

No. 272.

AN ACT

Authorizing the canal commissioners to investigate the claim of William A. Petrikin, for damages sustained on the West Branch division of the Pennsylvania canal.

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 canal commissioners be and they are hereby authorized and required to examine the claim of William A. Petriken, of Lycoming county, for damages sustained by reason of the erection of the Muncy dam, on the West Branch division of the Pennsylvania canal, and assess the amount of damages, if any, according to equity and justice, and make report thereof to the legislature as soon as practicable; and also to report whether in their opinion the commonwealth is answerable for the alleged damages.

J. S. M'CALMONT,
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.

No. 273.

AN ACT

To incorporate the village of Saint Clair, in the county of Schuylkill, into a borough, to be called Saint Clair.

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 town of Saint Clair, in the county of Schuylkill, shall be and the same is hereby erected into a borough, under the name and title of "The borough of Saint Clair," and shall be comprised within the following boundaries, to wit: beginning at a stone which is north twenty-five degrees west thirty-three hundred (3300) feet from the centre of the intersection of First and Hancock streets; thence north sixty-five degrees east (2640 feet) twenty-six hundred and forty feet to a stone; Boundaries.

thence south twenty-five degrees east sixty-six hundred (6600) feet to a stone; thence south sixty-five degrees west fifty-two hundred and eighty (5280) feet to a stake; thence north twenty-five degrees west sixty-six hundred (6600) feet to a stake; thence north sixty-five degrees east twenty-six hundred and forty (2640) feet, to the place of beginning.

Annual election.

Burgess, town-council, town clerk, justice of the peace, &c.

SECTION 2. It shall and may be lawful for all persons entitled to vote for members of the legislature, who have resided in said borough six months previously to such election, to meet at the tavern now kept by Jonathan Johnson, or at such other place as may be appointed by the town council, in said borough, on the first Monday in May in every year, and then and there elect by ballot, between the hours of nine o'clock, A. M., and six o'clock, P. M., of the same day, a citizen residing therein for burgess, and five citizens residing therein for town council, and one for town clerk, and one for justice of the peace, one for high constable, one for assessor, and two for assistant assessors; but previously to such election the inhabitants present shall elect one judge, two inspectors and two clerks of the said election, which 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 judge, inspectors and clerks shall respectively take an oath or affirmation before a judge or justice of the peace, to perform their respective duties with fidelity and impartiality, and after the said election shall be closed, they shall publicly declare the persons having the greatest number of votes to be duly elected; and in case two or more candidates shall have the same number of votes, the preference shall be determined by lot, drawn in the presence of the said inspectors and clerks by the said judge; after the said election shall be closed, the said judge and inspectors shall give notice in writing, within twenty-four hours after the election, to the candidates elected, and shall make out a return under their hands, containing the names of the candidates and the number of votes given for each, and deliver the same to the town clerk, who shall hand over the said returns to the town council at their first meeting, which return shall be filed with the papers belonging to the corporation; and if it should happen through neglect or otherwise, that the first election should not be holden on the day aforesaid in the manner herein presented, it shall be the duty of the justice of the peace residing in the said borough, or in case of his refusal or inability or neglect to act, of the constable residing in the borough, to give at least eight days' notice of such election, by at least four advertisements set up in the most public places in the borough; but after the borough has been organized, it shall be the duty of the burgess, or in case of his neglect or refusal or inability to act, of the president of the council, to issue his precept directed to the high constable, to supply said neglect by giving at least eight days' notice of such an election, by at least five advertisements set up in the most public places in the 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 their successors are duly elected or appointed.

Returns of election, classification of council.

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 lot into two classes, the seats of the first class consisting of three members, shall be vacated at the expiration of the first year, to be re-filled by the election of two members for two years, and one member for one year; and the seats of the second class to be vacated at the expiration of two years, and to be re-filled by two members selected for two years, so that

each year three members may be chosen, one for one year, and two for two years; and the said council shall appoint a president of their board whose duty it shall be to preside at the meetings of their board, sign all ordinances, to convene the board when occasion may require, and generally to perform such duties as may be enjoined upon him by ordinance of council; and in case of his absence, neglect of duty, removal from the borough or other inability to act, the council shall from time to time elect a president pro tempore as occasion may require, who shall exercise the same authority and perform the same duties that are or may be enjoined upon the president; and the burgess shall be removable from office for misdemeanor in the same manner that justices of the peace are removable under the constitution and laws of this commonwealth; and in case of the death, resignation or removal of the burgess or other vacancy in any office, such vacancy shall be filled by a new election for his term of office within ten days thereafter by the council.

President of
board, duties of.

Removals from
office.

SECTION 4. That from and after the second Monday in May, Anno Domini, one thousand eight hundred and fifty, 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 Saint Clair, and shall have perpetual succession, and be capable in law to have, acquire, receive, hold and possess goods, chattels, lands, tenements, rents, franchises, hereditaments, jurisdictions and liberties to them and their successors, in fee simple or otherwise; and also to give, grant, sell, let and assign the same, and shall by the name and style aforesaid, sue and be sued, plead and be impleaded in any courts of law in this commonwealth, in all manner of actions whatsoever, and also to have and use one common seal, and the same from time to time at their will to change and alter; and the said inhabitants may and shall have hereafter markets in the said borough forever on such days, and as many in the week, as the said corporation shall order and direct.

Style.

Privileges.

SECTION 5. That if any person duly elected 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 himself 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 ten dollars, which fine and all others incurred and made 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 resident in said borough; and when recovered shall forthwith be paid to the treasurer of the said borough; 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 thereof: *Provided*, That no person shall be compelled to serve more than one year in every term of three years; and that if any person or persons shall conceive himself or themselves aggrieved by the judgment of any justice of the peace by virtue of this act, he or they may appeal to the next county court of common pleas, upon giving security according to law to prosecute his or their appeal with effect, who shall upon the petition of the party take such order therein as to them shall appear just and reasonable, and the same shall be conclusive to all parties.

Penalty for re-
fusing to serve.

Proviso.

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 Schuylkill, to support the constitution of the United States, the con-

Officers to take
oath.

stitution of the state of Pennsylvania, and to perform the duties of their respective offices with fidelity; certificates of which oaths or affirmations shall be filed among the papers of the corporation.

Town council.
Quorum.

Powers and duties.

Regulation of markets.

Fines.

Assess taxes.

Proviso.

Proviso.

Rate of taxes.

Further powers.
Pitch, pave or lay with stones, &c., streets, roads, lanes, &c.

SECTION 7. That it shall be the duty of the said council, three of whom shall be a quorum, to hold meetings from time to time, as occasion may require, or upon the summons of the president of the council, or in his absence or inability to act, of the burgess; and they shall have power to enact by-laws, and to make such rules, regulations and ordinances as shall be determined upon by the majority of the whole council, necessary to promote the peace, good order and general welfare of the inhabitants of said borough; particularly for the providing for the regulation of markets, laying out, improving, repairing, keeping in order and regulating streets, roads, lanes and alleys, and removing nuisances and obstructions therefrom; regulating the width of porches, steps, cellar doors or other device that may encroach upon or project into any street, road, lane, alley or public highway; ascertaining and regulating the depths of vaults of sinks or pits for necessary houses, and making permanent rules and regulations relative to the foundations of buildings, party walls and fences; they shall have full power and authority to prevent and restrain the exercising or practicing of any trade or occupation, the exercise or practicing of which shall be dangerous to the health or property of the inhabitants; they shall have power to impose fines, penalties, partial and total forfeitures; and also, to assess, apportion and appropriate such taxes as shall be determined by a majority of them, necessary for carrying the said rules and ordinances from time to time into complete effect; and also, to appoint street commissioners, treasurer and collector annually, and such other officers as may be necessary from time to time, and the same officers from time to time to remove for misconduct, neglect or misdemeanor in office, excepting the burgess, who shall only be removable in the manner hereinbefore prescribed: *Provided*, That no rules, by-laws or ordinances of said corporation shall be repugnant to the constitution and laws of the United States and this commonwealth, and that no person shall be punished for a breach of a by-law or ordinance made as aforesaid, until ten days have expired after the promulgation thereof, in at least one newspaper printed in said borough, or by ten advertisements set up in the most public places in the said borough: *Provided*, That no streets, lanes or alleys shall be laid out or extended in such way as to interfere in any manner with any coal mines or coal operations which may now or hereafter exist within the bounds of said borough.

SECTION 8. That the general borough tax, rates and levies, assessed, rated and levied by the said council, shall not, in any one year, exceed one per cent. in the dollar on the valuation of the property by the assessor elected in pursuance of this act; and it shall be the duty of the assessor and the assistant assessors, to be elected as aforesaid, to value, according to the best of their judgments, all property, and rate all single freemen, offices and professions within the said borough, made taxable by the laws of this commonwealth, and to make out the returns of the said assessment in such form and within such time as the council, by ordinance, shall direct; and all taxes, rates and levies, assessed, rated and levied by the council, shall be recovered in the same manner as the county rates or levies in the county of Schuylkill are or may hereafter be by law recoverable.

SECTION 9. That the said council shall have full power and authority, upon the application of two-thirds of the owners of property or lots fronting on any street, road, lane or alley, to pitch and pave, or lay with broken stone and gravel, any such street, road, lane or alley, or to

curb, pave, form or lay with brick, hard substances or gravel, the footways and gutters of the same, and shall tax the property in front of which any such improvement shall be made with the expense thereof, in proportion to the extent of the same in front: *Provided*, No application as aforesaid shall be for less than three hundred feet, or more than one thousand feet of any street, road, lane or alley, at one time: *And provided further*, That in all applications as aforesaid, the owners of an undivided estate shall be entitled to but one signature, and that no person, whatever may be the number of lots owned by him, shall be entitled to more than one signature on any such petition. Proviso.

SECTION 10. That the said council are hereby authorized to recover the taxes for pitching and paving, laying with broken stone, and gravel, and curbing, in the same manner that county rates and levies are or hereafter may be by law recoverable, or may institute actions for the recovery of such taxes or assessments, before any tribunal in the state having jurisdiction of the amount claimed against the owner or owners of the property, or their legal representatives, in front of which such pitching and paving, laying with broken stone or gravel, or curbing, mentioned in the ninth section of this act, shall be done; and the said council shall and they are hereby authorized to recover legal interest from the time of making such assessment, together with commission of five per cent. for collecting the same. May recover taxes.

SECTION 11. That the said council shall have full power and authority to make any by-laws or ordinances to oblige the owners or occupiers of houses in the said borough, to provide and keep in repair any number of leather or tin buckets not exceeding two, to be used only in extinguishing fires. By-laws.

SECTION 12. That the 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 in pursuance of this act, and the same to pay over to the treasurer; and the said 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 town clerk, 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 fifty cents. Precept to the collector for the collection of taxes, to be issued by the burgess.

SECTION 13. That it shall be the duty of the town clerk to attend all meetings of the town council, when assembled on business of the corporation, and perform the duties of a clerk thereto, and attest, keep and preserve the common seal and records of the corporation, and also to perform all the duties enjoined on him by this act, or by the acts of the corporation. Town clerk, duties of.

SECTION 14. That the treasurer shall give sufficient security to the burgess for the faithful discharge of the duties of his office, and for the safe delivery of all moneys, books and accounts appertaining thereto, into the hands of his successor, upon demand being made for that purpose by the burgess or president of the council. Treasurer to give bond.

SECTION 15. That there shall annually be elected by the citizens of the said borough qualified to vote as aforesaid, at the time of electing members of the town council, three citizens as auditors, who shall, within one month after their election, settle and adjust the accounts of the several officers of the said borough; and the said accounts being so settled and adjusted, shall forthwith be published by the corporation, Auditors.

showing particularly the amount of taxes assessed and collected, and of all moneys paid into the treasury, and the amount of and items of expenditure.

SECTION 16. That the burgess, president of the council and treasurer, or any two of them, shall constitute a board of appeal, and prior to the collection of any borough tax, they shall appoint a day for the hearing of appeals, of which and of the amount of his or her tax, and the place where the appeals will be held, the collector shall notify each taxable by a written notice in the usual manner, at least ten days before the day of appeal: *Provided*, That the said board of appeal shall have no other power than to determine the justness of the apportionment of the said tax, and to remedy any grievance that may occur in imposing the same.

SECTION 17. That the territory within the limits of the said borough shall be a separate election and school district, the elections to be held at the same place in the said borough, at which the borough elections are, or may hereafter be held, and in all other respects shall be separate from the township of New Castle, and every other township in said county, and that all jurisdiction and powers of the officers of said townships from the second Monday in May next, shall cease and determine, except so far as to collect any taxes that may be due and owed to them from the inhabitants of said borough.

SECTION 18. That the judge, inspectors and clerks of the elections held in the said borough for borough officers, shall be allowed each one dollar per day for their services in holding said elections; and the council shall fix the compensation of such officers as shall be appointed or elected under this act, or the acts of the corporation, which compensation shall be paid out of the borough treasury by orders drawn on the treasurer, at such times and in such manner as the council by ordinance may direct.

SECTION 19. That the said council so soon as the same can conveniently be done, shall cause an accurate survey to be made of the streets, lanes and alleys within the said borough, and when the survey shall be completed, shall cause two drafts or plans thereof to be made, with every explanation necessary to the full understanding of the same, one of which plans shall be deposited in the office of the clerk of the court of quarter sessions of the county of Schuylkill, for public inspection and examination, and the other to be kept with the papers of the corporation; and it shall be the duty of the chief burgess to give notice in at least one newspaper printed in the county, that the said survey and plans are completed, and the place where the said drafts are deposited for examination, and that on a certain day to be appointed, the council will hear any objection that may be made thereto; and the said council shall at the time appointed adjudge and determine whether any and what alterations shall be made therein, and shall direct one of the said drafts or plans, authenticated by the president of council and town clerk, under the seal of the corporation, to be recorded in the office for recording deeds in and for the county of Schuylkill; and the said survey and drafts so made and authenticated, shall thenceforth be deemed conclusive as to the courses, widths and lengths of the streets, roads, lanes and alleys in the said drafts laid down and marked as public streets, roads, lanes and alleys, shall be deemed and considered from thenceforth public highways, and the said drafts so made and recorded shall remain unalterable.

SECTION 20. That it shall be the duty of the high constable to give notice of the annual election of the said borough, by setting up advertisements in five of the most public places in the said borough, eight

days previously thereto, he shall attend and see that the same is opened 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 of this commonwealth, and within the said borough, and generally to do, execute and perform whatever else may be enjoined upon him by the council; and the said high constable shall be entitled to the same fees for the same services that are by law allowed to other constables.

SECTION 21. That the inhabitants of the said borough, and all persons holding property therein, shall be competent witnesses in all actions arising under this act, or the laws or ordinances of the corporation; and if any person shall think themselves aggrieved by anything done in pursuance of this act, or of the by-laws or ordinances of the corporation, they may appeal to the next court of quarter sessions to be held for the county of Schuylkill, upon giving security to prosecute such appeal with effect; and the said court having taken such order thereon as to them shall seem just and reasonable, the same shall be conclusive against all parties.

SECTION 22. That the said council shall, whenever the same shall appear necessary, appoint a sufficient number of persons as police officers to keep the peace of said borough, who, during the time of their appointment, shall be invested with the same authority and entitled to the same privileges, emoluments and fees as the constables of the said borough are or shall hereafter be invested with, or be entitled to by law.

SECTION 23. That the council shall, whenever the same shall appear necessary, build, erect or provide and support, a suitable building in the said borough, to be used as a lock-up house or place of security, for the temporary detention of persons committed by a justice of the peace of the said county, for any violation of the laws of the commonwealth for which such person or persons could lawfully be committed to the common prison, there to remain and be kept until such offender can be conveniently conveyed to the county prison, or until he be discharged according to law: *Provided*, That no person committed by a justice of the peace shall be confined in said house for a longer period than forty-eight hours.

SECTION 24. That it shall and may be lawful for the town council, and they are hereby authorized and required to assess and collect annually, on each and every dog and bitch owned or kept by any citizen or inhabitant of said borough, a tax to any amount not exceeding one dollar for the first dog or bitch kept or owned by any citizen or inhabitant of said borough, and not exceeding two dollars a head for the second dog or bitch, and so on in proportion to the number kept by each inhabitant or citizen of said borough, as they may deem expedient and proper, for the use of the said corporation.

SECTION 25. That the citizens of the said borough shall be exempted from paying all road and poor taxes to the township of New Castle, for road and property within the limits of the said borough that may be assessed after poor taxes, &c. the passing of this act.

SECTION 26. That so much of any other act as is hereby altered or repealed, be and the same is hereby repealed.

SECTION 27. That this act, and the powers and authorities herein vested in the said borough, shall not be impaired, affected or destroyed

LAWS OF PENNSYLVANIA,

by any neglect or omission to elect or appoint all or any of its officers at the times allotted for the same.

J. S. M'CALMONT,
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.

No. 274.

AN ACT

Granting to the borough of Erie a reservation called the Garrison ground, for a public park, and for an hospital; and relative to the North American life and health insurance company.

Preamble.

WHEREAS, This commonwealth by an act passed the eighteenth day of April, one thousand seven hundred and ninety-five, reserved and set apart a tract of sixty acres of land, on the southern side of the harbor of Presque Isle, for the accommodation and use of the United States, in erecting and maintaining forts, magazines, arsenals and dock yards, and other like improvements :

And whereas, The United States have long since ceased to occupy the same for the purposes aforesaid, or any other purpose :

And whereas, The tract of land aforesaid, being within the corporate limits of the said borough, is in a dilapidated, unimproved and unsightly condition, offensive to the good taste and comfort of the inhabitants thereof :

And whereas, If improved and ornamented, and converted into public grounds, it would become highly agreeable and useful, without as is believed interfering with or infringing upon such occupancy as the United States may hereafter desire ; therefore,

Corporate authority of the borough of Erie, authorized to take possession of certain grounds, &c.

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 tract of land aforesaid be granted to the burgess and town council of the borough of Erie, in the county of Erie, for the purpose of a public park and public grounds, to the use and accommodation of the inhabitants thereof ; that the corporate authority of said borough be authorized to take possession of the same to lay it out, or so much as may be required, in a manner suitable to the object ; to find and plant trees and shrubbery, and otherwise ornament and improve the same ; to establish foot-ways, carriage-ways and other avenues ; and to open and extend the streets and lanes of said borough through the same, and to do whatever else may be necessary to appropriate and convert the same to the