ten days previous thereto; he shall attend and see that the same is opened at the time and in the manner directed in this act; and it shall and may be lawful for the said high constable to perform all the duties, and exercise

all the authorities of the constables of the several townships in this commonwealth within the said borough, and within the county of Delaware, and generally to do, execute and perform whatever else may be enjoined on him by said council; and the said high constable shall be entitled to the same fees for the same service, that are by law allowed to other constables, and shall be sworn in by the said town council, and also by the court of quarter sessions of the county of Delaware held next after his election, and shall give the security required of other constables.

SECTION 23. It shall and may be lawful for the town council aforesaid, upon the petition of a majority of the persons owning lands upon any street within the limits of the lands now held by John P. Crozer and John M. Browell, as tenants in common in said borough, or section of such street, not less than three hundred feet in length, to pass an ordinance prohibiting all persons from building frame or wooden buildings upon or within sixty feet of said street, or section of street; and if any person or persons shall after the publication of such ordinance, build or cause or suffer to be built, any such building within the limits covered by said ordinance, he, she or they, his, her or their heirs or assigns, owners of said building, or the ground upon which it may stand, shall forfeit and pay to the town council for the use of said borough, the one-fourth part of the rent or annual value of said building each and every year, as long as it shall remain within said limits, to be recovered in an action of debt or by distress upon the premises of the goods and chattels of the tenant or occupant thereof, as rents are by law recoverable.

Buildings regulated.

SECTION 24. That the said council shall have power by ordinance, to determine the width of the side or foot-walks of the streets, roads and alleys within the limits of the said borough, and to regulate, grade, cut down, fill up, pave, curb and re-curb the same, and to form and make all and every the foot-ways, side-walks and gutters in the streets, roads and alleys of the said borough, and to require and direct the curbing and paving of all and every the side or foot-walks, 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 curb and pave the side or foot-walks in front of his or their lot or lots, agreeably to the requisitions of such ordinance, the chief burgess shall issue his precept to the street committee, commanding them to cause the same to be paved and curbed at the expense of said borough, and the owner or owners of said lot or lots shall be liable to re-pay the expenses thereof to the said borough; and it shall be lawful for the said council to file their lien for the same in the name of the said corporation, in the court of common pleas of Delaware 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 borough: *Provided*, That such lien shall be filed within thirty days after such expense is incurred by said borough, and recite the name of the owner, or reputed owner, and the occupier or occupiers of such lots, or at the option of the said town council in lieu of the filing of said lien, they may recover the amount of the expense of said curbing and paving from the said owner or owners, with the costs of suit, by an action in the name of the town council of the borough of Chester, before any justice of the peace having jurisdiction of the amount thereof, or in any court of common pleas of this commonwealth; and the tenant in possession of any such ground is hereby authorized to pay the same

Width of roads, &c., regulated.

Liens,

and defalk the amount thereof against the rent which may be then due, or may thereafter become due for such ground; and the same when paid or recovered shall be paid into the treasury of the said borough for the use thereof: *Provided*, That such distress shall be limited to the amount of rent due, or to become due, during the term of the said tenant: *And provided further*, That no owner shall be obliged to pave or curb, or defray the expense of curbing or paving any foot-way of a greater breadth than five feet, nor of greater length than one hundred feet continuously upon any street, except in front of a dwelling house or houses, or other buildings.

Repair of foot-ways.

SECTION 25. If the owner, owners, or person or persons having the charge or possession of any ground fronting on a foot-way wholly or partially paved and curbed, shall suffer the said curbing and paving to be out of repair and shall neglect for the space of twenty days, after he, she or they shall have been required by the town council or other proper officer of the said borough to put the same in good repair, then it shall be lawful for the proper officer or officers to re-curb and re-pave such foot-way, and to recover the amount of the expense thereof from the said owner or owners, or person or persons, by filing a lien by action of debt, or by permitting the tenant to pay and defalk the same as hereinbefore provided in the twenty-fourth section of this act as to curbing and paving.

Notice to pave and curb, &c., to be served.

SECTION 26. All requisitions to pave and curb, or re-pave and re-curb shall be made by serving a written notice thereof upon the owner or owners, or the tenant or occupant of the grounds so fronting upon the foot-way required to be curbed and paved, or re-curbed and re-paved, if such owner or owners, or the tenant or occupier be resident within the county of Delaware; and if there be no owner or owners, tenants or occupier of said grounds resident within the said county, then the notice of such requisition shall be published by written or printed notices posted upon the premises, giving sixty days for the completion of such curbing and paving, and twenty days for the completion of such re-curbing and re-paving, three successive weeks prior to the commencement of said curbing and paving, or re-curbing and re-paving.

Burgess and town council authorized to provide a suitable house for security and temporary detention of persons committed, &c.

SECTION 27. The burgess and council are hereby authorized and empowered to build or otherwise provide at the expense of the said borough, a suitable house or other place for the security and temporary detention of persons committed by justices of the peace of said borough or vicinity, and by the burgess or member of the town council acting in his place, for any violation of the laws of this commonwealth or of the ordinances of said borough, for which such person or persons could lawfully be committed to the county prison of Delaware county, there to remain and be kept until such offender or offenders can be removed to the county prison if committed for an indictable offence, or otherwise could be discharged according to law: *Provided*, That no person shall be confined in said house or other place at any one time for a longer period than forty-eight hours, unless such person or persons be charged with an indictable offence and it be necessary to detain him, her or them for examination; and the said burgess is hereby authorized to inflict the punishment of imprisonment in said house or other place provided, with the above limitations, upon such person or persons as may violate the ordinances of the said borough, unless such offender or offenders could be more properly punished by fine.

Expenses of committing and keeping to be paid by county.

SECTION 28. The expense of committing and keeping any person or persons in the said house or other place on the charge of having committed an indictable offence, shall be paid by the county of Delaware

upon the presentation of proper accounts of the same to the commissioners of said county.

SECTION 29. That the said town council be and they are hereby authorized and empowered to purchase land and to borrow money for that purpose, under the restrictions and limitations hereinbefore provided, and to construct thereon steam or other suitable works at any point within the said borough, which they may deem expedient for the purpose of pumping up and supplying the said borough and the inhabitants thereof with water from the Delaware river, from Chester creek or from any other stream of water in the vicinity; and to construct a reservoir or reservoirs for the reception of said water, and to lay supply pipes from the said river, creek or stream and works to the said reservoir or reservoirs, and to lay pipes of conduit from the said reservoir or reservoirs through any and all the streets of the said borough, and to lay branches from the said pipes leading into and upon all and every the lots and premises upon the said streets; and to supply the said borough and individuals and corporations with water for family and other purposes, for such compensation and according to such rates and regulations as shall be adopted by the said town council: *Provided*, That before such lands shall be purchased and works erected, the consent of a majority of the citizens of said borough shall be first had and obtained in the manner provided in the ninth section of this act: *And provided further*, That no such water pipes shall be laid in any street without the consent of a majority of the owners of lots thereon.

Town council authorized to purchase land and borrow money, &c., for the purpose of supplying said borough with water.
Reservoirs.
Lay pipes.

SECTION 30. It shall be lawful for the said town council to levy a tax upon all persons and corporations using the said water, or upon whose lots and premises the same shall be used, which shall be graduated according to the amount of water used by each, and shall be collected in the manner hereinbefore provided with respect to the other taxes of the said borough, and set apart to defray the expenses of the building and laying of such water works, reservoir or reservoirs and pipes, and to discharge the debt incurred in the purchasing said lands, and in such building and laying: *Provided*, That no lots, grounds or premises shall be supplied with said water, without the written request of the owner or owners first being made.

Levy tax.

SECTION 31. That the inhabitants of said borough, and persons holding property therein, shall be competent witnesses in all actions arising under this act, or the laws or ordinances of said borough.

Inhabitants competent witnesses.

SECTION 32. That all and every part of any other act hereby altered or supplied, is hereby repealed: *Provided*, That all proceedings commenced before the passage of this act for laying out, opening or widening streets, lanes or alleys, for collecting taxes, and for enforcing the payment of any moneys due said borough under any act hereby repealed, shall be conducted to a termination in the same manner as if this act had not been passed: *And provided further*, That such repeal shall not be held to divest any rights of real or personal property vested in said borough or in individuals, under or by virtue of such repealed act or acts.

Repeal.

SECTION 33. 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 said corporation.

Relative to the construction of this act.

J. S. MCALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.