

No. 192.

AN ACT

Providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs.

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CHAPTER I.

PRELIMINARY PROVISIONS.

ARTICLE I.

Section 1. Be it enacted, &c., That this act shall be known and may be cited as "The General Borough Act."

Section 2. This act does not include any provisions, and shall not be construed to repeal any acts, relating to:

First. The assessment, levy, and collection of taxes, except taxes on dogs.

Second. The procedure for the collection of municipal claims by liens.

Third. The amount and method of incurring or increasing bonded indebtedness.

Fourth. Election officers and conduct of elections.

Fifth. Poor districts.

Sixth. Boards of Health.

Seventh. Common schools.

Eighth. Borough and ward constables.

Ninth. Justices of the peace.

Tenth. The giving of municipal consent to public service corporations.

Eleventh. State roads, State-aid roads, and private roads.

Twelfth. Validations of elections, bonds, ordinances, and acts of corporate officers.

Thirteenth. Crimes and offenses by borough officers.

Section 3. The provisions of this act so far as they are the same as those of existing laws are intended as a continuation of such laws, and not as new enactments. The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded; nor affect the corporate existence of any borough heretofore incorporated. The provisions of this act shall not affect any act done, liability incurred, or right accrued or vested, or affect any suit or prosecution, pending or to be instituted, to enforce any right or penalty or punish any offense under the authority of such repealed laws. All ordinances, regulations, and rules made pursuant to any act of Assembly repealed by this act, shall continue with the same force and effect as if such act had not been repealed. Any person holding office under any act of Assembly repealed by this act shall continue to hold such office until the expiration of the term thereof, subject to the conditions attached to such office prior to the passage of this act.

Section 4. The provisions of this act shall be severable, and, if any of the provisions shall be held to be

unconstitutional, such decision shall not affect the validity of any of the remaining provisions of this act.

Section 5. Whenever, in this act, reference is made to any act by title, such reference shall also apply to and include any codification wherein the provisions of the act referred to are substantially re-enacted.

Section 6. This act shall apply to all boroughs incorporated under general law and to those which have accepted the provisions of the act of April third, one thousand eight hundred fifty-one, entitled "An act regulating boroughs." This act shall not annul or repeal any local or special act in force at the date of the passage of this act, or any provision thereof.

Section 7. Any borough or incorporated town, incorporated or acting under any local or special act of Assembly, may surrender the provisions of its special acts, so far as they are inconsistent with this act, by presenting a petition to the court of quarter sessions setting forth the desire of such borough or incorporated town to accept the provisions of this act. Such petition shall be made by the burgess, council, or twenty-five qualified electors of the borough or incorporated town.

Upon the presentation of the petition, the court shall fix a day for hearing, of which such notice shall be given as may be directed by the court. At such hearing any inhabitant of the borough or incorporated town may remonstrate against the granting of the petition, and the court may grant or refuse the petition.

If the court grant the petition, the decree shall be recorded in the office for the recording of deeds, and thereafter the borough or incorporated town shall be subject to all the provisions of this act, and any such incorporated town shall become a borough, and the local and special acts of Assembly in force in any such borough or incorporated town shall be annulled so far as they are inconsistent with the provisions of this act. When any incorporated town accepts the provisions of this act the decree of the court permitting such acceptance shall set forth the title of the new borough.

Section 8. When any borough or incorporated town shall accept the provisions of this act, as provided by section seven of this article, all liabilities incurred, rights accrued or vested, obligations issued or contracted, and all suits and prosecutions, pending or to be instituted, to enforce any right or penalty accrued or punish any offense committed prior to such acceptance, and all ordinances, shall continue with the same force and effect as if no such acceptance had been made.

Section 9. This act shall take effect on the first day of July, one thousand nine hundred and fifteen.

CHAPTER II.

CREATION—CHARTERS.

ARTICLE I.

INCORPORATION.

Section 1. The courts of quarter sessions may incorporate any town or village within their jurisdiction into a borough. Every town or village so incorporated shall be a body corporate and politic, by the title which shall be given by the court.

Section 2. The application for incorporation shall be in writing, and shall be signed, within three months immediately preceding its presentation to the court, by a majority of the freeholders residing within the limits of the proposed borough.

Section 3. The application shall set forth the title of the proposed borough, with a particular description of the boundaries thereof, exhibiting the courses and distances in words at length, and be accompanied with a plot of the same.

Section 4. Upon presentation to the court the application shall be filed with the clerk, and notice thereof shall be given in one newspaper of the county, for a period of not less than thirty days immediately before the next regular term following the filing thereof, during which time exceptions may be filed to the application by any person interested. The court at said term, if it shall find that the conditions prescribed by this article have been complied with, may grant the prayer of the petitioners and make a decree accordingly; but if the court shall deem further investigation necessary they may make such order thereon as to right and justice shall appertain. The application and decree shall be recorded in the recorder's office of the county, at the expense of the applicants, who shall also pay all other expenses and costs in connection therewith.

Section 5. When the application and decree have been recorded, such part of a township or townships shall be an incorporated borough, and shall be entitled to the several rights, privileges, and immunities conferred by this act.

Section 6. When, in any application, the boundaries fixed by the petitioners shall embrace lands exclusively used for the purposes of farming, the court may, if it deem such land does not properly belong to the proposed borough, at the request of the party aggrieved, change the boundaries so as to exclude therefrom the land used for farming purposes.

Section 7. The corporate title of boroughs incorporated under this act shall be, "The borough of _____"

Section 8. All charters granted under this act shall set forth—

First. The corporate title of the borough.

Second. The boundaries thereof.

Section 9. An appeal to the Superior Court may be had from any decree incorporating a borough, within six months from the date of such decree, by not less than three persons aggrieved thereby.

Section 10. The courts of quarter sessions shall fix the time and place of holding the first election in the borough, designate a person to give notice of the election and the manner thereof, and appoint, from among the electors of the borough, a judge and inspectors to hold the first election. The officers elected at such special election shall hold their office, and their successors shall be elected and qualify, as provided for in chapter eight, article one, section twenty, of this act.

Section 11. The boundaries of the borough shall, as soon as practicable after its incorporation, be marked, due notice being first given to the commissioners and supervisors of adjoining townships and to the corporate authorities of adjoining municipalities.

CHAPTER II.

CREATION—CHARTERS.

ARTICLE II.

CONSOLIDATION OF BOROUGHES.

Section 1. Whenever two or more boroughs, situate in the same county or in different counties, shall be adjacent, and of compact territory, they may be consolidated into one borough.

Section 2. Such consolidation shall be made under the following conditions:

(a) The councils of the boroughs may of their own initiative, or shall, within sixty days after each is requested in writing by at least one hundred qualified electors of the respective borough, enter into a joint agreement, under the corporate seal of each borough, for the consolidation thereof into one borough. The joint agreement shall set forth the name of the new borough, the number of wards, if any, into which the borough is to be divided, the territorial boundaries thereof. It may also set forth such terms as have been agreed upon for the disposition of the assets of each of the boroughs, and for the liquidation of the indebtedness of each of the boroughs, either jointly, separately, or in certain defined proportions, and the adjusting and paying of the same by separate rates of taxation on all property subject to taxation within the boundaries of such boroughs, respectively.

(b) The question of the consolidation of such boroughs shall be submitted to the vote of the qualified electors of each of the boroughs at a special election to be held on a day to be designated in the joint agree-

ment. The election shall be held by the regular election officers, and in accordance with the provisions of the laws regulating elections. If such special election shall be ordered within ninety days of any general or municipal election, the election shall be held on the day fixed for the holding of such election. Notice of such election shall be given by proclamation by the high constables of the respective boroughs in the manner prescribed for proclamations for elections for municipal officers.

(c) The election shall be by ballot, which shall be marked "Proposed consolidation," and below shall be printed the words "For consolidation" and "Against consolidation," and the elector shall designate with an "X" his desire to vote for or against such consolidation.

(d) If the majority of the votes cast for and against the proposed consolidation at such election, in each of the boroughs, is in favor of the ratification of the agreement, that fact shall be certified to the council of each of the boroughs by the respective election boards or return judges, and the burgess and secretary of the respective borough shall cause a certification of the result to be indorsed upon the joint agreement.

(e) The agreement, or a certified copy thereof, with all its indorsements shall be filed in the office of the Secretary of the Commonwealth. Upon the filing thereof, the Governor shall cause letters patent to be issued, under the great seal of the Commonwealth, consolidating the boroughs into one corporation by the name set forth in the joint agreement. A copy of such agreement, duly certified by the Secretary of the Commonwealth, under the seal of his office, shall be evidence of the existence of the new borough.

(f) All costs and expenses incurred in such consolidation, or proposed consolidation, except those incurred in any general election at which the question of consolidation is submitted, shall be paid by the consolidated borough if such consolidation takes place, and, if not, such costs and expenses shall be paid in equal shares by each of the boroughs proposing to consolidate.

Section 3. Upon the issuance of letters patent the several boroughs shall be a borough under the name provided in the agreement. The ordinances in force in each of such boroughs, at the time of such consolidation, shall continue in force throughout the territory for which they were originally enacted until altered or repealed by the consolidated borough.

Section 4. After such consolidation the rights, privileges, and franchises of each of the boroughs, and all the property, real, personal, and mixed, and all debts due on whatever account and other things in action

belonging to each of such boroughs, shall be vested in the new borough. The title to real estate vested in either of such boroughs shall not revert or be in any way impaired by reason of such consolidation. All rights of creditors and liens shall be preserved, and all debts, liabilities, and duties of either of such boroughs shall attach to such new borough and be enforced against it.

Section 5. Any borough formed by the consolidation of boroughs situate in different counties shall be considered as under the jurisdiction of the courts of that county in which is situate the borough first incorporated of those forming such consolidated borough.

CHAPTER II.

CREATION—CHARTERS.

ARTICLE III.

RE-ESTABLISHMENT OF BOROUGHES.

Section 1. Where cities of the third class have been formed by joining together two or more boroughs, the court of common pleas, upon the petition of not less than one-third of the registered electors of the territory formerly comprised within the limits of either of such boroughs, setting forth that the inhabitants of such territory wish to separate from the city and establish a borough organization, may appoint three commissioners, who shall investigate the facts set forth in such petition, and report to the court as to the expediency of granting the prayer of the petitioners.

Section 2. If the commissioners report in favor of setting off the territory from the city, they shall accompany their report with a plot of such territory, formerly comprising said borough, or any such part thereof, as may be described in the petition.

Section 3. The court shall thereupon order an election to be held on the next appointed day for the holding of a general or municipal election, at which time the qualified electors within such territory shall vote for or against such separation.

Section 4. If a majority of votes cast for and against such separation at such election shall be in favor of such separation, the court shall make a decree declaring such territory a borough, and appoint one person qualified to serve as a member of the Senate of this Commonwealth to be the burgess of such borough, and seven persons qualified to serve as Members of the House of Representatives of this Commonwealth to constitute the council thereof. Such officers shall hold their respective offices until the first Monday of January next succeeding the municipal election at which a burgess and council are to be elected, as pro-

vided in chapter eight, article one, sections six and fourteen, of this act.

Section 5. From the date of such decree the territory so erected into a borough shall be separate from such city and shall be subject to the provisions of this act.

Section 6. All costs and expenses incurred in any proceedings under this article to re-establish a borough, except the costs and expenses of the election, shall be paid by the re-established borough if such re-establishment is made, and, if not, then such costs and expenses shall be paid by the petitioners.

CHAPTER II.

CREATION—CHARTERS.

ARTICLE IV.

DIVISION OF BOROUGHS.

Section 1. When a borough has been erected from two or more villages the majority of the freeholders residing in any one or more of such parts of the borough may make application, by a petition in writing, to the court of quarter sessions, praying that such part or parts may be set off from the borough and erected into a new borough.

Section 2. The petition shall be signed by the petitioners within three months immediately preceding its presentation to the court. Upon such presentation it shall be filed with the clerk. Notice thereof shall be given in one newspaper of the county, for a period of not less than thirty days, immediately before the next regular term following the filing thereof, during which time exceptions may be filed by any person interested. If the court at said term shall find that the conditions prescribed by this article have been complied with, it may grant the prayer of the petitioners and make a decree accordingly. The petition and decree shall be recorded in the recorder's office of the county. The costs and expenses of the proceedings for the division of a borough shall be paid by the new borough if there be one, and, if not, then by the petitioners.

Section 3. The part or parts of the borough, so set off, shall thereupon be a borough, under a name given by the court, and shall be subject to the provisions of this act.

Section 4. The court shall fix the time and place for holding the first election in the borough, designate a person to give notice of such election, and appoint from among the electors of the borough a judge and inspectors to hold the first election. The officers elected at such election shall hold their offices, and their

successors shall be elected and qualified, as provided in chapter eight, article one, section twenty, of this act.

Section 5. An appeal to the Superior Court may be had from any decree incorporating such part or parts of the borough into a borough, within six months after the date of the decree, by not less than three persons aggrieved thereby.

Section 6. Whenever any territory shall be detached from a borough under the procedure set forth in sections one, two, three, four, five, six, seven, and eight of article one, chapter three, of this act, the court of quarter sessions may decree that the portions so detached shall constitute a new borough, if the same shall be to the best interests of the several boroughs, townships, and school districts affected thereby and the residents of the territory so detached; and shall order and direct a special election to be held for the election of officers for such borough. The officers elected at such special election shall hold their respective offices, and their successors shall be elected and qualify, as provided in chapter eight, article one, section twenty, of this act. No such borough shall be created unless the intention to do so has been set forth in the original petition filed, or after thirty days notice in such manner as the court may direct.

CHAPTER II.

CREATION—CHARTERS.

ARTICLE V.

AMENDMENT AND ANNULMENT OF CHARTERS.

Section 1. The court of quarter sessions may, with the concurrence of the grand jury, and upon application in writing of two-thirds of the taxable inhabitants of any borough, annul or alter the charter of such borough.

Section 2. The application shall be signed by the petitioners within three months immediately preceding its presentation to the court. Public notice of the intended application for such annulment or amendment shall be given in at least one newspaper of the county, for a period of not less than thirty days, immediately before the application shall be presented.

Section 3. The application shall be laid before the grand jury at the same term of court when presented, if the same can be conveniently done, and in no case later than the next subsequent term of the court. If the grand jury shall find that the conditions prescribed by this article have been complied with, and shall believe it expedient to grant the prayer of the petitioners, they shall certify the same to the court, which certificate shall be entered of record. No further pro-

ceedings shall be had until the succeeding term of the court, at which term the judgment of the grand jury may be confirmed. If the decree of the court shall be in conformity with the prayer of the petitioners, the petition and decree shall be recorded in the recorder's office of the county, at the expense of the applicants, who shall pay all other expenses and costs in connection with said application.

CHAPTER III.

CHANGE OF LIMITS—BOUNDARIES—WARDS.

ARTICLE I.

CHANGE OF LIMITS.

(a) ON PETITION OF FREEHOLDERS OF BOROUGH.

Section 1. The court of quarter sessions, with the concurrence of the grand jury, may, upon petition, change the limits of any borough heretofore incorporated by the courts of quarter sessions from a town or village, or incorporated under the provisions of chapter two, article one, of this act.

Section 2. The provisions of the preceding section do not authorize a change of borough limits by the detachment of territory and its annexation to a contiguous township.

Section 3. Notice of the intended application shall be given in at least one newspaper of the county, for a period of not less than thirty days, immediately before the presentation of the petition.

Section 4. The petition shall be signed by a majority of the freeholders residing in the borough, within three months immediately preceding its presentation to the court. It shall set forth a description, and be accompanied with a plot, showing the courses and distances of the boundaries of the borough before and after the proposed change of limits.

Section 5. The petition, except as provided in section two of this article, shall be laid before the grand jury at the same term of court when presented, whenever the same can be conveniently done, and in no case later than the next subsequent term of the court.

Section 6. If the grand jury shall believe it expedient to grant the prayer of the petitioners, they shall certify the same to the court. The certificates shall be entered of record, and no further proceedings had until the succeeding term of court, at which term the judgment of the grand jury may be confirmed. If the court shall deem further investigation necessary it may make such order as to right and justice shall appertain. If the court shall grant the prayer of the petitioners, the petition and decree shall be recorded in the recorder's office, at the expense of

the petitioners, who shall pay all other expenses and costs in connection with said petition and decree.

Section 7. Whenever the court shall make a decree changing the limits of any borough, as provided by the foregoing sections of this article, by detaching therefrom any portion of the territory included therein, the court shall make a further decree directing that the portion so detached shall constitute a new borough, a new township, or become part of an adjacent borough, as to the court may seem best. This section does not authorize the creation of a new borough unless the intention to do so has been set forth in the petition, or until after thirty days' notice in such manner as the court may direct. In the case of the erection of a new borough, the court shall order a special election, as provided in chapter two, article four, section six, of this act.

Section 8. In case any officer of the borough, from which any territory is detached, resides in the portion so detached, he shall from the time of the decree cease to exercise the function of said office, and the office shall be vacant, and shall be filled by the court of quarter sessions from the electors of the borough who shall hold office for the unexpired term, and until their successors qualify. The remaining members of council shall constitute the council for the transaction of all business until the vacancies shall have been filled.

(b) BY ANNEXATION ON PETITION OF FREEHOLDERS
OUTSIDE THE BOROUGH.

(1) Where territory is in one county.

Section 9. The court of quarter sessions, with the concurrence of the grand jury, may, upon petition, change the limits of any borough by the annexation of adjacent territory.

Section 10. Personal notice of the intended application shall be given to the burgess and council of the borough, and to the commissioners or supervisors of the township in which the petitioners reside. Notice of such application shall also be given in one newspaper of the county, for a period of thirty days immediately before the presentation of the petition.

Section 11. The petition shall be signed by a majority of the freeholders residing within the territory to be annexed. It shall set forth a description, and be accompanied with a plot, showing the courses and distances of the boundaries of the borough before and after the proposed annexation.

Section 12. The court shall cause the petition to be laid before the grand jury, and, if the grand jury shall believe it expedient to grant the prayer of the petitioners, they shall certify the same to the court, which certificate shall be entered of record for confirmation by

the court. The court may make such order thereon as to right and justice shall appertain. If the court shall confirm the petition, the said petition and decree shall be recorded in the recorder's office of the county, at the expense of the petitioners, who shall pay all other expenses and costs in connection with said petition and decree. Thenceforth the territory so annexed shall be a part of the borough.

(2) Where territory is in two or more counties.

Section 13. The court of quarter sessions may, upon petition, annex to any adjacent borough territory situated in two or more counties.

The petition shall be signed by a majority of the taxable inhabitants of such territory, and shall be presented to the courts of quarter sessions of all the counties in which the territory and the borough are situated.

Section 14. Notice of the intended application shall be given in one newspaper of general circulation in the territory and in the borough, for a period of thirty days immediately before the presentation of the petition to any of the courts.

Section 15. Upon presentation of the petition, the several courts shall each appoint one person as commissioner, and the commissioners so chosen shall select an additional one, who shall be a surveyor.

The commissioners shall be severally sworn or affirmed, within sixty days from their appointment and selection, and shall view the territory sought to be annexed. They shall report to the several courts at the respective terms next following such appointment, or as soon thereafter as possible. The reports shall state that the commissioners were sworn or affirmed, and that they were all present at the view. If the commissioners favor the proposed annexation, they shall accompany their reports with a plot showing the courses and distances of the boundaries of the territory proposed to be annexed and the quantity of land therein contained.

Section 16. Any person interested may petition any of the courts at the term to which the respective report is made, for a rule on any two or more persons signing the original petition to show cause why the report should not be approved. The rule shall be returnable not later than the succeeding term. If the rule is confirmed the persons signing the original petition shall pay the costs of the entire proceeding; if such rule is discharged the costs shall be paid by those petitioning for its issue.

Section 17. If each of the courts shall approve the report of the commissioners, the whole proceeding shall be entered on the record of each court, and the territory annexed shall be a part of the borough. Each

commissioner shall receive five dollars per day for each day necessarily employed in the discharge of his duties, to be paid, if such territory is annexed, by the borough.

(c) BY ANNEXATION ON PETITION TO COUNCIL.

Section 18. Any borough may, by ordinance, annex adjacent land situate in the same or any adjoining county, upon petition of a majority of the freeholders of the territory proposed to be annexed.

Section 19. A certified copy of the ordinance, together with a description and a plot showing the courses and distances of the boundaries of the borough before and after such proposed annexation, shall be filed in the court of quarter sessions of the county, or, in case the land proposed to be annexed is situate in an adjacent county, then in the courts of both counties. A notice of such filing shall also be filed in the office of the county commissioners of the proper county. Thereupon the territory proposed to be annexed shall be a part of the borough; except when any ordinance and plot are filed in the office of the clerk of the court of quarter sessions within two months of any general, municipal, or primary election, in which case the property proposed to be annexed shall not become a part of the borough until the day succeeding such election.

(d) BY DETACHMENT OF TERRITORY.

(1) Where it is annexed to a contiguous township.

Section 20. The court of quarter sessions, upon petition, may change the limits of any borough by detaching territory therefrom and annexing the same to a contiguous township or townships.

Section 21. The petition shall be signed by a majority of the freehold residents of the borough, except where the dividing line between a borough and a township shall separate the lands of any person, in which case the petition may be made by any freeholder whose lands are so divided. The petition shall contain the names of the contiguous township or townships to which the territory is proposed to be annexed, and shall set forth a description, and be accompanied with a plot, showing the courses and distances of the boundaries of such township or townships before and after the proposed change of limits.

Section 22. Upon its presentation the court shall order the petition filed and shall fix a time for hearing. Notice of the filing of the petition shall be given to the supervisors of the townships and to the secretary of the borough and president of council, at least twenty days prior to the date of hearing. If the court shall deter-

mine in favor of the proposed detachment of territory, it shall state in its decree to what adjacent township or townships the territory so detached shall be annexed. The petition and decree shall be recorded in the office for the recording of deeds of the county, at the expense of the petitioners, and thenceforth the boundaries of the borough and of the adjacent township or townships shall be as decreed by the court.

(2) By reason of natural or artificial causes.

Section 23. Whenever the territory of any borough is divided by reason of natural or artificial causes, or whenever any part of a borough is so located that access to the remaining portion can be had only by passing through some other township or borough, the court of quarter sessions, on petition signed by persons representing at least two-thirds of the value of the real property, and two-thirds of the inhabitants of the borough, may detach therefrom the part so divided or located, and annex it to an adjacent borough or township.

Section 24. Upon its presentation the court shall order the petition filed, and shall direct that notice thereof be given to the borough or to the township whose boundaries may be affected; and shall also fix a time for hearing.

Section 25. If the decree of the court shall be in conformity with the prayer of the petitioners, the boundaries of the borough from which the territory is detached, and of the borough or township to which such detached portion is annexed, shall be as decreed by the court.

Section 26. All costs and expenses in proceedings for the annexation of territory on petition to council, or in proceedings for the change of borough limits by the detachment of territory, shall be paid by the petitioners for such annexation or detachment.

CHAPTER III.

CHANGE OF LIMITS—BOUNDARIES—WARDS.

ARTICLE II.

BOUNDARIES.

Section 1. Whenever any borough is bounded by the nearest margin of a navigable stream, and an opposite township, borough, or city, is also bounded by the nearest margin of the same stream, the boundaries of such borough shall extend to the center line of the stream.

Section 2. The court of quarter sessions, upon petition, may ascertain and establish disputed boundaries between two or more boroughs, between boroughs and cities, or between boroughs and townships.

Section 3. Upon such petition, the court shall appoint as commissioners three impartial men, one of

whom shall be a surveyor. After giving notice to parties interested, as directed by the court, they shall view the disputed boundaries. The commissioners, or any two of them, shall report to the next succeeding term of court, which report shall contain their recommendations and be accompanied with a plot of the proposed boundary, if the same cannot be fully described by natural lines.

Section 4. Any person interested may petition the court for a review or may except to the report of the commissioners. When matters of fact are in dispute the court may frame an issue and certify the same for trial to the court of common pleas.

Section 5. The commissioners shall each receive three dollars per day, except the surveyor, who shall receive five dollars per day, for each day necessarily employed in the performance of their duties, and mileage at the rate of ten cents per mile for each mile necessarily traveled.

Section 6. Whenever a boundary is established pursuant to the preceding sections of this article, the court shall cause the same to be marked with stone monuments, placed at intervals not exceeding fifteen hundred feet, and the expense of establishing said boundary and the placing of said monuments, when approved by the court, shall be borne equally by the municipalities or townships interested.

Section 7. Whenever the dividing line between two adjoining boroughs is uncertain, or whenever adjoining boroughs desire that the dividing line should be changed, the borough council may declare and fix such boundary line or may change the same in the manner hereinafter set forth.

Section 8. Such dividing line shall be determined and fixed, or changed, by ordinance passed by the councils of each borough, by the affirmative votes of not less than two-thirds of all the members elected to each of the councils, and approved by the respective burgesses. A plot showing such dividing line and the changes in the same, together with certified copies of the ordinances authorizing the action taken, shall be filed in the office of the clerk of the court of quarter sessions, within thirty days after the approval of the last ordinance relating to the matter.

Section 9. Any citizen of either borough may appeal from the ordinances, within thirty days of the filing of such plan, and the court shall make such decree thereon as to right and justice shall appertain.

Section 10. Whenever the dividing line between adjoining boroughs, situate in the same county, separates the property of the same owner into two or more parts, the court of quarter sessions, on the petition of the

council of either borough, or upon the petition of the property owner, may change the dividing line so that the whole of the property shall be thereafter located in one of the boroughs. No such change shall be made until the written consent of the borough councils, and of the party whose land is affected, where they do not appear as petitioners, is obtained and filed of record.

Section 11. Any costs and expenses incurred under the provision of the preceding section shall be paid by the petitioners.

CHAPTER III.

CHANGE OF LIMITS—BOUNDARIES—WARDS.

ARTICLE III.

WARDS.

Section 1. The court of quarter sessions, upon petition, may divide boroughs into wards, erect new wards out of two or more adjoining wards, or parts thereof, divide any ward already erected into two or more wards, or alter the lines of any two or more adjoining wards; and may cause the lines or boundaries to be ascertained and established.

Section 2. The petition shall be signed by twenty freehold residents of the borough, or of the ward whose limits it is proposed to change. Upon its presentation, the court shall appoint three impartial men as commissioners, to inquire into the propriety of granting its prayers. The commissioners, or any two of them, shall make a report to the next term of the court, and shall accompany it with a plot showing the boundary of the borough and wards before and after the proposed change, whenever the same cannot be fully designated by natural lines.

Section 3. The court shall confirm the report nisi, which confirmation shall become absolute, unless exceptions are filed before the third day of the term next succeeding. The court may grant a review, if a better adjudication may thereby be secured, upon a petition presented before the third day of such succeeding term.

Section 4. The commissioners appointed pursuant to section two of this article shall each receive three dollars per day, except a surveyor, who shall receive five dollars per day, for each day necessarily employed in the discharge of their duties, and mileage at the rate of five cents per mile for every mile necessarily traveled.

Section 5. Such compensation shall be paid by the county during the term of court to which the report is made, to be reimbursed by the petitioners as directed by the court. To secure such reimbursement the court may require the petitioners to file a bond with their

petition. All other costs and expenses incurred in the erection, division, or alteration of wards shall be paid by the petitioners, without liability upon the county.

Section 6. Officers in office at the time of any changes made pursuant to the preceding sections of this article shall remain in office until the expiration of the terms for which they have been elected. In case any vacancy shall occur, the same shall be filled by the court of quarter sessions, until the first Monday of January next succeeding the election at which such officers are elected, as provided in chapter eight, article one of this act.

Section 7. Boroughs may, by ordinance, change the name of any ward to number, or change the number of any ward to name. No such ordinance shall go into force until a certified copy thereof be filed with the clerk of the court of quarter sessions.

CHAPTER IV.

ADJUSTMENT OF INDEBTEDNESS.

ARTICLE I.

(a) WHEN INCORPORATED FROM A TOWNSHIP.

Section 1. Whenever a township is merged into one or more boroughs, or whenever a borough is erected out of a township or parts of adjoining townships, every such borough shall share in just proportion in the rights and liabilities of such townships, existing at the time of its incorporation. In all pending actions, and actions thereafter brought, by or against such townships, the borough liable or entitled shall, by order of court, be made party plaintiff or defendant, as the case may be.

Section 2. The proportion to be paid by the borough shall be ascertained by reference to the assessments of such townships for the year in which such borough was incorporated.

Section 3. Whenever any borough has been erected out of a township, or whenever any township has been merged into more than one borough, the court of common pleas, upon application, by a bill in equity, of any creditor of such townships, or of the authorities of any such township or borough, may ascertain the indebtedness of such townships, including judgments against the same, at the time of the incorporation of such boroughs, respectively, and may equitably adjust such indebtedness between such townships and boroughs, and between the several boroughs into which any township shall have been merged, and shall decree the proportion of such indebtedness which each township and

borough shall pay. In making such adjustment the township taxes then unexpended shall be taken into account.

Section 4. The adjustment shall be based upon the assessments of the townships for the year in which such boroughs were incorporated. In ascertaining the indebtedness, neither pending actions nor claims against such townships, founded on tort, shall be included, unless the same shall, in the meantime, have been prosecuted to final judgment.

Section 5. Three months' notice shall be given, by order of court, to all persons having claims against any of such townships, to present the same on or before the day therein named. All persons failing to present their claims shall be forever debarred from enforcing collection of the same. The notice shall be published in not less than two newspapers of the county.

Section 6. The court may make all needful orders for the collection and payment, by the township or borough, of the share of the indebtedness apportioned to it, and may order the officers of the township or borough to collect, by special taxation, an amount sufficient to pay the share, either in one year or by annual instalments.

Section 7. The court may appoint a receiver to whom the money due from each township and borough shall be paid. The receiver shall pay over the amount so received to creditors of the township, in such order or in such proportions as the court shall direct. In case of any special taxation in any township or borough, the collector of the special tax shall pay the same to the receiver.

Section 8. Each borough, in any of the cases aforesaid, shall be credited with its proper share of any unappropriated balance in the treasury of such townships, at the end of the current year, during which such borough shall have been incorporated, and the court may equitably apportion the same.

Section 9. The cost of the proceedings shall be paid by the several townships and boroughs in such proportions as the court shall direct.

(b) WHEN BOROUGHS ARE RE-ESTABLISHED.

Section 10. Whenever any borough shall be erected from a city of the third class, formed by joining together two or more boroughs as provided in chapter two, article three of this act, the court of common pleas shall immediately appoint an auditor.

Section 11. The auditor shall ascertain the indebtedness of such city. He shall likewise take into account, and include in his report, the cost of all the property owned by such city, and purchased at the

general expense of the same. He shall show in his report how much of such indebtedness would be the proportionate share chargeable to the territory so set off from such city, after allowance for a proportionate credit for the value of the property owned by the city prior to the establishment of the borough.

Section 12. If there is any indebtedness remaining which would be chargeable to the borough, then the authorities of such borough shall issue and deliver to the authorities of the city interest-bearing bonds, in liquidation of the indebtedness ascertained to be the proportionate share payable by such borough. The costs of the proceedings shall be paid by the borough re-established.

(c) WHEN LIMITS ARE CHANGED AND BOROUGHS DIVIDED.

Section 13. Whenever proceedings shall be commenced for the purpose of changing the limits of any borough, as provided in chapter three, article one, sections one to nineteen, inclusive; or in the case of the division of boroughs as provided in chapter two, article four, of this act, and the same shall have been approved by the grand jury to which the application shall have been submitted, in all cases where such approval is required, the court before entering a decree confirming the same, shall appoint an auditor.

Section 14. The court shall, at the time of making the appointment, direct notice to be given to all parties interested. Such notice shall state the time and place of the meeting of the auditor, and the time of making his report, and of the hearing thereon.

Section 15. The auditor shall ascertain the liabilities of the several boroughs and townships affected, the amount and value of the property owned by each, the amount and value of the property passing to and from each borough and township, and the assessed valuation of all property liable to taxation for borough or township purposes, as shown by the last assessment, and within the limits of the part annexed to or detached from such borough. He shall report the same to the court, with the form of a decree adjusting the liabilities equitably between such boroughs and townships respectively.

Section 16. The court shall direct the amounts that shall be paid by such boroughs and townships, and the time and mode of payment, and, if necessary, may order a special tax to be levied upon the property so annexed to or detached from said borough, for the payment of the indebtedness awarded against it, and shall direct how the same shall be assessed and collected. The costs and expenses of the proceedings shall be paid as the court shall direct.

(d) WHEN TERRITORY IS DETACHED.

Section 17. Whenever under the provisions of chapter three, article one, sections twenty to twenty-four, inclusive, of this act, the court shall decree the detachment of territory from a borough, the court shall appoint an auditor, who shall give such notice as the court shall direct to all parties in interest.

Section 18. The auditor shall hear all parties in interest, make necessary investigation, and report to the court the total valuation for taxation purposes of the boroughs and townships affected, the assessed valuation of the portion detached, the amount of indebtedness of the several boroughs and townships, and the value of all property transferred from the borough to a township or borough. The auditor shall also report a form of decree making such adjustment of the indebtedness of the boroughs and townships affected as he shall deem equitable.

Section 19. The report and decree shall be confirmed nisi by the court, and shall become absolute in ten days unless exceptions be filed thereto or an appeal be taken by parties in interest. The costs and expenses of the proceedings shall be paid as the court shall direct.

CHAPTER V.

GENERAL POWERS.

ARTICLE I.

Section 1. A borough may:—

I. Have succession perpetually by its corporate name.

II. Sue and be sued, and complain and defend in the courts of the Commonwealth.

III. Make and use a common seal, and alter the same at pleasure.

IV. Purchase, hold, lease, let, and convey such real and personal estate as the purposes of the borough shall require.

Section 2. The powers of the borough shall be vested in the corporate officers. They shall have power:—

I. To regulate the roads, streets, lanes, alleys, common sewers, public squares, common grounds, foot-walks, gutters, culverts, and drains, and the heights, grades, widths, slopes, and forms thereof; and to prohibit the erection or construction of any building or other obstruction to the convenient use of the same.

II. To prescribe reasonable fees for the services of their officers in the adjustment of grades, curbs, lines of streets, and the like, and to enforce the payment of the same.

III. To provide a supply of water for the use of the inhabitants, and to make regulations for the protection

of the pipes, reservoirs, and other constructions or apparatus; and to prevent the waste of water so supplied.

IV. To establish a nightly watch.

V. To provide street lights and to make regulations for the protection thereof.

VI. To construct and maintain in any of the highways within the borough limits, comfort and waiting-stations and drinking fountains. The damages accruing to abutting properties by reason of any such improvements shall be ascertained and collected in the manner provided in chapter six, article two of this act.

VII. To erect watering-troughs.

VIII. To prohibit and remove any obstruction or nuisance in the highways of the borough.

IX. To prohibit and remove any nuisance or dangerous structure on public or private grounds, or to require the removal of the same by the owner or occupier of such grounds; in default of which the borough may cause the same to be done and collect the cost thereof, together with a penalty of twenty per cent of such cost, in the manner provided in chapter six, article twelve, sections two and three of this act.

X. To prohibit the keeping of hogs within the borough, or within any part of the borough.

XI. To make regulations respecting vaults, cesspools, and drains.

XII. To make regulations relative to the accumulation of manure, compost, and the like.

XIII. To prohibit accumulations of garbage or rubbish upon private properties, and to prescribe penalties for the enforcement thereof.

XIV. To make regulations for the care and removal of garbage and other refuse material, including the imposition and collection of reasonable fees and charges therefor; and to prescribe fines and penalties for the violation of such regulations.

XV. To erect, maintain, and operate garbage-plants, or to provide other means for the collection, destruction, or removal of garbage and other refuse material; and to provide for the payment of the cost or expense thereof, either in whole or in part out of the funds of the borough.

XVI. To prohibit, within the borough, the carrying on of any manufacture, art, trade, or business which may be noxious or offensive to the inhabitants.

XVII. To make such other regulations as may be necessary for the health and cleanliness, and the beauty, convenience, comfort, and safety of the borough.

XVIII. To make regulations, within the borough, or within such limits thereof as may be deemed proper, relative to the cause and management of fires, and the prevention thereof.

XIX. To purchase fire-engines and fire-apparatus for the use of the borough, and to appropriate money to fire companies.

XX. To prohibit or regulate the erection of wooden structures.

XXI. To make regulations for the construction of new buildings and repair of old ones; and to require that, before the work begins, municipal approval of the plans and specifications therefor be secured; and to provide for the inspection of such construction and repair, including the appointment of one or more building inspectors; to prescribe limits wherein none but buildings of non-combustible material and fire-proof roofs shall be erected or substantially reconstructed, or removed thereinto; and to provide penalties for the violation of such regulations. Any building erected, reconstructed, or removed contrary to the provisions of any ordinance passed for any of the purposes specified in this clause, is declared to be a public nuisance, and abatable as such.

XXII. To prohibit the manufacture, sale, or exposure of fire-works or other inflammable or dangerous articles; to prescribe the quantities of inflammable articles that may be kept in one place; and to prescribe such other safeguards as may be necessary.

XXIII. To make regulations respecting partition fences and the foundations and party-walls of buildings.

XXIV. To prescribe reasonable fees for the service of their officers in the adjustment of party-walls, partition fences, and the like, and to enforce the payment of the same.

XXV. To regulate, license, or prohibit theatrical exhibitions, amusements, and other exhibitions; to regulate and license, and to fix the time of opening and closing of pool-rooms, billiard-rooms, and ten-pin alleys.

XXVI. To regulate markets and peddling, and to provide for the inspection of milk.

XXVII. To regulate the scales, weights, and measures, according to the standard of the Commonwealth; to provide for the confiscation of false weights and measures, and to regulate the inspection and measurement, or weight, of articles offered for sale in the borough.

XXVIII. To levy and collect annually a tax on the owners of dogs and bitches, not exceeding one dollar on the owner of but one dog, and two dollars on the owner of but one bitch, and to levy and collect such additional tax on the owners of more than one dog or bitch, and in such ratio of increase as they may deem proper.

XXIX. To prohibit or regulate the running at large of dogs; and in the enforcement of such regulations to direct the killing of dogs or their seizure and sale for the benefit of the borough.

XXX. To prohibit and regulate the running at large of other animals, and to authorize their seizure and sale for the benefit of the borough.

XXXI. To impose fines and penalties incurring partial or total forfeitures, or to remit the same.

XXXII. To provide a lockup for the temporary detention of persons.

XXXIII. To display the flag of Pennsylvania or the flag of any county, city, borough, or other municipality in the State, on the public buildings of the borough.

XXXIV. To enter into contracts with any street passenger railway company, surface, elevated, or underground, or motor power company, leasing and operating the franchise and property of such company within the limits of the borough; regulating the franchises, powers, duties, and liabilities of such companies, and the respective rights of the contracting parties. Such contracts may, inter alia, provide for payments by the companies to the borough, in lieu of the performance of certain duties, or the payment of license fees or charges imposed in favor of such borough by the charters of the respective companies, or by any general law or ordinances; for the appointment by the borough of a certain number of persons to act as directors of such company, in conjunction with the directors elected by the stockholders of such company; and may further provide for the ultimate acquisition by the borough, upon terms mutually satisfactory, of the leaseholds, property, and franchises of the contracting companies.

XXXV. To take by right of eminent domain for the purpose of appropriating to themselves, for the use of the National Guard of Pennsylvania, such public lands, easements, and public property as may be in their possession or control and used or held by them for any other purpose. Such right, however, shall not be exercised as to any street or wharf, but all other public easements and property may be appropriated and used for the purposes herein provided, any limitation of the use thereof by the borough, either by donation, dedication, appropriation, statute, or otherwise, to the contrary notwithstanding.

XXXVI. To appropriate money or convey land, either independently or in conjunction with any county, city, town, borough, or other municipal division, to the Commonwealth of Pennsylvania, for the purpose of assisting the Armory Board of the Commonwealth of

Pennsylvania in the erection of armories for the use of the National Guard; and to furnish water, light, or fuel free of cost to the Commonwealth of Pennsylvania, for use in any armory of the National Guard; and to do all things necessary to accomplish the purposes of this clause.

XXXVII. To appropriate money for the expenses of Memorial Day services.

XXXVIII. To appropriate annually to each camp of the United Spanish War Veterans, and of the army of the Philippines, and to each post of the American Veterans of Foreign Service, in the borough, a sum not exceeding fifty dollars to aid in defraying the expenses of Memorial Day.

XXXIX. To make, and they are hereby so required, annual appropriations, to each post of the Grand Army of the Republic, in the borough, in a sum not exceeding fifty dollars to aid in defraying expenses of Memorial Day.

CHAPTER VI.

SPECIAL POWERS.

ARTICLE I.

EMINENT DOMAIN.

Section 1. Boroughs may enter upon the lands and premises of any person, for the purposes authorized by this act.

Section 2. No borough shall exercise the right of eminent domain as against land now occupied by any building which was used during the Colonial or Revolutionary period, as a place of assembly by the Council of the Colony of Pennsylvania, the Supreme Executive Council of the Commonwealth of Pennsylvania, or the Congress of the United States; or as against the land occupied by any fort, redoubt, or blockhouse erected during the Colonial or Revolutionary period, or any building used as headquarters by the Commander-in-Chief of the Continental Army; or as against the site of any building, fort, redoubt, blockhouse, or headquarters which are preserved for their historic associations, and not for private profit. The Colonial and Revolutionary period shall be taken as ended on the third day of September, one thousand seven hundred and eighty-three.

Section 3. Whenever, in any condemnation proceedings, any borough has tendered a bond to secure the payment of damages, and the same has been accepted, or, if the acceptance has been refused and the bond has been filed in and approved by the court, the borough shall have the right to immediate possession of the property.

Section 4. If the owner, lessee, or occupier shall refuse to remove his personal property or give up possession, the borough may serve written notice upon such owner, lessee, or his agent, or the occupier, to remove his personal property and give up possession of such property, within sixty days from the date of the service of such notice.

Section 5. If the owner, lessee, or occupier shall refuse to remove his personal property and give possession, upon proof of the service of the notice, specified in section four of this article, a writ of habere facias possessionem shall forthwith issue, directing the sheriff to give to the borough possession.

Section 6. Whenever any court shall order any borough to enter security for the payment of damages for the taking, injury, or destruction of land or materials by right of eminent domain, the bond of the borough shall be taken without sureties.

Section 7. In all cases of the appropriation of land for public use, other than for roads or streets, it shall not be lawful to assess any portion of the damage done to or value of the land so appropriated, against the other property adjoining or in the vicinity of the land so appropriated.

Section 8. Viewers or juries of view appointed by any court to assess damages and benefits, due to the taking, injury, or destruction of private property in and by the construction or enlargement of any public work, highway, or improvement, shall make their reports within a time which the court shall fix when appointing them.

Section 9. If any of the viewers or juries of view appointed as provided in the preceding section shall, for any reason appearing sufficient to the court, be unable to file its report within the period so fixed, the court may, either before or after the expiration of the time fixed, extend the time for the filing of such report.

Section 10. In any proceeding to ascertain the damages caused to any owner of lands, by reason of the appropriation of a right of way or easement by any borough, where the owner and borough cannot agree upon the amount of damage done, the parties may, by agreement, waive the right to have such damages assessed, and the owner may file his claim in the court of common pleas of the county, and rule the defendant to plead thereto within fifteen days from the service of such rule upon the borough, and the suit shall be proceeded with as if an award of viewers had been filed and an appeal had been taken therefrom.

Section 11. Either party to such an action may on motion have the jury visit and view the premises over or through which the proposed right of way or easement may extend.

Section 12. In all cases of damages assessed against any borough for property taken, injured, or destroyed by the construction or enlargement of their works, highways, or improvements, whether such assessment shall have been made by viewers, or otherwise than upon trial in court, and an appeal is not provided for, an appeal may be taken by either party to the court of common pleas of the county within thirty days from the filing of the report.

Section 13. Any appeal taken pursuant to the preceding section shall be signed by the party taking the same or by his agent or attorney, and shall be accompanied by an affidavit of the party appellant, or of the agent or attorney, that the same is not for the purpose of delay, but because the affiant firmly believes that injustice has been done.

Section 14. When no appeal is taken in accordance with the provisions of sections twelve and thirteen of this article and judgment is entered, and the party to whom damages have been awarded refuses to accept payment of such award or judgment, then it shall be lawful for such borough, upon petition to the court, after notice as ordered by court, to pay the amount of the award and costs into the court. The court, upon such payment, shall order the satisfaction of the award or judgment.

CHAPTER VI.

SPECIAL POWERS.

ARTICLE II.

CONDEMNATION PROCEEDINGS IN COURT OF COMMON PLEAS.

Section 1. In the laying out, opening, widening, extending, vacating, grading, or changing the grades or lines of streets, lanes or alleys, the construction of bridges and the piers and abutments therefor, the construction of slopes, embankments and sewers, the erection and extension of water-works, wharves and docks, public buildings, public works, filtration-plants, sewerage systems, sewage and garbage disposal-plants, gas-plants, electric light plants, and libraries, the establishing of parks and playgrounds, and the changing of water-courses, a borough may enter upon, appropriate, injure, or destroy private lands, property, or material.

Section 2. Except as is in this act otherwise provided, in case the compensation for damages or benefits accruing therefrom have not been agreed upon, any court of common pleas, or any law judge thereof in vacation, on application thereto by petition by the borough or any person interested, shall appoint three viewers from the board of viewers of the county, and appoint a time, not less than twenty nor more than thirty days there-

after, when the viewers shall meet upon the line of the improvement and view the same and the premises affected thereby.

Section 3. The viewers provided for in the preceding section may be appointed before or after the entry, appropriation, or injury of any property or materials for constructing such improvements.

Section 4. Except when otherwise in this act provided, the viewers shall give at least ten days' notice of the time of their first meeting, by publication in one or more newspapers of the county, and by handbills posted upon the premises, or otherwise as the court shall direct. Where the publication is in more than one newspaper, one of the newspapers may be in the German language.

Section 5. The viewers, having been sworn or affirmed faithfully, justly, and impartially to decide and a true report to make concerning all matters to be submitted to them, and in relation to which they are authorized to inquire, and having viewed the premises and examined the property, shall hear all parties interested and their witnesses, and shall determine the damages for property taken, injured, or destroyed, and to whom the same is payable; and having determined the damages, together with the benefits, they shall prepare a schedule thereof.

Section 6. The damages may be paid in whole or in part by the borough, or may be assessed in whole or in part upon the property benefited. In the latter case, the viewers, having first determined the damages apart from the benefits, shall assess the total cost of the improvement, or so much thereof as may be just and reasonable, upon the properties peculiarly benefited, including in the assessment all parties for which damages have been allowed, and shall report the same to the court. The total assessments for benefits shall not exceed the total damages awarded or agreed upon.

Section 7. In proceedings to assess damages and benefits, if the property is both benefited and damaged by such improvements, the excess of damages over benefits, or the excess of benefits over damages, or nothing, in case the benefits and damages are equal, shall be awarded to or assessed against the several owners of property affected thereby.

Section 8. The preceding section shall not prevent the viewers from making a separate report of the damages and benefits, respectively. In such event, if the damages to the property of any person be greater than the benefits, or if the benefits be greater than the damages, or if the damages and benefits be equal, in either case the viewers shall strike a balance and carry the difference forward to another column, so that the assessment shall show what amount is to be received or

paid by the property owner, and the difference only shall be collectible of or paid to such property owner. Appeals taken from the report of the board of viewers shall be from such net amount only.

Section 9. The viewers shall give notice to all parties to whom damages are allowed, or upon whom assessments for benefits are made, of a time, not less than ten days thereafter, and of place where the viewers will meet and exhibit their schedule and hear all exceptions thereto.

Section 10. Such notice shall be given, in the manner provided by law for the service of a summons in a personal action, if the parties can be found in the borough; or upon an adult person residing upon the property affected by the assessment, in case the owner or reputed owner cannot be found; and to all others by publication in the newspaper or newspapers in which the first notices of the view were published, and by posting conspicuously on the premises. Council may by ordinance provide by whom the notice shall be served and posted and fix the compensation for such service.

Section 11. After making whatever changes are necessary, the viewers shall report to the court, showing the damages and benefits allowed and assessed in each case, and file therewith a plan showing the improvement, the properties taken, injured, or destroyed, and properties benefited.

Section 12. When the report is filed, notice thereof shall immediately be given by publication once in the newspapers publishing the notice provided for in section four of this article. Such notice shall state the date of filing of the report, contain a schedule of the damages allowed and benefits assessed, and shall state that unless exceptions be filed thereto within thirty days from the date of filing, the report will be confirmed absolutely.

Section 13. The cost of the proceedings, including court costs, except the compensation of the viewers, shall be paid by the borough.

Section 14. Except when in this act otherwise provided, in all cases where the parties have not agreed upon the damages claimed, or where, by reason of the absence or legal incapacity of the owner, no such agreement can be made, the borough may tender sufficient security to the party entitled to damages, or to the attorney or agent of any person absent, or to the agent or officer of a corporation, or to the guardian or committee of anyone under legal incapacity.

Section 15. The condition of the security shall be, that the borough shall pay or cause to be paid such amount of damages as the party shall be entitled to receive, after the same shall have been agreed upon

by the parties, or assessed in the manner provided for by this article. In case the party claiming damages refuse to accept the security tendered, the borough shall give the party, or his agent, attorney, guardian, or committee, a written notice of the time when the same will be presented in court.

Section 16. If approved by the court, the security shall be filed for the benefit of those interested, and recovery may be had thereon for the amount of damages assessed. If the damages be not paid, they may be collected by execution on the judgment in the issue framed to try the question. Upon the approval of the security, the borough may proceed with the improvement.

Section 17. Within thirty days after the filing of any report, any party interested may file exceptions to the same; and the court shall confirm, modify, or change the same, or change the assessments made therein, or refer it back to the same or new viewers.

Section 18. When the report is filed, the prothonotary shall mark it confirmed nisi. In case no exceptions are filed thereto, he shall enter a decree that the report is confirmed absolutely.

Section 19. When exceptions are filed which affect the entire report the same shall not be confirmed absolutely as to any part thereof until the exceptions have been finally disposed of; when the exceptions do not affect the entire report, the court may confirm the assessments to which exceptions have not been taken.

Section 20. Within six months after the confirmation of any report any party interested may appeal from the decree of the court below to the Superior or Supreme Court, as the case may be.

Section 21. Where any appeal is taken from the action of the court confirming any viewers' report, or part thereof, if the appeal affects the entire report it shall have the effect of suspending the absolute confirmation thereof until the appeal is finally disposed of; but where the appeal is to matters which do not affect the entire report, or any other assessment, such appeal shall affect only the particular assessment for which the appeal is taken.

Section 22. In order to determine whether any appeal affects the entire report, or any particular assessment, the appellant shall file in the court below, before or at the time of filing his writ of certiorari, a copy of his specifications or assignments of error or grounds of appeal. Upon failure so to do, the borough or any party interested may, by notice or rule upon the appellant, cause such specifications, assignments of error, or grounds of appeal to be filed.

Section 23. Upon the request of the borough or any party interested, the court below, or any judge thereof in vacation, shall certify whether the appeal affects

the entire report, and said certificate shall be conclusive. Where the court or judge certifies that the appeal will affect the entire report, no further proceedings shall be taken in the court below until after the final action of the appellate court; but where the court or judge certifies that the appeal will affect only a particular assessment, then the confirmation of all other assessments shall be final.

Section 24. If, on any appeal, the action of the court below is affirmed, the date of the decree or judgment of the appellate court shall be taken as the day on which the report was finally confirmed.

Section 25. Where any appeal is taken to the Supreme Court and an appeal is also taken to the Superior Court, and the appeals in both cases are substantially the same, the Superior Court may certify such appeal to the Supreme Court, to be heard with the other appeals from the same report.

Section 26. The Supreme Court shall consolidate all such appeals and hear them as one case. Where several appeals are taken from the confirmation of the same report, either to the Superior or Supreme Court, and the grounds of appeal are similar, the appellate court may consolidate the appeals.

Section 27. Several parties may unite in a single appeal, either to the Superior or Supreme Court, where the grounds of appeal are similar; but the uniting of the appellants shall not unite the amounts or change the jurisdiction. When the appeal, if taken by each appellant singly, would be to the Superior Court, then the appeal shall be to that court; but if the appeal of any one appellant would be to the Supreme Court, then the joint appeal shall be to that court. If an appeal has been taken to the Supreme Court, any other party, without regard to the amount involved, if the grounds of appeal are similar, may appeal to the same court and join in such appeal.

Section 28. Within thirty days after any report of viewers is filed in court, any party whose property is taken, injured, or destroyed, or who is assessed benefits, may appeal to the court of common pleas and demand a trial by jury.

Section 29. The appeal, as provided in the last preceding section, shall state the grounds upon which it is taken, and shall be signed by the appellant, or by his agent or attorney; and shall be accompanied by an affidavit that it is not taken for the purpose of delay, but because the appellant believes that injustice has been done.

Section 30. Upon the trial of any such appeal, in case the party appellant does not obtain a verdict more favorable than was the report of the viewers as finally confirmed, the appellant shall not recover any costs.

Section 31. The court of common pleas shall order what notices shall be given in connection with such proceedings, and may, by rule or otherwise, prescribe the form of pleadings. After verdict and final judgment, either party may appeal to the Superior or Supreme Court.

Section 32. Should any appeal under this article be made to the wrong court, such court shall certify the appeal to the court to which it should have been taken.

Section 33. No appeal taken under this article shall prevent the filing of liens by any borough for any assessment made by any such report, but, upon the final termination of the issue, the court shall make such order as to the lien filed as shall appear right and proper.

Section 34. If any borough shall repeal any ordinance, or discontinue any proceeding, providing for any of the improvements mentioned in this article, prior to the entry upon, taking, or injury to any property or materials, the borough shall not be liable to pay any damages which have been assessed; but all costs upon any such proceeding shall be paid by the borough, together with any actual damage sustained by reason of such proceeding.

Section 35. All assessments for benefits, costs, and expenses shall bear interest at the expiration of thirty days after they shall have been finally ascertained, and shall be payable to the treasurer of the borough.

CHAPTER VI.

SPECIAL POWERS.

ARTICLE III.

DAMAGES FOR INJURY TO PROPERTY.

Section 1. The right to damages against boroughs is given to all owners or tenants of lands, property, or material abutting on or through which pass roads, streets, lanes, or alleys injured by the laying out, opening, widening, vacating, extending, or grading of such roads, streets, lanes, or alleys, or the changing of the grades or lines thereof; the construction and the vacation of bridges and piers, abutments, and approaches therefor, and the construction of sewers, over, upon, or through such lands or property.

Section 2. All juries of view appointed for assessing damages or benefits for taking, using, occupying, or injuring land, property, or material, are directed to assess the damages, provided for in section one of this article, against boroughs, and the benefits in connection therewith, and make a report thereof to the court.

Section 3. The right of appeal to the court of common pleas, the right of trial by jury, and the right to file exceptions are given to any party not satisfied with such report.

Section 4. After disposal of exceptions, or after verdict and final judgment, any interested party may appeal to the Superior or Supreme Court as in other cases.

Section 5. Whenever viewers are appointed to vacate any road, street, or highway, and the vacation of the same takes no land from the owner abutting thereon, if, in the opinion of the viewers, such vacation damages the property of the abutting owner, they may award damages to such owner as though land has been actually taken, and such damages shall be ascertained as provided in chapter six, article two of this act.

CHAPTER VI.

SPECIAL POWERS.

ARTICLE IV.

OPENING, WIDENING, EXTENDING, STRAIGHTENING, AND VACATING STREETS.

(a) WITHOUT PETITION.

Section 1. Boroughs may survey, lay out, open, widen, straighten, extend, or vacate streets, lanes, alleys, and courts, or parts thereof, without petition of property owners.

Section 2. Ten days' notice of the contemplated improvement shall be given by the borough, by not less than ten handbills posted on the line of the proposed improvement, and in such notice shall be designated a time and place where objections thereto shall be heard.

Section 3. Any ordinance authorizing the exercise of any power conferred by section one of this article shall be adopted by the affirmative vote of three-fourths of the whole number of councilmen, and shall be approved by the burgess. No such ordinance shall be finally adopted until the expiration of twenty-eight days from the date of its introduction, and, in the meantime, copies thereof shall be published in such one or more of the newspapers of the borough, once a week for three consecutive weeks, immediately following the introduction thereof. In case no newspaper shall be published in the borough, then in one newspaper published in the county.

Section 4. No owner or occupier of lands, buildings, or other improvements shall erect any buildings or make any improvements within the lines of the roads, streets, lanes, alleys, or courts laid out, widened, or straightened, or proposed to be laid out, widened, or

straightened, after notice thereof. If any such erection or improvement shall be made, no allowance shall be had therefor in the assessment of damages.

Section 5. Viewers shall be appointed, damages awarded, and benefits assessed as provided in chapter six, article two, in the case of property taken, injured, or destroyed. Any costs and expenses which cannot be assessed upon property benefited shall be paid by the borough.

Section 6. Any street, lane, or alley opened pursuant to this article, or by agreement of parties, is a public highway.

(b) ON PETITION TO THE COUNCIL.

Section 7. Boroughs may, upon petition, open, widen, straighten, extend, or vacate streets and alleys or parts thereof.

Section 8. The petition shall be signed by a majority in number and interest of the owners of property abutting on the line of the proposed improvement, as fixed at the time of its presentation, and shall be verified by the affidavit of one or more of the petitioners. The majority in interest of owners of undivided interests in any piece of property shall be deemed as one person for the purposes of the petition.

Section 9. Upon the approval of any ordinance passed pursuant to section seven of this article, notice shall, within ten days, be given by handbills posted in conspicuous places along the line of the proposed improvement. The notice shall state the fact of the passage of the ordinance, and the date thereof, that the petition for the improvement was signed by a majority in interest and number of the owners of property abutting the line of the proposed improvement, and that any person interested, denying the fact that such petition was so signed, may appeal to the court of common pleas of the county within thirty days after the passage thereof.

Section 10. Any person interested may, within sixty days from the passage of the ordinance, present a petition to the court of common pleas of the county, whereupon the court shall determine whether such improvement was petitioned for by the requisite majority. If said court shall find that it was not so petitioned for, it shall quash the ordinance; otherwise, it shall approve the same.

Section 11. If no appeal shall be taken, or if the court on appeal shall approve the ordinance, the borough may proceed with the improvement. Thereafter all parties interested shall be estopped from denying the fact that the petition was signed by the requisite majority of the property owners as required by section eight of this article.

Section 12. Viewers shall be appointed, damages awarded, and benefits assessed as provided in chapter six, article two of this act, in the case of property taken, injured, or destroyed. Any costs and expenses which cannot be assessed upon property benefited shall be paid by the borough.

(c) TIME WITHIN WHICH STREETS ARE TO BE OPENED.

Section 13. Whenever any borough shall pass an ordinance authorizing the laying out or surveying of any road, street, lane, alley, or court over any private property, the proceedings to open the same, and to assess the damages arising therefrom, shall be had not later than two years from the passage thereof.

Section 14. Whenever any street, lane, or alley shall be laid out by any person, and has not been opened to or used by the public for twenty-one years, such streets, lanes, or alleys shall not thereafter be opened without the consent of the owners of the land on which the same has been so laid out.

CHAPTER VI.

SPECIAL POWERS.

ARTICLE V.

VACATION OF ROADS AND STREETS.

(a) ROADS LAID OUT BY THE COMMONWEALTH.

Section 1. Boroughs may vacate, in whole or in part, streets, lanes, and alleys within their limits, laid out by the Commonwealth, whenever the same shall have remained unopened for a period of thirty years.

Section 2. In exercising the power provided for in the preceding section, the proceedings for the ascertainment of damages and the assessment of benefits shall be as provided for in chapter six, article two of this act.

(b) LANES AND ALLEYS DECLARED NUISANCES BY BOARD OF HEALTH.

Section 3. Whenever the board of health of the borough shall declare as a nuisance any public alley, lane, or passageway, any two or more owners of property adjacent or abutting upon the same may present their petition, verified by oath or affirmation, to the court of quarter sessions, setting forth the facts regarding such nuisance, and praying that said alley, lane, or passageway may be vacated. Such petition shall be accompanied by a certificate of the board of health, setting forth that they have declared such alley, lane, or passageway to be a public nuisance.

Section 4. The court shall thereupon appoint a jury of view, of three men of the county. The jury, being

sworn or affirmed to faithfully perform its duties, shall give notice to all parties likely to be affected by the proceedings, of the time and place of the first meeting, in such manner as the court shall direct.

Section 5. After the first meeting the jury shall proceed to view the premises, hear all parties interested and their witnesses, and shall prepare a report of findings and recommendations as to whether or not such alley, lane, or passageway, or part thereof, should be vacated; and in such report shall award damages and assess benefits to the property affected.

Section 6. The jury shall give notice, in writing, to all parties affected by their report, at least ten days before the same is filed in court. The notice shall state the time and place where such report will be open to inspection.

Section 7. Any person aggrieved by such report may file exceptions thereto with the jury, whereupon the jury shall reconsider their report, with the exceptions, and change the same as justice may require. The report as finally prepared shall be filed in court.

Section 8. Any person affected by the report shall have an appeal to the court of common pleas, within thirty days after the report is filed, and the procedure on such appeal shall be the same as in actions of trespass.

Section 9. At the end of the period allowed for an appeal, the report shall be absolutely confirmed by the court as to such awards or assessments from which no appeals have been taken.

Section 10. No alley, lane, or passageway shall be vacated, in any case, where the vacating deprives any lot abutting thereon of the sole means of ingress or egress, otherwise than to or from the front line thereof; nor where it was created by grant or contract and not theretofore accepted by the public.

CHAPTER VI.

SPECIAL POWERS.

ARTICLE VI.

ROADS PARTLY WITHIN THE BOROUGH.

Section 1. In opening, widening, and straightening roads partly within a borough, like proceedings shall be had as for the laying out and opening of public roads.

Section 2. Every jury appointed to view, lay out, widen, or vacate any road, or part of a road, in any borough, laid out as provided in section one of this article, shall have reference to the town plot and to the general arrangement, convenience, and advantage of the borough, and shall set forth the facts fully in their report.

Section 3. All damages assessed beyond the value of the land appropriated to public use shall be paid by the borough, and the jury shall separately assess the same.

Section 4. Petitions for the assessment of damages for the opening or widening of any road or highway, when the damages are not assessed by the view opening the road, may be filed in the court of quarter sessions, within the period of six years from the confirmation of any report, or the entry of any decree opening such road or highway. All claims shall be barred after the expiration of the period of six years.

Section 5. No owner or occupier of lands, buildings, or improvements shall erect any building or make any improvements within the lines of the roads laid out, widened, or straightened, or proposed to be laid out, widened, or straightened, after notice thereof; and if any such erection or improvement shall be made, no allowance shall be had therefor in the assessment of damages.

Section 6. Whenever the authorities of any borough deem it advisable to construct or change any part of any public road under their supervision, and can agree with the property owners affected as to the damages, upon the payment of the damages agreed upon, the borough may change or alter such public road without the formality of a view.

Section 7. Before any change is made in any such road, a petition setting forth the facts, accompanied by a map, shall be presented to the court of quarter sessions; and, if approved by the court, the new location shall be taken to be the public road and the old location shall be deemed vacated.

Section 8. The authority conferred in section six of this article shall not extend to any change, the costs and expenses of which, including damages, shall exceed three hundred dollars.

CHAPTER VI.

SPECIAL POWERS.

ARTICLE VII.

STREET IMPROVEMENT.

(a) GRADING STREETS AND ASSESSMENT OF DAMAGES.

Section 1. Boroughs may lay out, establish, or change the grades of streets, roads, lanes, and alleys, or parts thereof.

Section 2. At least ten days' notice shall be given, by not less than ten handbills posted on the line of the proposed improvement, of any proposition to establish or change the grades of streets, roads, lanes, or alleys, and in such notice a time and place shall be designated where objections thereto shall be heard.

Section 3. Whenever any street, road, lane, or alley is graded, or changed in grade, pursuant to this article, and private property is damaged thereby, the damages may be awarded, and benefits, costs, and expenses, where the costs and expenses are not assessed according to the foot-front rule, may be assessed, as provided in chapter six, article two of this act, in the case of property taken, injured, or destroyed.

(b) GRADING, CURBING, PAVING, MACADAMIZING STREETS ON PETITION, AND ASSESSMENT ACCORDING TO BENEFITS.

Section 4. Upon the petition of a majority of property owners in interest and number, abutting on the line of any proposed improvement, to be verified by the affidavit of at least one of the petitioners, a majority in interest of owners of undivided interests in any piece of property to be treated as one person, a borough may grade, curb, pave, or macadamize, or otherwise improve, any street or alley, or part thereof, or which may be, in whole or in part, boundaries thereof, and provide for the necessary drainage thereof.

Section 5. The majority in interest and number required for such petitions shall be fixed as of the date of such petition. After the passage of any ordinance for the grading, curbing, paving, or macadamizing, or otherwise improving, any street or alley, notice shall be given, within ten days thereafter, by handbills posted in conspicuous places along the line of the proposed improvement.

Section 6. The notice shall state the fact and the date of the passage of such ordinance, that the petition for the improvement was signed by a majority in interest and number of owners of property abutting on the line of the proposed improvement, and that any person interested, denying the fact that said petition was so signed, may appeal to the court of common pleas of the county, within thirty days from the passage of the ordinance.

Section 7. Any person interested may, within thirty days from the passage of such ordinance, present a petition to the court of common pleas of the county, setting forth the facts; whereupon the court shall determine whether such improvement was petitioned for by the requisite majority. If the court shall find that it was not so petitioned for, it shall quash the ordinance; but, if it shall find that it was so petitioned for, it shall approve the same. If no appeal shall be taken, or if the court on appeal shall approve the ordinance, the borough may proceed with the improvement, and thereafter all parties shall be estopped from denying the fact that such petition was properly signed.

Section 8. On petition, viewers shall be appointed as provided in chapter six, article two of this act, who shall assess the damages, costs, and expenses of such grading, curbing, paving, or macadamizing, or improving, including the expenses for necessary drainage, upon the property benefited, according to benefits, if sufficient can be found; but, if not, the deficiency, when ascertained, shall be paid by the borough. The proceedings of the viewers and the proceedings on their report shall be as provided in chapter six, article two of this act.

(c) GRADING, CURBING, PAVING, OR MACADAMIZING STREETS, AND COLLECTION OF COST BY FOOT-FRONT RULE.

Section 9. Boroughs, without petition, or upon petition verified by affidavit of at least one of the petitioners, may grade, curb, pave or macadamize streets, lanes, and alleys, or parts thereof, and collect from the owners of real estate abutting on the improvement by an equal assessment on the foot-front, the whole cost, or part thereof, including the expenses for the necessary drainage thereof, as follows, that is to say:

I. If the petition be for grading, curbing, paving, or macadamizing, and is signed by petitioners representing two-thirds in the number of feet of properties abutting on the proposed improvement, and the real estate on both sides of the street is assessable, then two-thirds of the cost may be collected.

II. If the petition be for grading, curbing, paving, or macadamizing, and is signed by petitioners representing two-thirds in the number of feet of property abutting on the proposed improvement, and the real estate on one side only of the street is assessable, then one-half of the cost may be collected.

III. If the petition be for grading, curbing, paving, or macadamizing, and is signed by petitioners representing four-fifths in the number of feet of property abutting on the proposed improvement, then the whole cost may be collected. The whole cost of such improvement shall not be assessed unless the petition shall contain a statement to the effect that the whole cost may be collected.

IV. If the petition be for grading only, and is signed by a majority in number and interest of the owners of property abutting the line of the proposed improvement, a majority of owners of undivided interest in any one piece of property to be deemed as one person, then the whole cost, or any part thereof, may be collected; and the council in making the assessment may provide for an equitable reduction, not exceeding one-third, from the frontage of all lots at street or other intersections where, for any equitable cause, an assessment for the full frontage would be unjust.

V. If any street is graded, curbed, paved, or macadamized without a petition, as provided in this section, then two-thirds of the cost may be collected.

Section 10. Whenever an ordinance is passed for any of the purposes authorized by the preceding section, pursuant to a petition therefor, ten days' notice shall be given by hand-bills posted in conspicuous places along the line of the proposed improvement. The notice shall state the fact and date of the passage of the ordinance, that the petition for the improvement was signed by a majority of free-holders in interest and number, or by the owners of property representing two-thirds or four-fifths in the number of feet abutting the line of the proposed improvement, as the case may be, and shall further state that any person interested, denying that the petition was so signed, may appeal to the court of common pleas of the county within thirty days from the passage of the ordinance.

Section 11. Any person interested may, within thirty days from the passage of the ordinance, present a petition to the court of common pleas of the county, whereupon the court shall determine whether said improvement was petitioned for by the requisite majority, two-thirds or four-fifths, as the case may be. If the court shall find that it was not so petitioned for, it shall quash the ordinance, otherwise it shall approve the same.

Section 12. If no such appeal shall be taken, or if the court on the appeal shall approve the ordinance, the borough may proceed with the improvement, and thereafter all parties interested shall be estopped from denying the fact that the petition was properly signed.

Section 13. Whenever any improvement is proposed to be made without a petition, as provided in section nine of this article, the ordinance authorizing and directing the improvement shall be adopted by the affirmative vote of two-thirds of the whole number of council. If the burgess approve such ordinance, he shall sign it; but, if he shall not so approve, he shall return it with his objections to the council at the next regular meeting thereof, when said objections shall be entered upon the minutes.

At the regular meeting next succeeding the return of such ordinance the council shall proceed to a reconsideration thereof, and if all the members shall vote to pass such ordinance it shall then become of as full force as if it had been approved by the burgess; but, in such case, the vote shall be determined by yeas and nays, and the names and votes of the members shall be entered on the minutes. If such ordinance shall not be returned by the burgess at the regular meeting next succeeding its presentation to him, it shall likewise have as full force as if it had been approved.

Section 14. Whenever any improvement is proposed to be made without a petition, as provided in section nine of this article, the ordinance authorizing such improvement shall not be adopted until twenty-eight days from the date of its introduction, and in the meantime copies thereof shall be published in a newspaper circulating in the borough, once a week for two weeks, and five copies thereof shall be posted in conspicuous places along the proposed improvement, ten days before its final passage.

Section 15. All assessments made pursuant to section nine of this article shall be estimated by the council or such person as it shall designate, and shall be filed with the secretary of the borough.

Section 16. The secretary of the borough shall cause thirty days' notice of the assessment to be given to each party assessed, either by service on the owner or his agent or left on the assessed premises.

Section 17. If any assessment shall remain unpaid at the expiration of the notice it shall be the duty of the borough solicitor to collect the same, with interest from the time of completion of the improvement, by action of assumpsit or by a lien to be filed and collected in the same manner as municipal claims. When an owner has two or more lots against which there is an assessment for the same improvement, all of such lots shall be embraced in one claim.

(d) GRADING, CURBING, PAVING, MACADAMIZING, BOUNDARY STREETS AND STREETS OUTSIDE LIMITS.

1. By agreement with municipalities and townships.

Section 18. Boroughs may enter into agreements with adjoining municipalities and townships for the grading, curbing, paving, or macadamizing of streets and alleys, which may be boundaries between such boroughs and municipalities or townships, and may provide in such contract that the damages, costs, and expenses of such improvement shall be divided between such boroughs, municipalities, or townships, in the proportion agreed upon.

Section 19. In grading, curbing, paving, or macadamizing such streets or alleys, boroughs shall exercise such power only upon petition of a majority of the property owners in interest and number abutting the line of the proposed improvement, within the borough limits, to be verified by the affidavit of at least one of the petitioners, a majority in interest of owners of undivided interests in any piece of property to be treated as one person, asking that such improvement be made.

Section 20. The portion of the damages, costs, and expenses agreed to be paid by the borough shall be ascertained, and the benefits incident thereto shall be assessed and collected, in the manner provided in chapter six, article two of this act; but the borough may agree to pay any part of the costs, damages, and expenses of such improvements out of the general funds.

2. By agreement with counties and townships.

Section 21. Whenever the center line of any highway constitutes the dividing line between any borough and a township located in the same county, and the borough shall enter into a contract with the commissioners of the county, and the commissioners or road supervisors of the township, to grade, curb, pave, or macadamize such highway in accordance with the provisions of the act of the twentieth day of May, one thousand nine hundred and thirteen, page two hundred and sixty-seven, entitled "An act providing a method whereby highways, the center line of which constitutes a dividing line between a city or borough and a township in the same county, may be altered or improved and the cost thereof apportioned," such alteration or improvement shall be constructed and subsequent repairs shall be made under the supervision of the authorities of the borough, and in compliance with the plans to be agreed upon, in writing, between such borough and the commissioners of the county and the commissioners or road supervisors of the township. One-half of the cost of such repairs shall be borne by the borough.

3. Streets outside limits.

Section 22. Boroughs may, singly or jointly, with boroughs, cities or counties, appropriate and expend moneys for the improvement of highways outside of the limits of such boroughs, for the purpose of connecting improved streets in such boroughs with State or State-aid highways. No such highway shall be improved which shall be more than one mile in length.

(f) MAINTENANCE AND IMPROVEMENT OF CONDEMNED AND ABANDONED TURNPIKES.

Section 23. When any turnpike, or part thereof, situate in the same or more than one county, shall be condemned for public use, free of tolls, and the assessment of damages therefor shall have been paid by the county; or when any turnpike company or association has abandoned its turnpike, or any part thereof; or when any turnpike company or association has been dissolved, such turnpike, or part thereof, located within the limits of any borough, shall be maintained and improved in the same manner as other streets of the borough.

(g) MAINTENANCE AND IMPROVEMENT OF STREETS
CONNECTING COUNTY ROADS.

Section 24. Whenever any county shall improve any road located within any borough, under the provisions of an act, approved the thirteenth day of May, one thousand nine hundred and nine, page five hundred and twenty-seven, entitled "An act amending an act, approved the twenty-second day of April, Anno Domini nineteen hundred and five, entitled 'An act to amend an act, entitled "An act providing for the permanent improvement of certain public roads or highways in the several counties of this Commonwealth, making such improved roads and highways county roads; authorizing the relocation, opening, straightening, widening, extension, and alteration of the same, and the vacation of so much of any such road as may thereby become unnecessary; authorizing the taking of property for such improvement, and providing for the compensation therefor and the damage resulting from such taking; providing for the payment of the costs and expenses incurred in making such improvements, and in thereafter repairing and maintaining said road, and authorizing the levy of a tax to provide a fund for such purposes," approved June twenty-sixth, one thousand eight hundred and ninety-five; providing that public roads and highways may be constructed, improved, and maintained by the several counties of the Commonwealth as county roads, whether existing by other authority or laid out in whole or in part by virtue of this act; and providing that public roads and highways may be originally located, laid out, and established for the purpose of such construction, improvement, and maintenance by the several counties, in the manner and by the procedure set out in the amended act, and subject to other provisions thereof; providing for the laying out of a system of main thoroughfares, to which the establishing, construction, improvement, and maintenance of public roads by the counties shall be restricted after January one, one thousand nine hundred and seven; but providing for such establishing, construction, improvement, and maintenance of roads not part of said system, upon parties interested paying not less than one-fourth of the original cost of construction; and providing that the county commissioners of any county may provide rules regulating the use of roads constructed and maintained by the counties; and prescribing the penalties for the violation thereof,' and providing that public roads and highways located, established, constructed, and improved by the several counties, in the manner and by the procedure set out in the said acts, shall thereafter be township or borough roads, and be maintained and improved by the proper township or

borough," such road shall, by ordinance enacted by the borough council, become a borough road, and the duty of maintaining the same in repair shall devolve upon the borough in which such road lies.

Section 25. Whenever any road is improved by a county, in accordance with the provisions of an act, approved the eleventh day of May, one thousand nine hundred and eleven, page two hundred and forty-four, entitled "An act providing for the original location, laying out, and construction of public roads or highways in the several counties of this Commonwealth, and for the permanent improvement of certain public roads or highways therein; making such originally constructed or improved roads and highways county roads; authorizing the relocation, opening, straightening, widening, extension, and alteration of the same, and the vacation of so much of any road as may thereby become unnecessary; providing that the county commissioners of any county may prescribe rules regulating the use of roads constructed or maintained by the various counties, and prescribing penalties for the violation thereof; providing for the taking of property for such improvement, the compensation to be paid therefor, and the payment of damages resulting from such taking, and the manner in which such damages may be determined; providing for the payment of the costs and expenses of such construction or improvement and in thereafter repairing and maintaining said roads; authorizing the levy of a tax or the issuing of bonds to provide a fund for the expense thereof; prescribing a method for improving a county road lying within or traversing a borough, and apportioning the cost of such improvement; and authorizing the vacation of any county road," and its amendments, and when a borough intervenes between two ends of such county highway, and the borough has failed to improve the street or streets constituting the shortest and most reasonable route through the borough, which will connect the two ends of such highway, the council of the borough may, by ordinance, contract with the county commissioners, that the shortest and most reasonable route through such borough be improved; or, when an improved county highway terminates at the limits of a borough in the same or another county, and connects with a borough street which the borough has failed to improve, and the county commissioners deem the improvement of such borough street necessary, in order to make such highway accessible to the traveling public, the council of the borough may, by ordinance, contract with the county commissioners for the improvement of such street.

Section 26. Whenever an improvement is made to a borough street, pursuant to the preceding section, the cost of such improvement may be divided between the borough and the county. The borough ordinance authorizing the improvement shall stipulate what percentage of the cost, if any, the borough and county shall pay. The contract for such improvement may be taken by the borough, upon the stipulation of the county to pay its proportionate share of the cost, or the improvement may be made by joint contract with the county.

Section 27. Before any highway is improved under sections twenty-nine and thirty of this article the borough shall agree with the county commissioners for the maintenance of such highway. Such agreement may provide that such highway shall be kept and maintained in repair by the borough, or by the county, and in the latter case the cost thereof shall be paid by the borough to the county.

(h) ASSESSMENTS ON PROPERTY OUTSIDE LIMITS.

Section 28. Whenever any street or alley, entirely within the limits of any borough, shall divide such borough from any other municipality or township, located in the same county, the property on the side of the street or alley opposite the line of the borough shall, for a depth of one hundred and fifty feet, be assessed for municipal improvements on such streets or alleys on which such property shall abut, in the manner provided by chapter six, article two of this act.

(i) EXPENDITURES FOR PAVING, CURBING, MACADAMIZING STREETS.

Section 29. The authorities of any borough, in addition to the method of paying for improvements prescribed in this article, may expend not exceeding one-half of the annual appropriation for roads and streets in curbing and paving or macadamizing any street, lane, or alley, or part thereof.

CHAPTER VI.

SPECIAL POWERS.

ARTICLE VIII.

COLLECTION BY INSTALMENT OF COST OF GRADING AND IMPROVING STREETS.

Section 1. When any borough shall authorize the grading, sub-grading, or the permanent paving and improvement of any streets or alleys, or parts thereof, and the entire costs, or any part thereof, shall be assessed against the properties abutting on such improvement, whether by the foot-front rule or according to benefits, the council may provide in the ordinance that

the assessment may be paid in semi-annual or annual instalments. Such instalments shall bear interest, at a rate not exceeding six per centum, from the date of the commencement of the work or the construction of such improvement.

Section 2. In order to provide for the payment of the cost and expense of such improvement the council of such borough may, from time to time, issue bonds, in such sums as may be required, in all to an amount not exceeding the amount of assessments. The bonds shall bear the name of the street or alley to be improved, and shall rest alone for their security and payment upon such assessments; and shall be payable at periods not exceeding five years from the date of their issue, to be provided in the ordinance directing the improvement.

Section 3. The bonds shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually or annually, as the ordinance shall direct; and shall be negotiated at not less than par, and the proceeds thereof applied solely to the payment of such improvement. In case the bonds are not negotiated by the council, they may be delivered to the contractor in payment of the work, but when so delivered must be at not less than par.

Section 4. Liens to secure the assessments shall be entered in the prothonotary's office of the county, in the same form and collected in the same manner as municipal claims are filed and collected.

Section 5. Such assessments shall be payable at the office of the borough treasurer, or such other place as the ordinance shall provide, in semi-annual or annual instalments, with interest at the rate provided from the date from which interest is computed on the amount of the assessments. The moneys so received by the borough shall be applied to the payment of such bonds exclusively.

Section 6. In case of default in the payment of any instalment and interest for a period of sixty days after the same shall become due, the entire assessment and accrued interest shall become due; and the borough solicitor shall proceed to collect the same under the general laws relating to the collection of municipal claims.

Section 7. Any owner of property, against whom any such assessment has been made, may pay the same in full, at any time, with interest thereon to the next semi-annual or annual payment, and such payment shall discharge the lien. If any owner shall subdivide any property after the lien attaches, he may, in like manner, discharge the same upon any subdivided portion thereof by paying the amount for which such part would be liable.

Section 8. Whenever any borough shall issue bonds pursuant to this article, the treasurer of the borough shall keep a registry book, in which the bonds shall be registered. Such registry shall show the date of the issue of the bond, the amount of the bond, and the name and address of the person, firm, or corporation to whom the same was issued, which shall also be noted on the back of such bond.

Section 9. The bonds may be transferred at any time, and the treasurer shall make the proper entry of any such transfers in the registry book and on such bonds, and shall file all assignments among the records of the borough. Payment of such bonds and interest thereon shall be made only to the last registered owner.

CHAPTER VI.

SPECIAL POWERS.

ARTICLE IX.

STREETS AND HIGHWAYS CROSSING RAILROADS.

Section 1. Every borough constructing a highway across a railroad shall construct the same above or below the grade thereof, unless permitted by the Public Service Commission to construct the same at grade.

Section 2. Any such crossing of a railroad by a highway, or any vacation of any highway crossing a railroad, shall be constructed only in the manner prescribed by, and under the jurisdiction of, the Public Service Commission. The compensation for damages to the owners of adjacent property taken, injured, or destroyed shall be ascertained, fixed, and paid in the manner prescribed in the Public Service Company Law.

CHAPTER VI.

SPECIAL POWERS.

ARTICLE X.

PLANS AND LOCATION OF STREETS.

(a) PLANS OF STREETS.

Section 1. Every borough shall have a general plan of its streets and alleys, including those which have been laid out, but not opened.

Section 2. The plan shall be filed in the office of the engineer, or other proper office of the borough, and all subdivisions of property thereafter made shall conform thereto.

Section 3. The location of streets or alleys laid out by council shall not afterward be altered without the consent of council, and no map or plot of streets or alleys shall be entered in any public office of the county until approved by council.

(b) LOCATION OF STREETS.

Section 4. Boroughs may, by ordinance, locate streets and alleys, and include therein streets and alleys theretofore opened or used for highway purposes; and may locate streets or alleys theretofore opened or used for highway purposes, of a greater width; and may revise the lines of such streets or alleys in accordance therewith, and place the same on the general plan of such borough. All subdivisions of property thereafter made shall conform thereto.

Section 5. No such location shall authorize the entry upon or appropriation of any property, within such located street or alley, not theretofore opened or used for highway purposes; nor shall the same interfere in any way with the rights of the owners to the full use of such property.

Section 6. No person shall recover any damages for the taking, for public use, of any buildings or improvements constructed within the lines of any located street or alley, after the same shall have been so located; and any such building or improvement shall be removed at the expense of the owner.

CHAPTER VI.

SPECIAL POWERS.

ARTICLE XI.

SIDEWALKS.

(a) GRADING. PAVING, REPAIRING, SIDEWALKS, CURBS, AND GUTTERS.

Section 1. Boroughs may ordain and lay out sidewalks, curbs, gutters, and drains on the streets of the borough.

Section 2. Boroughs may ordain and lay out sidewalks, gutters, and drains upon the beds of turnpike roads or State highways, with the consent of companies controlling such turnpikes, or the State Highway Commissioner.

Section 3. Boroughs may ordain and lay out sidewalks, gutters, and drains upon land abutting the sides of State highways, and upon land abutting the sides of public roads, where such roads are outside the borough limits, and the land upon which such sidewalks are to be laid out, if within the borough limits.

Section 4. Boroughs shall fix the width of all sidewalks; and may require the grading, paving, and repairing of sidewalks, and the constructing and repairing of curbs and gutters at the edge of sidewalks, by the owners of lots fronting thereon.

Section 5. The borough may pay a portion of the cost and expense of grading and curbing sidewalks.

Section 6. Upon the neglect of any owner of lots to comply with the requirements as provided in the preceding sections of this article, the borough may, after notice, cause the grading, paving, repairing, curbing, and guttering to be done at the cost of such owner, and may collect the cost thereof and ten per centum additional, together with all charges and expenses, from such owner, and may file a municipal claim therefor or collect the same by action in assumpsit.

Section 7. All such notices shall be served upon the owner of the premises to which the notice refers, if such owner be a resident of the borough. If the owner is not a resident, then the notice may be served upon the agent or tenant of the owner, or upon the occupant of such premises. If the owner have no agent or tenant or there be no occupier of such premises, then service shall be by printed or written notice posted upon the premises.

(b) LAYING OUT SIDEWALKS, GUTTERS, AND DRAINS ALONG THE SIDES OF TURNPIKE ROADS.

Section 8. Boroughs may ordain and lay out sidewalks, gutters, and drains upon land abutting the sides of turnpike roads, and may fix the width thereof.

Section 9. Whenever any borough shall open, lay out, and ordain sidewalks, gutters, and drains, upon lands abutting along the sides of turnpike roads, the borough may apply, by petition, to the court of common pleas, setting forth the facts, and describing the locality of such sidewalks, gutters, and drains, and praying the court to appoint three viewers from the county board of viewers.

Section 10. The viewers shall view the premises described in the petition, and, having regard to the advantages and disadvantages caused to the property along the line of such improvement, shall allow to all persons injured thereby such damages as they shall have sustained over and above all advantages, and shall make all assessments for contribution upon such properties as shall be benefited.

Section 11. The viewers shall report to the next session of the court, describing the properties upon which assessments have been made, specifically stating whether for contribution or for damages, with the amounts respectively, and the court may at any subsequent session, on the hearing of such parties as choose to contest the same, modify and confirm the report, which confirmation shall be final. The borough may collect such assessments for contribution by municipal claim or by action of assumpsit.

CHAPTER VI. .

SPECIAL POWERS.

ARTICLE XII.

SEWERS.

(a) POWER TO LAY OUT, AND ASSESS ACCORDING TO BENEFITS.

Section 1. Boroughs may lay out and ordain such common sewers and drains, as may be necessary, in any street or alley, or through or over private property.

Section 2. On petition viewers shall be appointed as provided in chapter six, article two of this act, who shall assess the damages, costs, and expenses of the sewer upon the property benefited according to benefits, if sufficient can be found; but, if not, then the deficiency, when finally ascertained, shall be paid by the borough. The proceedings of the viewers and the proceedings on their report shall be as provided in chapter six, article two of this act.

(b) SEWER SYSTEMS AND ASSESSMENT ACCORDING TO FOOT-FRONT RULE.

Section 3. Any borough may, by ordinance, adopt and construct such system of sewers, as may be necessary, for the disposal of sewage matter.

Section 4. The borough shall fix the places along the streets, alleys, and courts where such sewer-mains or drains, and branches thereof, shall be laid down, and shall prescribe the manner in which they shall be constructed.

Section 5. No contract for the construction of any such sewer systems shall be entered into until a permit for the construction of the same shall have been obtained from the Commissioner of Health.

Section 6. Whenever any borough shall determine to construct any sewer as provided in section three of this article, it shall, by ordinance, assess the cost thereof as a sewage tax upon the property adjoining or adjacent to the same, either by the foot-front rule or in such other manner as to the burgess and town council may seem equitable, which assessment, duly certified under the seal of the borough, attested by the burgess or the president of council and secretary, shall be collectible from the owner of such property.

Section 7. Such certificate of assessment shall be prima facie evidence, in any suit for the recovery of the same, of the correctness and validity of such assessment.

Section 8. If the owners of property against which assessment for sewage tax have been made shall refuse to pay such assessments within sixty days after notice of the same, the borough may immediately file a claim therefor against the property upon which such assess-

ments have been made. Such claims shall be filed and collected in the same manner as municipal claims are filed and collected.

Section 9. The borough may enforce, by penalties, such regulations as it may ordain with reference to the use and maintenance of such sewage system.

Section 10. The borough may extend the necessary sewer-mains and outlets beyond the limits of such borough, to a point where such sewage is to be disposed; and shall have power to enter upon and condemn such lands, property, and materials for the construction of all such sewer-mains, outlets, and works as may be necessary for the disposal of such sewage.

Section 11. No ordinance for any such construction beyond the limits of the borough, or any works connected therewith, shall be adopted until notice thereof has been given, by publication of the proposed ordinance, for at least four weeks in one newspaper published in the borough or county, and also by serving copies of such proposed ordinance upon all land owners through whose land such sewer is to pass, at least ten days before final action thereon.

Section 12. Before entry shall be made upon private property without the owner's consent, for the purpose of laying any such sewer or outlet, or constructing any such works, security for all damages which may be done shall first be given to such owner, in such form and in such amount as the court of common pleas of the county may direct. All damages caused by the construction of any such sewer or works, or by the taking of lands and materials therefor, shall be ascertained in the manner provided in chapter six, article two of this act for property taken, injured, or destroyed, and shall be paid out of the borough treasury.

(c) JOINT SEWERS.

Section 13. Boroughs may enter into agreements with municipalities or townships, for the purpose of building sewers, including trunk-line sewers or drains, and sewage-disposal plants. Such agreement shall provide for the joint maintenance of the same.

Section 14. No such sewer or plant shall be constructed until plans and specifications have been submitted to the State Department of Health, and approved in accordance with provisions of the act of April twenty-second, one thousand nine hundred and five, page two hundred and sixty, entitled "An act to preserve the purity of the waters of the State for the protection of the public health."

Section 15. Any borough may connect with an existing sewer, owned by any adjacent municipality, for sewage purposes, in the manner prescribed in sections sixteen, seventeen, and eighteen of this article.

Section 16. Whenever any borough shall desire to connect with the existing sewer of any adjacent municipality, an application shall be made by council to the court of quarter sessions of the county, setting forth that fact.

Section 17. If the court shall be of the opinion that such connection can be made without impairing the usefulness of the existing sewer, it shall appoint three viewers, who shall view the premises and investigate the facts of the case, and shall assess the proportionate part of the expense of building the original sewer, upon such borough, and shall fix the proportion of the expense for repairs which each municipality shall thereafter bear, and determine all other questions liable to arise in connection therewith.

Section 18. The viewers shall report to the court the result of their investigation, which report shall be confirmed within thirty days, unless exceptions thereto be filed. After confirmation of such report, or the disposal of any exceptions, any party interested may appeal from the decision of the court of quarter sessions to the Superior Court.

(d) ACQUISITION OF SEWER SYSTEMS.

Section 19. Any borough, in which any person, firm, or corporation is maintaining sewers and culverts, with the necessary inlets and appliances for surface, under-surface, and sewage drainage, may become the owner of such sewers, culverts, inlets, and appliances by paying therefor the actual value of the same at the time of the taking by the borough.

Section 20. In case of disagreement the amount to be paid shall be ascertained in the same manner as damages are ascertained under chapter six, article two of this act. In the same proceeding the viewers shall assess the costs and expenses of the sewers, culverts, inlets, and appliances acquired by the borough, upon the property benefited, according to benefits, if sufficient can be found; but, if not, then the deficiency when ascertained shall be paid by the borough.

(e) COLLECTION BY INSTALMENT OF COST OF BUILDING AND ACQUIRING SEWERS AND SEWER SYSTEMS.

Section 21. Whenever any borough shall, by ordinance, authorize the construction or acquisition of any sewer or system of sewers, and the entire cost or any part thereof shall be assessed against the properties abutting on such improvement, whether by the foot-front rule or according to benefits, the council may provide in such ordinance that the assessment may be paid

in semi-annual or annual instalments. Such instalments shall bear interest, at a rate not exceeding six per centum, from the date of the commencement of the work or the construction of such improvement.

Section 22. In order to provide for the payment of the cost and expense of any such improvement, the borough may, from time to time, issue bonds in such sums as may be required, in all to an amount not exceeding the amount of assessments. The bonds shall bear the name of the sewer, and shall rest alone for their security and payment upon such assessments; and shall be payable at periods not exceeding five years from the date of their issue, to be provided in the ordinance directing the improvement.

Section 23. The bonds shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually or annually as the council in the ordinance shall direct; and shall be negotiated at not less than par, and the proceeds thereof applied solely to the payment of such improvement. In case the bonds are not negotiated by the council, they may be delivered to the contractor in payment of the work, but when so delivered must be at not less than par.

Section 24. Liens to secure the assessments shall be entered in the prothonotary's office of the county, in the same form and collected in the same manner as municipal claims are filed and collected.

Section 25. Such assessments shall be payable at the office of the borough treasurer, or such other place as the ordinance shall provide, in semi-annual or annual instalments, with interest at the rate provided from the date from which interest is computed on the amount of the assessments. The moneys so received by the borough shall be applied to the payment of such bonds exclusively.

Section 26. In case of default in the payment of any instalment and interest for a period of sixty days after the same shall become due, the entire assessment and accrued interest shall become due; and the solicitor shall proceed to collect the same under the general laws relating to the collection of municipal claims.

Section 27. Any owner of property, against whom any such assessment has been made, may pay the same in full at any time, with interest thereon to the next semi-annual or annual payment, and such payment shall discharge the lien. If any owner shall subdivide any property after the lien attaches, he may, in like manner, discharge the same upon any subdivided portion thereof by paying the amount for which such part would be liable.

Section 28. Whenever any borough shall issue any such bonds, the treasurer of the borough shall keep a registry book, in which the bonds shall be registered.

Such registry shall show the date of the issue of the bond, the amount of the bond, and the name and address of the person, firm, or corporations to whom the same was issued, which shall also be noted on the back of such bonds.

Section 29. The bonds may be transferred at any time, and the treasurer shall make the proper entry of any such transfers in the registry book and on such bonds, and shall file all assignments among the records of the borough. Payment of such bonds and interest thereon shall be made only to the last registered owner.

Section 30. Nothing contained in this article shall prevent the construction of any sewer and the payment of the same by general taxation, when the same is for the general health and public welfare of any borough.

(f) SEWER CONNECTIONS.

Section 31. Any borough may, by ordinance, require any owner of property, abutting on or adjoining any street or alley in which is a sewer, to make connections with such sewer in such manner as the borough may order, for the purpose of discharge of such drainage or waste matter as the borough may specify. The borough may by penalties enforce any regulations it may ordain with reference to any sewer connections.

Section 32. The owner shall be given three months' notice of any resolution or ordinance requiring such sewer connection, and, upon failure to make such connection, the borough may make the same, and collect the cost thereof from the owner by a municipal claim or in an action of assumpsit. All connections required shall be uniform.

(g) UNLAWFUL TO BUILD WITHIN LINE OF SEWERS.

Section 33. It shall be unlawful for any person to erect any building, or make any improvement, within the lines of the sewers laid out or ordained to be laid out, after due notice thereof, and, if any such erection or improvement shall be made, no allowance shall be had therefor in the assessment of damages.

(h) TO BE OPENED WITHIN TWO YEARS AFTER ENACTMENT OF ORDINANCE.

Section 34. If any borough shall lay out or ordain any sewer, over or under private property, located in whole or in part within the limits of such borough, and proceedings to open the same and to assess the damage arising therefrom shall not be proceeded with by the borough, within two years from the enactment of the ordinance, the whole proceeding shall be void.

LAWS OF PENNSYLVANIA,

CHAPTER VI.

SPECIAL POWERS.

ARTICLE XIII.

CONTRACTS WITH STREET RAILWAYS.

Section 1. To secure the removal of any street railway tracks, or to prevent the laying of any tracks authorized to be laid, or to change the route of any street railway on any street, a borough may enter into a contract with a street railway or motor power company, owning, leasing, or operating such tracks, for a period not exceeding fifty years, for such considerations and upon such conditions as may be agreed upon.

Section 2. Such contract may include a covenant providing that, during the continuance thereof, municipal consent shall not be granted to any other company to use, for street railway or passenger transportation purposes, any streets covered by such contract. Such covenant may be enforced by bill in equity against the borough.

Section 3. The contract may also provide for the laying or relaying of tracks, upon such terms and upon such conditions as may be agreed upon.

CHAPTER VI.

SPECIAL POWERS.

ARTICLE XIV.

BRIDGES AND VIADUCTS.

(a) GENERAL POWER.

Section 1. Boroughs may construct bridges, and the piers and abutments therefor, and in exercising such power shall have the right to take, use, and occupy private property.

Section 2. Whenever any borough shall build any bridge, and the piers and abutments therefor, the same procedure shall be had as provided in chapter six, article four of this act relating to the opening, widening, and straightening of streets, and all damages shall be awarded and benefits assessed as provided in chapter six, article two of this act.

Section 3. Whenever in the laying out, opening, widening, extending, straightening, or grading of streets it becomes necessary to build bridges, piers, and abutments therefor, the proceedings therefor shall be, in the case of opening, widening, extending, or straightening streets, as provided in chapter six, article four, and, in the case of grading streets, as provided in chapter six, article seven; and all damages shall be awarded and benefits assessed as provided in chapter six, article two of this act.

(b) OVER BOUNDARY STREAMS.

Section 4. Whenever a creek, over which a bridge may be necessary, shall be on the division line of a borough and a municipality or township, the borough shall unite with such municipality or township in the construction and maintenance of such bridge, and pay an equal share of the expenses incident thereto.

(c) OVER RAILROADS.

Section 5. Boroughs may build bridges or viaducts over railroads, rivers, creeks, streams, and private property, or over railroads and any of them, or over railroads only, whether the bridges or viaducts be wholly or partly within the borough limits, for the purpose of uniting two or more streets or separate portions of the same street. Such bridges and viaducts must in all cases cross railroads.

Section 6. Boroughs may provide for the laying out and opening of the routes or locations for such bridges and viaducts, which shall be public highways. The proceedings for the laying out and fixing such locations and for the opening thereof shall be as provided in chapter six, article four of this act, except that no petition of property owners shall be required therefor.

Section 7. In case the borough has not agreed with the owner of any land for the damages done or likely to be done by the erection of any such bridge or viaduct, the borough may appropriate the lands and property necessary, and the damages and benefits caused by such appropriation shall be assessed by viewers in the manner provided in chapter six, article two of this act.

Section 8. The borough shall also have power to enter into a contract with the county commissioners, and also with railroads, street railways, and other companies, or parties interested, for the building and maintenance of such bridges or viaducts, and for the payment of any damages caused by the location or erection thereof.

Section 9. Nothing contained in the preceding section shall authorize a borough to contract with a county for the maintenance of any bridge or viaduct which does not cross a place over which the county is authorized to build bridges; but such viaduct or bridge shall be maintained as a borough structure, and the borough is authorized to contract with any party interested, except the county, for the maintenance of the same.

Section 10. The contracts herein provided for may stipulate that the borough, county, railroad company, street railway, or other company or party interested,

shall pay a certain part of the contract price of the work, including damages; or may stipulate that each shall construct a certain portion of the work, and may provide otherwise for the payment of damages.

Section 11. When any railroad company, street railway, or other company, or party interested, agrees to pay a certain portion of the cost of such work, it shall pay the same into the borough treasury; and the borough treasurer shall pay the same over to the contractor, as may be provided in the contract; but the amount to be paid by the county shall be paid directly to the contractor. The agreements may provide for the maintenance of the bridges and viaducts after their erection.

Section 12. After any such contract has been entered into, the borough, in conjunction with the county commissioners, shall have prepared plans and specifications of the entire work, and shall advertise for bids, and award the contract to the lowest responsible bidder.

Section 13. The contract for the work shall provide that the county shall pay its certain part of such bridge or viaduct, and the borough shall contract for the other part of the work; but the contract as to the borough's part shall be based upon the appropriation made by the borough for the part of the work for which it had agreed to pay, and the remaining part of the contract price shall be based upon the amounts the other parties have agreed to pay.

Section 14. The contractor shall have a right of action against each party uniting in the contract provided for in sections ten and eleven of this article, for the part thereof agreed to be paid by each party.

Section 15. In case the county commissioners do not unite in the contract, the borough may contract for the construction of such bridge or viaduct, and may pay for the entire work, or may contract with all or any of the other parties for such work. Plans and specifications shall be prepared and advertisement shall be made for bids by the borough, and the contract shall be let in the manner hereinbefore provided.

Section 16. Any of the contracts provided for may be recorded in the recorder's office of the county, and such record shall be notice to all persons who might be affected thereby.

(d) CONDEMNATION OF TOLL-BRIDGES.

Section 17. Boroughs may purchase, condemn, and maintain any toll-bridge crossing any river or stream within the limits of such borough, and may also enter into contracts with the county commissioners whereby the county shall pay a portion of the costs thereof.

Section 18. If the borough is unable to agree with the owner of the bridge for the price to be paid, any court of common pleas, or any law judge thereof in vacation, on application of the borough, by petition, shall appoint three persons as viewers, and appoint a time, not less than ten nor more than twenty days thereafter, when the viewers shall meet and view the same together with the approaches thereto.

Section 19. The proceedings before such viewers for the assessment of damages for property taken, injured, or destroyed, and the proceedings on their report, shall be the same as provided in chapter six, article two of this act.

Section 20. If any borough shall discontinue any proceeding taken providing for the appropriation of any such bridge, prior to the entry upon the same, and before judgment therein, the borough shall not be liable to pay any damages; but all costs upon any such proceeding, together with any actual damage sustained by reason of such proceeding, shall be paid by the borough, and such damage shall be fixed by the court.

Section 21. Any borough may also enter into a contract with the county commissioners, upon such terms and conditions as may be agreed upon, for the purchase or condemnation of any such bridge. The contract may stipulate that the borough and county shall each pay a certain portion of the purchase price or the damages allowed by any condemnation proceeding, and may also provide for the maintenance and repair of such bridge.

Section 22. The amount to be paid by the county shall be paid into the borough treasury, and shall be applied solely to the payment of such bridge.

Section 23. Whenever any bridge shall be purchased or condemned, the borough shall maintain the same as a public bridge; but the borough may charge tolls or rentals for the use thereof, from railways, telephone and telegraph companies, and other persons making a use thereof for other than ordinary foot and vehicle travel.

Section 24. All existing contracts between persons, firms, or corporations and the owners of the bridge shall be preserved for the benefit of the borough, and shall be assigned to the borough.

LAWS OF PENNSYLVANIA,

CHAPTER VI.

SPECIAL POWERS.

ARTICLE XV.

ELECTRIC WIRES.

Section 1. Boroughs may define, by ordinance, a reasonable district within which electric light, telephone, and telegraph wires shall be placed underground in conduits, owned either by the borough or by corporations owning such wires, or by corporations organized for the purpose of laying such conduits and renting space therein.

Section 2. Whenever conduits are owned by any person, firm, or corporation, the borough may regulate, by ordinance, the manner in which conduits shall be used, and the terms and conditions, and the rate of rental to be charged for space therein.

Section 3. Boroughs may acquire such conduits by purchase or by condemnation, and in the latter case the court of common pleas, or any judge thereof in vacation, shall, upon the petition of the borough, appoint a jury of three viewers from the county board, not residents of the borough, and the proceedings for the assessment of damages shall be the same as provided in chapter six, article two of this act for property taken, injured, or destroyed.

Section 4. The borough authorities shall not surrender or barter away the rights reserved in sections one, two, and three of this act.

Section 5. The court of quarter sessions of the county, upon the appeal of any person, may review any ordinance passed pursuant to this article, and may annul such ordinance if deemed unreasonable. Such appeal shall be taken within thirty days from the approval of such ordinance.

CHAPTER VI.

SPECIAL POWERS.

ARTICLE XVI.

WATER-COURSES.

(a) WIDENING AND DEEPENING WATER-COURSES AND ERECTING EMBANKMENTS.

Section 1. Boroughs may widen and deepen water-courses running through the borough, and may erect such dykes and embankments along the same as shall be necessary to prevent the water from overflowing the banks thereof.

Section 2. Boroughs may enter upon any land lying near such water-courses, and secure such material as may be necessary for the purpose of making and repairing the embankments along such water-courses,

when the same cannot be obtained by contract at reasonable prices. Boroughs shall cause no unnecessary damage to the owners of such lands, and shall repair any fences which they may destroy.

Section 3. Boroughs may appropriate, for such purposes, any moneys of the borough applicable to the making and maintaining of the streets and bridges of such borough.

Section 4. Any person aggrieved by reason of any ordinance passed pursuant to the preceding sections of this article may complain to the court of common pleas, and proceedings may be had in the court to fix and determine the damages and the rights of all parties interested, in the same manner as provided in chapter six, article two of this act.

(b) VACATION AND ALTERATION OF COURSE OR CHANNEL OF WATER-COURSES.

Section 5. Boroughs may vacate or alter the course or channel of any water-course, other than navigable streams, and for such purpose may enter upon and condemn such property and materials as may be necessary.

Section 6. No ordinance for the vacation or alteration of the course or channel of any water-course shall be passed until notice thereof has been given by publication of the proposed ordinance, at least once a week for three consecutive weeks, in one newspaper published in the county.

Section 7. The borough may, at any time after the passage of the ordinance, present a petition to the court of common pleas, setting forth the nature of the vacation or alteration proposed in the course or channel of such water-course, together with a description of the proposed improvements, and praying the court to appoint three viewers to ascertain the damages, costs, and expenses resulting therefrom, and to assess the damages, costs, and expenses, or so much thereof as the viewers may deem reasonable, upon the property benefited.

Section 8. The court, or any law judge thereof in vacation, shall appoint three viewers from the county board of viewers, and appoint a time, not less than twenty nor more than thirty days thereafter, when the viewers shall meet upon the line of the improvement and view the same and the premises affected.

Section 9. The proceedings before such viewers, for the allowance of damages for property taken, injured, or destroyed, and for the assessment of benefits upon property benefited, shall be as provided in chapter six, article two of this act.

Section 10. If any borough shall repeal any ordinance passed, or discontinue any proceeding taken, providing for any such improvements, prior to the entry upon, appropriation, or injury to any property or materials, the borough shall not be liable to pay any damages, but all costs upon any such proceeding, together with any actual damage or injury sustained by reason of such proceeding, shall be paid by the borough.

Section 11. When the court has entered its final decree confirming the report or fixing the assessments, the assessments of benefits shall become liens upon the property assessed, and such claims shall be filed and collected in the same manner as municipal claims are filed and collected, or they may be collected by action of assumpsit; the lien of the judgment, however, to be limited to the property assessed.

Section 12. Nothing contained in section five of this article, or in the sections based thereon, shall apply to any water-course used by any municipality or water company as a source of supply, unless such municipality or water company shall consent to such vacation or alteration.

(c) CONFINING AND PAVING WATER-COURSES.

Section 13. Upon the written request of the board of health, the borough may confine and pave any water-course, or part thereof, other than navigable streams, within the limits of the borough, and for such purpose may enter upon and condemn such property and materials as may be necessary to complete such work.

Section 14. No ordinance for the confining or paving of any water-course shall be passed until notice thereof has been given by publication of the proposed ordinance, once a week for three consecutive weeks, in one newspaper published in the county.

Section 15. When the work of confining and paving of any water-course has been completed, if the borough cannot agree with the property owners as to the payment of the costs and expenses, the borough may present its petition to the court of common pleas, setting forth the character of such improvements, and that the damages, costs, and expenses incurred have not been paid, and praying the court to appoint three freeholders as viewers to ascertain the damages, costs, and expenses resulting therefrom, and to ratably assess the damages, costs and expenses, or so much thereof as the viewers may deem reasonable, upon the property benefited, and make report thereof to the court.

Section 16. The court, or any law judge thereof, shall thereupon appoint three viewers from the county board of viewers, and appoint a time, not less than twenty nor more than thirty days thereafter, when the viewers shall meet upon the line of the improvement and view the same.

Section 17. The proceedings before such viewers for the allowance of damages for property taken, injured, or destroyed, and for the assessment of benefits upon property benefited, shall be as provided in chapter six, article two of this act.

Section 18. The final assessment against any property shall be a lien for the amount of such assessment, dating from the time of the final confirmation of the report, or the final decree of the court fixing such assessment, if filed in the court within six months from the final assessment, or confirmation.

Section 19. Nothing contained in section thirteen of this article, or in the sections based thereon, shall apply to any water-course used by any borough or water company as a source of supply, unless such borough or water company shall consent to such confining or paving.

CHAPTER VI.

SPECIAL POWERS.

ARTICLE XVII.

PUBLIC SERVICE.

(a) WATER SUPPLY AND WATER-WORKS.

Section 1. Boroughs may provide a supply of water for the use of the public within such borough, by erecting and operating water-works, by entering into contract with persons or corporations authorized to supply water within the limits of such borough, or partly by the erection and operation of water-works and partly by entering into a contract.

Section 2. No contract for the supply of water hereafter entered into by any borough with any person or corporation shall, in any wise, abridge the power of the borough to construct and operate water-works as provided in section one of this article, but such power shall remain in force as though such contract had not been made.

Section 3. Any borough desiring to erect water-works, or to improve its water supply, may appropriate springs, streams, rivers, or creeks, and lands, easements, and rights of way, within or without its limits, and, for the purpose of conducting water obtained outside the limits of the borough, may lay pipes under and over any lands, rivers, streams, bridges, highways, and across railroads.

Section 4. No water appropriated under the provisions of the preceding section shall be used in such manner as to deprive the owner thereof of the free use and enjoyment of the same for domestic or farm purposes.

Section 5. Prior to any such appropriation, the borough shall attempt to agree with the owner as to the damage done or likely to be done, and if the parties cannot agree, or the owner cannot be found, or is under legal incapacity, the borough shall file its bond in the court of common pleas, conditioned for the payment to the owner of the property of the damages for the taking thereof, when the same shall have been ascertained. Upon the approval of the bond and filing thereof, the borough may enter upon such property.

Section 6. Upon petition of either the property owner or borough, at any time thereafter, the court shall appoint three viewers from the county board of viewers, who shall assess the damages for the property or rights appropriated, and shall fix a time for their meeting, of which notice shall be given to all parties interested. When the report is filed either party may appeal and have a jury trial.

Section 7. Whenever any person, firm, or any corporation organized subsequent to the thirty-first day of May, one thousand nine hundred and seven, shall own any water-works or system, and a borough is desirous of owning and operating such water-works or system, such borough may present its petition to the court of common pleas of the county, setting forth that the borough is desirous of owning such water-works or system, and that it will be necessary to issue bonds to be secured by such water-works or system, and that a value should be placed upon such water-works or system, including all property, real and personal, used in connection therewith.

Section 8. The court shall thereupon appoint three civil engineers as appraisers, to value and appraise such water-works or system, and the property used in connection therewith, and the contracts or agreements with municipalities or townships, who shall file their report in the court within three months after their appointment, unless such time be extended by the court.

Section 9. The appraisers shall have access to the books and records of the person, firm, or corporation owning such water-works or system, to inform themselves as to the income and value thereof. They shall have power to administer oaths and are authorized to take the testimony of witnesses. Their report shall be final if not appealed from.

Section 10. Within ten days after notice of the filing of any report, either party may appeal from such appraisal, alleging an undervaluation or overvaluation of the property, and praying for a hearing before the court. The court shall thereupon fix a time when such appeal may be heard, of which time at least ten days' notice shall be given to the parties, and upon such

hearing the court shall have power to modify such report, and either party may appeal from the final confirmation of such report to the Superior or Supreme Court.

Section 11. After the value is finally determined, the borough is authorized to buy such water-works or system at the valuation so fixed; and the person, firm, or corporation owning the same, shall, within ten days after notice, file in court its consent to sell and convey its water-works or system and property to the borough at the valuation fixed; and, in default thereof, such person, firm, or corporation shall cease to have any exclusive privilege of supplying the borough or the citizens thereof with water, and the borough may install such water-works or system as may be necessary for the accommodation of the public.

Section 12. For the purpose of such purchase, the borough may issue bonds, which shall be secured solely by such water-works systems and property, and the revenues thereof, and without any other liability on the part of such borough.

Section 13. Such bonds shall not exceed in amount the value fixed by the appraisers or the court. The proceeds of the sale of such bonds shall be used exclusively for the purpose of paying for the property acquired.

Section 14. The bonds shall be payable within thirty years from the date of their issue, and shall be redeemable at such earlier periods as the borough may, by ordinance, provide, and shall bear interest at a rate not exceeding six per centum per annum. The bonds shall be exempt from taxation for any purpose.

Section 15. The borough shall provide a sinking-fund for the revenues derived from such water-works or system, for the payment of the interest on such bonds and for their redemption.

Section 16. Should there be, at the time of the passage of this act, a contract or agreement, in writing, existing between any person, firm, or corporation, owning such water-works or system, and a borough, dated prior to May thirty-first, one thousand nine hundred and seven, establishing or fixing the manner in which such water-works or system may be appraised and acquired, then the appraisement shall be made in accordance with the terms of such contract, and the respective parties to such contract shall, in lieu of the provisions of sections seven, eight, nine, ten, and eleven of this article, carry out the terms of such contract in arriving at the value of such water-works or system.

Section 17. Two or more boroughs may unite, or any borough may unite with a township, in the construction or acquisition and maintenance of works for the supply of water.

Section 18. The construction of water-works as provided for in the preceding section shall be after plans for such water-works have been filed with the State Commissioner of Health, and a permit issued in accordance with the act of Assembly of April twenty-second, one thousand nine hundred and five, page two hundred sixty, entitled "An act to preserve the purity of the waters of the State for the protection of the public health."

Section 19. In all boroughs where authority is given to construct water-works, and where the qualified voters are given the right to determine by vote the expediency of constructing such water-works, and whenever the question of expediency has been submitted to a vote, and has been determined in favor of such expediency, and the construction of such works has not been commenced within four years after such election, it shall be unlawful thereafter to proceed with such construction, until the expediency thereof has been determined by another election.

Section 20. Whenever the schedule of water-rates in any borough, owning or controlling water-works, shall have been fixed or limited by general or special act of Assembly, the borough may change the rates or schedule of rates from time to time, so that the same shall not at any time exceed the rates now limited.

Section 21. Boroughs may receive bids from incorporated water companies, authorized to do business within such borough, for the supply of water for fire protection and for other municipal purposes, and may contract therefor with such company.

Section 22. Whenever any borough is maintaining water-works it shall be lawful for such borough to supply water, for ordinary and domestic uses, to persons and corporations outside the limits of such borough, at rates not less than those required to be paid by persons and corporations within the limits of such borough; but no such privilege shall conflict with the corporate rights of any water company, or the rights of any other borough.

Section 23. Whenever any borough in supplying water to the public shall find it necessary, in storing water, to occupy and overflow with water portions of any turnpike or public road, or whenever any public road leads into or crosses over any reservoir used for the storage of water, the borough shall cause such turnpike or road to be reconstructed, at its own expense, on a favorable location and in as perfect manner as the original road, and for such purposes is authorized to condemn land, whenever an agreement as to the price cannot be had with the owners.

Section 24. After such change is made the borough shall file in the court of quarter sessions of the county a map or plan showing such change of road, and shall furnish to the supervisors or other authorities of the township, or municipal corporation, a copy of such map.

Section 25. Boroughs may acquire, by purchase or condemnation, such lands along and contiguous to the streams of water or reservoirs from which water is taken for public use, as may be necessary to preserve the same from contamination.

Section 26. No land shall be taken for the uses mentioned in sections twenty-three and twenty-five of this article until compensation therefor shall have been paid, or secured, before such taking, injury, or destruction.

Section 27. The damages incurred in changing the location of any such turnpike or public road, and in condemning land to preserve water from contamination, shall be ascertained in the manner provided in chapter six, article two of this act, and shall be paid by the borough.

Section 28. Whenever any borough owns and maintains water-works there may be established in such borough a commission of water-works, to be composed of three citizens of the borough, who shall be known as commissioners of water-works.

Section 29. Any borough desiring to avail itself of the provisions of this act, so far as it relates to a commission of water-works, shall, by resolution passed by the council and recorded in its minutes, apply to the court of common pleas of the county for the appointment of commissioners of water-works.

Section 30. It shall be the duty of the court of common pleas, upon application of any borough, to appoint such commissioners of water-works, one of whom shall be appointed to serve for one year, one for two years, and one for three years; and annually thereafter the court shall appoint one commissioner of water-works to serve a term of three years. In case of a vacancy the court shall fill the same for the unexpired term.

Section 31. After three years from the first appointment, the borough may, at any time, rescind the resolution asking for the appointment of a commission of water-works. When such resolution shall be rescinded, the court shall make no further appointment of commissions, until a resolution shall again be passed by a council asking for such appointment.

Section 32. The commissioners of water-works shall not receive any salary for their services, but shall be paid all moneys necessarily expended in the performance of their duty.

Section 33. It shall be the duty of the commissioners of water-works to meet within ten days after their first appointment, and annually thereafter, and organize by electing a president and secretary.

Section 34. After organization, the commissioners shall take charge and control of the water-works of such borough. The commissioner shall have power to appoint all necessary officers and agents, and take from them such security for the faithful performance of their duty as they shall deem proper, and to fix the salaries and wages of such officers and agents; to provide for the repair, extension, improvement, and maintenance of such water-works, and the erection of new water-works; to collect water-rents and to make and establish the rates and conditions upon which water will be furnished to applicants therefor, and to make by-laws and regulations for the economic and efficient management of such water-works.

Section 35. The borough may, upon the request of the commissioners of water-works, issue bonds for the extension of the water-works, or the erection of new water-works. Such bonds shall be designated "water-works bonds," and shall be delivered to the commissioners, from time to time, upon their requisition, after the commencement of the work, for the payment of which such bonds were issued. Each such requisition shall be accompanied by a detailed statement of the work done and materials purchased. The bonds shall not be sold for less than par, and the proceeds thereof shall be applied to the purposes for which such bonds were issued.

Section 36. The commissioners shall prepare plans and specifications of all work to be performed and materials necessary for the repair, maintenance, and extension of such water-works, or the erection of new water-works; and shall, after plans and specifications for the extension or the erection of water-works have been submitted to and approved by the department of health, in accordance with the provisions of an act of Assembly, approved the twenty-second day of April, one thousand nine hundred and five, page two hundred sixty, entitled "An act to preserve the purity of the waters of the State for the protection of the public health," and a permit granted therefor by the Commissioner of Health, invite proposals for the performing of such work and the furnishing of such materials; and shall let contracts therefor to the lowest responsible bidder, and shall take adequate security for the performance of such contracts.

Section 37. The commissioners shall make a monthly report to the council of the borough of the receipts and disbursements during the preceding month; and

annually make a detailed report of the condition of the water-works, which shall be published by the council for the information of the public.

Section 38. The commissioners shall cause all moneys collected to be deposited weekly by the collectors, with the borough treasurer, who shall return a receipt therefor to the commissioners. All moneys so collected shall be kept in a separate fund, and shall be used for the purpose of repairing, maintaining, and extending such water-works, the erection of new water-works, or the payment of any indebtedness on said water-works, and for no other purpose. No money shall be drawn from such fund except upon order countersigned by the president and secretary of the commission.

Section 39. All by-laws and regulations not inconsistent with the laws of the Commonwealth, the rules and regulations of the Department of Health or Water Supply Commission, when made by the commissioners, shall have the force and effect of ordinance of such borough.

Section 40. Whenever two or more boroughs, or any borough and a township, jointly construct and maintain water-works, and desire to avail themselves of the provisions of this act so far as it relates to a commission of water-works, the councils of such boroughs may join with the commissioners or supervisors of such township, after ordinance duly passed, and apply to the court of common pleas of the county for the appointment of a commission of water-works in accordance with section twenty-nine of this article. Such commission shall be composed of citizens of each of the boroughs and townships so uniting.

(b) MANUFACTURE AND SUPPLY OF ELECTRICITY.

Section 41. Boroughs may manufacture or purchase electricity for the use of the inhabitants of such borough. Boroughs owning or operating electric light plants may make contracts for supplying electricity for commercial purposes outside the limits of such borough, with the consent of the municipal and township authorities, at rates not less than those established, from time to time, within the limits of such borough. Nothing in this section shall conflict with the corporate rights of any corporation empowered to supply electricity in territory adjacent to such boroughs, or with the rights of any other borough.

Section 42. Boroughs may regulate the use of electricity in dwelling-houses, storerooms, and other places in such boroughs, and the price to be charged for the same.

Section 43. Whenever any electric light company, organized under the laws of this Commonwealth, is furnishing light to any borough or the public, such borough is authorized to purchase the works of such corporation, at such price as may be agreed upon by the borough, and a majority in value of the stockholders of such corporation.

Section 44. Upon failure so to agree, the borough may present a petition to the court of common pleas, asking for the appointment of viewers to assess the value of the plant and works so taken; whereupon the court shall appoint three viewers from the county board of viewers, neither of whom shall be stockholders in such corporation or taxpayers in such borough, and shall appoint a time for their meeting, of which ten days' notice shall be given to all parties in interest.

Section 45. The viewers, having been sworn or affirmed justly and impartially to appraise the property, and having viewed the premises, and taken such testimony as may be offered by any party touching the value of the property and franchises, they shall determine the amount of damages that such corporation will sustain, and to whom payable, and make report thereof to the court; which report, having been confirmed by the court, judgment shall be entered thereon.

Section 46. Either party may, at any time within thirty days after the confirmation of any such report, appeal therefrom to the court of common pleas of the county.

Section 47. After such appeal, either party may put the cause at issue in the form directed by the court, and the same shall be tried before a jury. After final judgment, either party may have an appeal to the Superior or Supreme Court.

Section 48. If any exceptions are filed with any appeal they shall be speedily disposed of, and, if allowed, a new view shall be ordered; but, if disallowed, the appeal shall proceed as before provided.

Section 49. The court shall have power to order what notice shall be given in connection with any part of such proceedings.

Section 50. Before any borough shall construct an electric light plant, or purchase the property of any electric light company, the question of the increase of the debt of such borough, for any of such purposes, shall first be submitted to the qualified voters of the borough, in the manner provided by law for the increase of indebtedness of municipal corporations.

CHAPTER VI.

SPECIAL POWERS.

ARTICLE XVIII.

PUBLIC BUILDINGS AND WORKS.

Section 1. Boroughs may enter upon and appropriate private property, and also land heretofore granted or dedicated to public use or other use, and which is no longer used for the purpose for which the same was granted or dedicated, and also lands where the title is defective, disputed, or doubtful, for the erection thereon of such public buildings and works as are necessary for municipal purposes within the limits of such borough.

Section 2. No land or property used for any cemetery, burying-ground, or place of public worship shall be taken or appropriated by virtue of any power contained in the preceding section of this article.

Section 3. Whenever the municipal authorities desire to acquire, enter upon, take, use, and appropriate any such private property or lands for any of such purposes, they shall declare such intention by an ordinance duly enacted.

Section 4. The compensation and damages arising from such taking, using, and appropriating of private property, for the purposes aforesaid, shall be considered, ascertained, determined, awarded, and paid in the manner hereinafter provided.

Section 5. In cases where the municipal authorities and the owner or owners thereof cannot agree as to the price or damages to be paid; or where land is held by any borough, and the title of the borough is disputed by one or more claimants; or where any claimant or owner or owners are unknown; or where there are two or more owners or claimants, and one or more of said owners or claimants are known and reside within the county within which the borough is situate, and any other owner or owners or claimants are unknown, or do not reside within the said county; and in cases where the title to the real estate to be taken, used, and appropriated as aforesaid is defective, disputed, or doubtful, or any of the persons owning, claiming or interested in said real estate are absent, not of full age, of unsound mind, or from any cause cannot be bargained with; and after the enactment of an ordinance, as aforesaid, declaring the intention of the borough to take, use, and appropriate any such real estate,—the borough shall present a petition to the court of common pleas of the county where the real estate to be taken is situated, or to any judge thereof in vacation, setting forth the facts; and said petition of the borough shall state who the owner or owners or claimants of said real estate are, if known, together with their residence and address, if the same can be ascertained;

or, if the owners or claimants of said lands are unknown, said petition shall state that the officers who make oath to the truth of the facts set forth in said petition have inquired of the tax assessor of the ward or borough in which said lands are situated, as well as of three reputable and disinterested freeholders who reside in the vicinity of said lands, as to who the owners or claimants of said real estate are; and said petition shall be verified by the affidavit of either the burgess or the president of the council of the petitioning borough; and, upon presentation of such petition, said court or judge thereof, shall direct the filing of a bond to the Commonwealth of Pennsylvania, in an amount to be fixed and approved by said court, or, in vacation, by a judge thereof, for the use of those entitled to damages for said taking and appropriation; the condition of which bond shall be that the borough shall pay or cause to be paid to any person or persons such amount of damages as he or they shall have suffered by reason of such taking and appropriation, after the same shall have been agreed upon or assessed in the manner provided by this article.

Section 6. Where any owner or owners, or claimants, or the persons claiming or entitled to damages, are known and reside within the county where said real estate is situated; or are absent from said county, but have a known agent or attorney residing within said county; or are under legal disability, but have a guardian or committee within said county; or are a corporation, and have an agent or officer residing within said county,—the borough shall serve upon said owners, attorneys, officers, or agents, guardians and committees, as the case may be, a copy of said petition and order directing the filing of said bond, together with notice that said bond has been filed. Where minors have no guardians, and lunatics or persons of unsound or feeble mind have no guardian or committees, the said court, or a judge thereof in vacation, shall have power to appoint a guardian or committee ad litem, and direct that said petition, order, and notice, and all other notices required by this article, shall be served upon them. As to all other persons who may be interested or claim to be interested in said real estate, the said court, or said judge thereof in vacation, shall, upon the filing of said bond, direct such notice to be given by publication, in at least two newspapers of the county in which said real estate is situated, as the said court shall deem proper: Provided, That said notice shall be so published at least twenty days prior to the limit of the time for filing exceptions, and shall state the time within which such exceptions may be filed, and, if no exceptions are filed to said bond within ten days after service of said petition and order directing the

filing of said bond, by persons upon whom the same are served, or by other persons, on or before the day fixed in said published notices, as the case may be, the court shall approve said bond. The said court shall have power to increase the amount of said bond, and to hear and determine all exceptions that may be filed against the approval thereof.

Section 7. Upon the approval of said bond, the municipal authorities may enter upon and take said lands for the purposes expressed in this article; and take, hold, use, and enjoy said lands thereafter forever; and the title of said borough to the lands shall be in fee simple. The bond shall remain on file, for the use of any person or persons who may be legally entitled to damages by reason of the taking of said lands. The damages which may be recovered by the condition of the bond shall not be more than the fair market value of the land at the time of such entry and taking by the borough.

Section 8. In case the damages for said taking and appropriation have not, for any reason, been agreed upon between the borough and the owners of said land, the court of common pleas of the county, or any judges thereof in vacation, upon application thereto by a petition of the borough; or any person interested, shall appoint three members of the board of viewers as a board of view, and appoint a time, not less than twenty nor more than thirty days thereafter, and said board of view shall meet upon the premises or lands taken or appropriated and view the same and the premises affected thereby. The board of view shall give or cause to be given at least ten days' notice of said meeting to the owner or owners of the said lands taken, if it appears by the petition filed for the order directing the filing of a bond, as aforesaid, or by exceptions filed to said bond, that said owner or owners reside within the county where said real estate is situated, and can be found, which notice shall be served in the same manner as provided in section six of this article for the service of the petition and order directing the filing of a bond. Where any owner, owners, or persons interested are unknown or do not reside within the county where said real estate is situated, or where service of such notice can not be made upon a proper person or persons within the county, as provided for the service of the petition and order for the filing of the bond, as provided in section six herein, such notice shall be given in at least two newspapers of general circulation, printed and published in the proper borough or county, not less than ten days prior to said meeting, and they shall give such other or further notice as the court shall direct.

Section 9. The proceedings before such viewers for the assessment of damages for property taken, injured, or destroyed, the powers and duties of the viewers with reference to such proceedings, and the proceedings on the report of the viewers, shall be as provided in chapter six, article two of this act.

Section 10. All damages when ascertained, the costs of the viewers and all court costs incurred in such proceedings, including advertising, printing, and posting notices, shall be paid by the borough.

Section 11. In the preparation of specifications for the erection or alteration of any public building, when the entire cost of such work shall exceed one thousand dollars, it shall be the duty of the architect, engineer, or person preparing such specifications, to prepare separate specifications for the plumbing, heating, ventilating, and electrical work; and the borough shall receive separate bids upon each of the said branches of work, and award the contract for the same to the lowest responsible bidder.

Section 12. In letting contracts for the erection of any public buildings, when plans and specifications for the same shall be submitted for bids, the same shall be accompanied by a list of quantities of material required for such building, to be prepared and furnished by the architect or engineer preparing the plans, which bill or list shall be attached to the specifications. No such list of materials shall be taken as being guaranteed by the borough submitting such plans and specifications.

Section 13. Boroughs may purchase any real estate, within or without the borough limits, upon which to erect and maintain garbage or incinerating furnaces and sewage-disposal works, with the necessary filter-beds, appliances, drains, and sewers.

Section 14. Boroughs desiring to locate any garbage or incinerating plant shall first apply to the court of common pleas for its approval of the location thereof; whereupon the court shall fix a date when objections to the location will be heard, and shall prescribe what notice of such hearing shall be given. If at the time fixed for such hearing no objection shall be made to such location, the same shall be approved; but if objection be made, then the court shall proceed to hear the matter and determine whether the location is a detriment to neighboring properties. The finding of the court shall be conclusive, but shall in no way adjudicate any question relating to damages for injury to property.

Section 15. In case the borough cannot agree with the owner of such property as to the price, or in case the owner is absent, or incapacitated from any cause, or is unknown, by reason of which no agreement can be

made, the borough may take and appropriate for any of such purposes any real estate, after an ordinance shall have been passed providing for such taking and appropriating.

Section 16. No real estate shall be acquired, or contract for the construction of sewage-disposal works or plants, or sewer or drains extending thereto, be entered into, until a permit for the location and construction shall have been obtained from the State Commissioner of Health.

Section 17. Where the borough and the owner cannot agree as to the price to be paid; or where by reason of the legal incapacity of such owner, or where the owner is absent or unknown, no agreement as to the damages sustained can be made; the borough may tender its bond to the party entitled to damages, or to the agent of any person absent, or to the guardian or committee of any one under legal incapacity. The condition of the bond shall be that the borough will pay or cause to be paid such amount of damages as the party shall be entitled to receive, after the same shall have been agreed upon by the parties or assessed by viewers.

Section 18. In case the party claiming damage refuse to accept the bond so tendered, the borough shall give such party at least five days' written notice of a time when the same will be presented for filing in court. Thereafter the borough may present its bond to the court of common pleas, or to any law judge thereof in vacation, and, if approved, the bond shall be filed in court for the benefit of those interested.

Section 19. In case the title to the lands to be taken and appropriated be defective or disputed, or the party owning such real estate cannot be served with a notice or have a bond tendered, as provided in the preceding section, the court of common pleas of the county, or any law judge thereof in vacation, upon petition of the borough, setting forth the necessary facts, shall direct the filing of a bond to the Commonwealth, in an amount to be fixed and approved by the court, for the benefit of those who may be found entitled to the damages. The condition of such bond shall be the same as provided in section seventeen of this article.

Section 20. Upon the filing and approval of any bond provided for by sections seventeen and nineteen of this article, the borough shall have the right to enter upon and appropriate the lands mentioned in such bonds, and the title acquired by virtue of such condemnation shall be a fee simple title.

Section 21. In case the damages for such taking and appropriation have not been agreed upon, the court of common pleas, or any law judge thereof in vacation, on application, by petition of the borough or any person interested, shall appoint three viewers from the

county board of viewers, and appoint a time, not less than twenty nor more than thirty days thereafter, when the viewers shall meet upon the premises and view the same.

Section 22. The viewers shall give ten days' notice of such meeting to the owners of lands taken, if such owners reside within the county and can be found; and to the guardian of any minor, if such guardian resides within the county; and to the guardian or committee of any lunatic or person of unsound mind, if such notice can be served upon such guardian or committee; and, in all cases where the owners are incapacitated or unknown, notice shall be given in two newspapers of general circulation, printed in the borough or county; and the viewers shall give such other notice as the court shall direct, having regard to the circumstances of the case. Where minors have no guardians, and lunatics or persons of unsound mind have no guardians or committee, the court shall appoint a guardian or committee ad litem, and direct that all notices shall be served upon them.

Section 23. The proceedings before such viewers for the allowance of damages for property taken, injured, or destroyed, and the proceedings upon their report, shall be as provided in chapter six, article two of this act.

Section 24. Nothing contained in this act shall be construed to repeal or affect the provisions of an act, entitled "An act to preserve the purity of the waters of the State for the protection of the public health," approved the twenty-second day of April, one thousand nine hundred and five, page two hundred sixty, or in any way to limit the powers of the Department of Health with regard to the regulations of the discharge of sewage.

CHAPTER VI.

SPECIAL POWERS.

ARTICLE XIX.

WHARVES AND DOCKS.

Section 1. Boroughs may erect and repair wharves and docks, regulate and fix the rate of wharfage for all public wharves and docks within their limits, and enforce the collection of wharfage for the use of the same, and also regulate the anchoring of vessels, boats, or rafts within their limits, and the depositing of freight on such public wharves.

Section 2. Boroughs may acquire, by purchase or condemnation, such real estate as they may need for the construction of wharves and docks within the limits of such boroughs, along navigable streams.

Section 3. No real estate for the erection of wharves and docks, as provided in the preceding section of this article, shall be taken or appropriated until an ordinance authorizing the same shall have been passed and approved.

Section 4. Whenever an agreement can not be made between any borough and the owner of any real estate as to the price to be paid therefor, the borough may tender its bond to the owner, or to the agent if such owner shall be absent, or to the guardian or committee of any one incapacitated.

Section 5. In case the owner, or agent, committee, or guardian shall refuse to accept such bond, the borough shall present the same for approval to the court of common pleas of the county, or any law judge thereof in vacation. A notice of such application, in writing, with a copy of the proposed bond, shall be served upon such owner, agent, committee, or guardian, at least five days before the application for approval shall be made. If such bond shall be approved by the court, it shall be filed in the prothonotary's office of the county, for the benefit of those interested.

Section 6. In case the title to any real estate so condemned shall be defective or disputed, or if, from any cause, no bond can be tendered or notice served, the borough may present its petition to the court, or to any law judge thereof in vacation, setting forth the necessary facts. Whereupon the court may direct that the bond of such borough be executed to the Commonwealth, and filed in the court for the benefit of those who shall be entitled to any damages by reason of such taking or appropriation. The amount of such bond shall be fixed by the court.

Section 7. The condition of each bond provided for in the preceding sections of this article shall be, that the borough will pay to the party entitled such amount of damages as may be agreed upon between such party and the borough, or assessed by viewers.

Section 8. Upon the approval and filing of any bond provided for in the preceding sections of this article, the borough may enter upon and appropriate the real estate mentioned in such bond, and the title acquired by the borough shall be a title in fee simple.

Section 9. Whenever the price for any such real estate has not been agreed upon, the court, on petition of the borough or any party interested, shall appoint three freeholders as viewers, and fix a time not less than twenty nor more than thirty days thereafter when the viewers shall meet upon the premises and view the same.

Section 10. At least ten days' notice of the time and place of such meeting shall be given to the owners of such real estate, or to their agent, committee, or

guardian. If service of such notice cannot be had on such owners, agent, committee, or guardian, such notice shall be given in two newspapers of general circulation in such borough. Such other notices shall be given as the court or judge may direct.

Section 11. When any owner of such real estate shall be legally incapacitated, the court may, on the application of the borough, appoint a guardian or committee ad litem for such owner, and may direct that all notices shall be served on such guardian or committee.

Section 12. The proceedings before such viewers for the allowance of damages for property taken, injured, or destroyed, and the proceedings on their report, shall be as provided in chapter six, article two of this act. The costs of all proceedings, including the compensation of the viewers, shall be paid by the borough.

Section 13. The damages for the taking or injury of any property for use as a wharf, pier, or bulkhead shall include full compensation for the value of the property taken or injured; and if the property so taken or injured shall constitute a part of a plant, used as an entirety, the damage to the owner or tenant shall be assessed by taking the difference in market value of such plant as a whole, including buildings and all equipments installed and used in such plant, before and after such taking or injuring, and notwithstanding that part of such plant may be separated by a highway.

Section 14. Boroughs may lease any wharf, or part thereof, and collect rent therefor by distress or otherwise. No one term of any such lease shall be for a longer period than three years.

Section 15. Boroughs may erect and maintain market-houses and terminal sheds on wharves, for the receipt and distribution of freight and express hauled by boats, railroads, and street cars. Boroughs may also construct railroad and street railway tracks; or other facilities, on wharves to provide for the convenient hauling of such freight or express matter, and collect rents, tolls, or charges for the use of such market-houses, terminal sheds, tracks, and facilities. No permit other than a license revocable at will shall be granted, and no exclusive permit for the use of such facilities shall be granted.

Section 16. No structure erected, and no right granted under the powers conferred by any of the preceding sections of this article, shall interfere with the public use of wharves for river commerce.

CHAPTER VI.

SPECIAL POWERS.

ARTICLE XX.

LICENSES AND LICENSE FEES.

(a) AUCTIONEERS.

Section 1. Boroughs may regulate and license persons and firms engaged in the business of auctioneering within the limits of any such borough, and fix the amount to be paid for such license. Such license shall be in addition to all other licenses required by law.

Section 2. The provisions of the preceding section shall not apply, for a space of three months, to persons or firms regularly engaged in business in boroughs, who may desire to reduce their stock or retire from business.

(b) FOREIGN DEALERS.

Section 3. Boroughs may license foreign dealers in merchandise, or their agents, having no permanent place of business in such boroughs, but temporarily engaged in selling merchandise, either by wholesale or by retail. Such license shall not exceed the amount imposed on resident merchants engaged in like business. The provisions of this section shall not apply to sales by sample.

(c) TRANSIENT MERCHANTS.

Section 4. It shall be unlawful for any person, co-partnership, or corporation, without a license, to conduct any business in any borough, the whole or greater part of which shall consist of the sale of goods which shall be represented or advertised to be the goods of the estate of any bankrupt; or the goods of any assignee, or a person, firm, or corporation, about to go out of business, or goods that have been damaged in any way.

Section 5. The provisions of the preceding section of this article shall not prohibit the sale of any goods by any assignee, trustee, receiver, or other officer appointed by any court of this Commonwealth or of the United States, acting for the estate of any such bankrupt; or other person, firm, or corporation, within the limits of any borough wherein such person, firm, or corporation conducted business, or had the goods, immediately before the appointment of any such assignee, trustee, receiver, or other officer; or the sale of any damaged goods, if the same be sold within the limits of the borough wherein the owner conducted business, or had such goods, at the time the same became damaged.

Section 6. The license provided for in section four of this article shall be issued by the treasurer of the borough wherein such business is conducted. The license fee shall not be less than one hundred dollars, nor more than two hundred dollars, for each calendar month, or fraction thereof, and shall be fixed by ordinance. The license shall be renewed monthly during the time such person, firm, or corporation shall conduct such business, and shall be in addition to all license fees and taxes imposed by the Commonwealth and the borough.

Section 7. Any person, association, co-partnership, or corporation violating any of the provisions of sections five, six, seven, or eight of this article, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay, for each day such business shall be conducted without a license, a fine of not more than two hundred dollars.

(d) VEHICLES.

Section 8. Boroughs may enact ordinances establishing reasonable rates of license fees on all vehicles used in carrying persons or property for pay; and may regulate the operation and compensation of such vehicles within the limits of such boroughs, or between any such borough or other points.

(e) RESTRICTIONS.

Section 9. It shall be unlawful for any borough to levy or collect any license fee from any farmer who sells his own produce in or about the streets of any borough.

Section 10. It shall be unlawful for any borough to levy any license fee or mercantile tax upon any persons taking orders for merchandise by sample, from dealers or merchants, for individuals or companies who pay a license or mercantile tax at their chief places of business. Nothing in this section shall authorize any person to sell by retail to others than dealers or merchants.

CHAPTER VII.

GOVERNMENT.

ARTICLE I.

COUNCIL.

Section 1. The borough council shall organize at eight o'clock post meridian on the first Monday of January, one thousand nine hundred and sixteen, and biennially thereafter, by electing a president and secretary and such other officers as it may require. The president shall preside over the meetings of council,

and when absent his place shall be filled by a president pro tempore. The councilmen shall not receive any compensation for their services as councilmen.

Section 2. Before entering upon the duties of their office, the councilmen shall take and subscribe an oath or affirmation to support the Constitution of the United States, and of the Commonwealth of Pennsylvania, and to perform the duties of their office with fidelity. The oath or affirmation may be taken before any judge or justice of the peace of the county, or before the burgess of the borough, when he has qualified, and shall be entered upon or filed among the records of the borough.

Section 3. The burgess shall preside over the organization meeting of the council, but he shall not vote thereat, unless the vote of the council be equally divided.

Section 4. If the council of any borough shall fail to organize within ten days from the time prescribed in section one of this article, the court of quarter sessions, upon the petition of ten taxable inhabitants, verified by the affidavit of five of the petitioners, shall issue a rule upon the delinquent to show cause why their seats should not be declared vacant. The rule shall be returnable not less than five days from the time of its issue, and, after hearing, the court may declare the seats of such delinquent councilmen vacant, and appoint others in their stead, who shall hold their office for the unexpired term.

Section 5. Whenever two or more boroughs are consolidated under the provisions of chapter two, article two, of this act, the council of the new borough, at the first meeting after such consolidation, shall designate by ballot which of the high constables and auditors shall perform the duties in those offices in the new borough, and the persons so chosen shall hold their office until the first Monday of January next succeeding the municipal election at which such officers are regularly elected, as provided in chapter eight, article one, of this act. The council shall also designate by ballot which of the treasurers shall perform the duties of that office in the new borough, and shall select some person as secretary of the council.

Section 6. It shall be the duty of the council, a majority of whom shall be a quorum:

I. To meet statedly at least once a month.

II. To make and preserve full records of their proceedings.

III. To enact, revise, repeal, and amend such laws, rules, regulations, and ordinances, not inconsistent with the laws of the Commonwealth, as it shall deem beneficial to the borough, and to provide for the enforcement of the same.

IV. To publish in one newspaper printed in the county, and by twelve advertisements posted in public

places in the borough, every enactment, regulation, ordinance, or other general law, at least ten days before the same shall take effect.

V. To provide by ordinance for the manner in which all notices shall be served, and to give personal notice of all orders and regulations affecting particular individuals.

VI. To cause to be made a plan of the roads, streets, lanes, alleys, and courts opened or laid out, together with such explanation as shall be necessary to a full understanding of the same. The plan shall be kept by the secretary, and shall be open to public inspection.

VII. To appoint and remove a treasurer and secretary. Council in their discretion may appoint a solicitor, one or two street commissioners, and such other officers as it shall deem necessary.

VIII. To fix the compensation of the treasurer, secretary, street commissioners, high constable, and such other officers and employes as they may appoint, to be paid from the borough treasury by orders drawn thereon.

IX. To fix the amount of security to be given by the treasurer, the high constable, and of such other officers and employes as it may designate.

X. To direct annually the publication of the accounts of the treasurer.

XI. To mitigate or remit fines and forfeitures in reasonable cases.

Section 7. Every ordinance and resolution, except as herein otherwise provided, passed by the council, shall be presented to the burgess for his approval. If the burgess approve, he shall sign it; but, if he shall not so approve, he shall return it, with his objections, to the council at its next regular meeting, when the objections shall be entered upon the minutes, and the council shall proceed to a reconsideration thereof. If, after such reconsideration, two-thirds of all the members elected to said council, or a majority of council plus one, when the number composing such council is less than nine, shall vote to pass such ordinance or resolution, it shall become of as full force and effect as if it had received the approval of the burgess; but in such case the vote shall be determined by yeas and nays, and the names and votes of the members shall be entered on the minutes. If any such ordinance or resolution shall not be returned by the burgess at the regular meeting of the council next succeeding its presentation to him, it shall likewise have as full force as if it had been approved.

Section 8. No ordinance or resolution shall be considered in force until the same is recorded in the ordinance book of the borough and is advertised as provided in clause four, of section six, of this article.

Section 9. Complaint may be made to the next court of quarter sessions, upon entering into recognizance, with sufficient security to prosecute the same with effect, and for the payment of costs, by any person aggrieved in consequence of any ordinance, regulation, or act done or purporting to be done in virtue of this act, and the determination and order of the court thereon shall be conclusive.

Section 10. Whenever any ordinance book is lost, destroyed, or becomes unserviceable, the borough council may provide, by ordinance, for a new ordinance book, into which shall be transcribed by the secretary all of the then valid ordinances.

Section 11. The secretary in transcribing such ordinances shall make complete copies thereof, including the date of enactment and approval, and the names of the officers who signed the same, and, after notice given and corrections made, shall certify each ordinance as a correct copy of the original.

Section 12. The ordinance providing for the transcribing of such ordinances shall be recorded in such book immediately following the ordinances so transcribed, and it shall provide that the secretary of the borough, upon the completion of such transcribing, shall publish once a week for four weeks, in one newspaper published in the borough, and, if there be no such publication, then in a newspaper published in the county, a notice stating that all of the then valid ordinances of the borough have been transcribed into a new ordinance book, and that the old books and records of borough ordinances and the new ordinance book are open to public inspection, for the purpose of verification and correction, during the thirty days from the date of the notice.

Section 13. The secretary of the borough at the expiration of such notice shall make all corrections, and shall then certify that all of the ordinances have been compared with the originals and that they are correct copies thereof. After the ordinances are transcribed, notice thereof given, and the certificate of correction made, as provided in the preceding sections of this article, the ordinances so transcribed shall take the place of the original record, and shall be the valid and legal ordinances of the borough.

Section 14. Borough councils may compel the attendance of witnesses, and the production of books, papers, or other evidence, at any meeting of the council, or any committee thereof, and for that purpose may issue subpoenas signed by the president of council or the chairman of the committee, and cause the same to be served in any part of this Commonwealth. If any witness shall refuse to testify to any fact within his knowledge, or to produce any books or papers in his possession or control required to be used as evi-

dence in any such case, the secretary of the council shall report the facts relating to such refusal to the court of common pleas. If the court determines the evidence required of such witness to be legal and competent, it shall order such witness to testify or produce the evidence required.

Section 15. No person residing without the borough, and subpoenaed as aforesaid, shall be required to respond to the same until mileage to and from the borough, at the rate of ten cents a mile, and a per diem allowance of two dollars for the time their presence is desired, has been furnished.

Section 16. Any person called as a witness, as provided in section fourteen of this article, may be examined under oath, and for the giving of false testimony shall be liable to indictment and punishment for perjury.

Section 17. Where, in the conduct of its business, a borough has received the benefits of services performed in good faith, and the charges therefor are considered reasonable by the council, or where there is a moral obligation on the part of the borough to pay for services rendered, the council of the borough may pay to the person, officer, or employe the amount in question, or any proportion thereof.

CHAPTER VII.

GOVERNMENT.

ARTICLE II.

BURGESS.

Section 1. No burgess shall hold any other borough office or appointment during the term for which he is elected, nor be eligible to succeed himself; he shall not be a member of, nor preside at the meetings, of the council, except as provided in section three, article one of this chapter.

Section 2. No member of Congress or any person holding any office or appointment of profit or trust under the Government of the United States shall be capable of holding the office of burgess.

Section 3. Any person violating the provisions of section two of this article shall be liable to a penalty of not less than fifty dollars, nor more than one hundred dollars; and the office of burgess shall be considered vacant.

Section 4. Any penalty imposed under section three of this article shall be paid, one-half to the overseers, guardians, or directors of the poor of the borough or county where such offense is committed, to be applied for the support of the poor, and one-half to the prosecutor.

Section 5. The burgess, before exercising the duties of his office, shall take and subscribe an oath or affirmation, and the same shall be filed as provided in chapter seven, article one, section two of this act.

Section 6. The salary of the burgess may be fixed by ordinance, to be paid from the borough treasury, in monthly instalments, on warrants authorized by the council. When so fixed such salary shall not be changed during the term of the incumbent.

Section 7. The salary of the burgess shall not exceed, per annum, one hundred dollars per thousand for the first five thousand population, or fraction thereof; and fifty dollars per annum for each additional one thousand of population or fractional majority thereof; the population to be determined by the last United States decennial census, or, by five times the number of electors in the borough as shown by the last registration thereof.

Section 8. Any salary, paid pursuant to sections six and seven of this article, shall be in lieu of all costs and fees allowed a burgess, whether acting as burgess or justice of the peace, and in such case the costs and fees shall be taxed and collected by the burgess and turned monthly into the borough treasury, together with a sworn statement of the same.

Section 9. In all cases where the burgess is given the jurisdiction of a justice of the peace, he shall collect the same costs and fees as is charged by justices of the peace for like services.

Section 10. The burgess shall have power:

I. To administer oaths and affirmations in matters pertaining to borough affairs.

II. To exercise jurisdiction in all disputes between the borough and individuals arising under the ordinances, rules and regulations of the borough.

III. To exercise the powers and jurisdiction of justices of the peace in the enforcement of all ordinances of the borough, and the collection of fines and penalties imposed thereunder.

IV. To exercise the powers and jurisdiction of justices of the peace within the borough for the suppression of riots, tumults, and disorderly meetings; and in all criminal cases for the punishment of vagrants and disorderly persons.

Section 11. It shall be the duty of the burgess:

I. To preserve order in the borough, to enforce the ordinances and regulations, to hear complaints, to remove nuisances and to exact a faithful performance of the duties of the officers appointed.

II. To demand and receive sufficient security in the amount fixed by the borough from the treasurer and high constable.

III. To sign the by-laws, rules, regulations and ordinances after they shall have been correctly transcribed by the secretary.

IV. To keep correct accounts of all fees, fines and costs received by him; to render to the councils at each regular meeting, an itemized statement of all such moneys so received since the last regular meeting of the council, with the dates at which, and the names of the persons from whom, the same was received, and to pay all such moneys into the borough treasury, prior to such regular meeting.

V. To cause to be opened all public roads, streets, lanes or alleys lying partly within the borough.

Section 12. Any burgess neglecting or refusing to open a road, street, lane or alley as provided in the preceding section shall be liable to a fine of not less than four dollars, nor more than fifty dollars, to be recovered in a summary proceeding before any justice of the peace of the county.

Section 13. Whenever the burgess is absent or incapacitated, the duties of his office shall be discharged by the president of council.

CHAPTER VII.

GOVERNMENT.

ARTICLE III.

HIGH CONSTABLE.

Section 1. The high constable, before entering on the duties of his office, shall take and subscribe an oath or affirmation, and the same shall be filed, as provided in chapter seven, article one, section two of this act. The high constable shall give such bond with surety as is required by the borough.

Section 2. The high constable shall have the power and authority of constables of the several townships in the county.

Section 3. The high constable shall give ten days' notice of the biennial elections of the borough by posting six advertisements in the most public places within the same.

Section 4. It shall be unlawful for any high constable who is at the same time employed as a policeman in the borough, or any other part of the Commonwealth to charge or accept any compensation, in addition to the salary paid him as policeman, for any service rendered, either as a policeman or as high constable, except public rewards and the legal mileage allowed to constables for traveling expenses.

Section 5. Any person violating the provisions of the preceding section shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine

not exceeding fifty dollars and costs, or to undergo imprisonment in the jail of the county not exceeding thirty days or both.

CHAPTER VII.

GOVERNMENT.

ARTICLE IV.

AUDITORS.

Section 1. The auditors of the borough shall meet on the third Tuesday of January, one thousand nine hundred and sixteen, and annually thereafter, and shall audit, adjust and settle the accounts of the tax collectors, and all officers of the borough. Any officer whose act or neglect contributes to the financial loss of any borough shall be surcharged with the amount of such loss.

Section 2. All orders and vouchers which have been paid shall, on their presentation to the auditors, be cancelled by writing the word "audited" on the face thereof.

Section 3. The auditors shall complete such audit, adjustment and settlement as soon as possible, and shall within ten days thereafter publish, by posting printed or typewritten hand-bills in five public places in the borough, an itemized statement of the receipts and expenditures of the several officers for the preceding year. They shall also within such period of ten days, file a copy of the statement with the secretary of the borough, and also with the clerk of court of quarter sessions of the county, which shall be at all times subject to public inspection. Whenever two or more borough offices shall be exercised by the same person, only one statement shall be required.

Section 4. It shall be lawful for the borough, or any taxpayer thereof on its behalf, or any officer whose account is settled or audited, to appeal from the settlement or audit to the court of common pleas of the county within thirty days after the statement has been filed in the court of quarter sessions.

Section 5. No appeal by a taxpayer or officer shall be allowed unless the applicant shall enter into recognizance to prosecute the same with effect, and to pay all costs accruing thereon, in case, if the appellant be a taxpayer, he shall fail to obtain a final decision more favorable to the borough than that awarded by the auditors; or, in case the appellant be an accounting officer, he shall fail to obtain a final decision more favorable to the officer than that awarded by the auditors.

Section 6. Whenever an appeal has been taken from the report of the auditors by the borough, or by any person charged in such report with any sum of money,

any taxpayer of the borough may intervene in such appeal and either prosecute the same on its behalf or defend it against the appeal of the person so charged. No taxpayer shall intervene unless he shall file in the court of common pleas a bond with one or more sufficient sureties conditioned to indemnify the borough against all costs accruing by reason of such intervention.

Section 7. Any person interested may order the appeal upon the argument list and evidence may be taken before any person authorized to administer oaths upon rule for that purpose served upon the opposite party.

Section 8. Whenever any matter of fact is in dispute the court of common pleas is authorized to frame an issue for the trial thereof.

Section 9. After hearing, the court shall file its findings of fact and law and enter judgment in accordance therewith, and the judgment so entered may be enforced by any appropriate proceedings by the party prevailing.

Section 10. Any person interested may except to the ruling of the court, and may appeal therefrom to the Superior or Supreme Court as in other cases.

Section 11. Whenever any person is charged with a sum of money by the report of the borough auditors, any taxpayer of the borough may enforce the collection thereof for the benefit of the borough by action or execution, upon filing in the court of common pleas a bond with one or more sureties conditioned to indemnify the borough from all costs which may accrue in the proceedings undertaken by such taxpayer.

Section 12. The borough auditors may employ an attorney in case of any disagreement with an official or board of officials whose accounts they are required to audit. Such attorney shall not be employed until reasonable effort has been made to reach an agreement, and only after notice of such contemplated employment has been given to such official or board.

Section 13. The compensation of such attorney shall be fixed by the auditors and shall not exceed the sum of ten dollars per day, nor thirty dollars in any case in dispute, except whenever an appeal is taken as provided in the preceding sections of this article, in which case the court shall fix an additional compensation.

Section 14. The compensation of such attorney shall be paid out of the fund whose settlement is in dispute, by warrant drawn by the auditors upon the treasurer of such fund, immediately upon the final settlement of the account.

Section 15. Each auditor shall receive not less than two nor more than five dollars per day of eight hours for each such day necessarily employed in the discharge of his duties, to be paid by the borough, the compensation to be fixed by the council.

Section 16. In case of any neglect or refusal to comply with the provisions of the preceding sections of this article, the auditors so neglecting or refusing shall pay a penalty of one hundred dollars, to be recovered in the same manner as debts of like amount are recoverable, by suit instituted in the name of the borough upon the complaint of any taxpayer thereof. When so recovered the amount of the penalty shall be paid into the treasury of the borough.

CHAPTER VII.

GOVERNMENT.

ARTICLE V.

CONTROLLER.

Section 1. The borough controller shall, before entering upon the duties of his office, take and subscribe the oath prescribed by section one, article seven, of the Constitution of this Commonwealth; and shall give bond to the borough with two or more sureties or with a surety company, to be approved by the council in such sum as they may by ordinance direct, conditioned for the faithful discharge of his duties. The cost of such bond shall be paid by the borough.

Section 2. The borough controller shall receive a fixed annual salary, to be fixed by ordinance, and not to exceed the sum of one thousand dollars per annum.

Section 3. The borough controller shall superintend the fiscal concerns of the borough. He shall examine, audit, and settle all accounts whatsoever in which the borough is concerned either as debtor or creditor, where provision for the settlement thereof is made by law; and where no such provision, or an insufficient provision has been made, he shall examine such accounts and report to the borough council the facts relating thereto, with his opinion thereon.

Section 4. The borough controller shall have supervision and control of the accounts of all departments, bureaus, and officers of the borough, authorized to collect, receive or disburse the public moneys, or who are charged with the management or custody thereof. He shall audit their respective accounts, and may at any time require from any of them a statement in writing of any moneys or property of the borough in their hands, or under their control; and he shall, immediately upon the discovery of any default, irregularity, or delinquency, report the same to the borough council. He shall also audit and report upon the account of any such officer upon the death, resignation, removal, or expiration of the term of the said officer.

Section 5. The borough controller may administer oaths or affirmations in relation to any matter touching the authentication of any account with, or claim or demand against the borough, but shall not be entitled to receive any fee therefor.

Section 6. The borough controller shall countersign all warrants upon the borough treasurer, the form thereof to be prescribed by council, but no warrant shall be countersigned unless there is money in the treasury to pay the same. Whenever a warrant on the treasurer shall be presented to the controller to be countersigned, the person presenting the same shall, if the controller require, produce evidence:—

1. That the amount expressed in the warrant is due to the person in whose favor it is drawn.

2. That the supplies or service, for payment of which the warrant is drawn, have been furnished or performed according to law and the terms of the contract.

Section 7. The borough controller shall not permit any appropriation made by the council to be overdrawn. Whenever an appropriation is exhausted, the object of which is not complete, he shall immediately report the fact to the council, and accompany such report with a statement of the moneys which have been drawn on such appropriation and the particular purpose for which they are drawn.

Section 8. Every contract involving appropriation of money shall designate the item of appropriation on which it is founded, and the estimated amount of the expenditure thereunder shall be charged against such item, and so certified by the borough controller on the contract before it shall take effect as a contract, and the payment required by such contract shall be made from the fund appropriated therefor. If the controller shall certify any contract in excess of the appropriation made therefor, the borough shall not be liable for such excess, but the controller and his sureties shall be liable for the same, which may be recovered in an action at law by the contracting party aggrieved. It shall be the duty of the controller to certify contracts for the payment of which sufficient appropriations have been made.

Section 9. The borough controller shall, as often as he may deem expedient, or the council shall direct, suggest plans to the council for the management and improvement of the borough finances; and he shall make a report verified, by oath or affirmation, to the council at the first stated meeting in January in each year, of the public accounts of the borough, and of the trusts in its care, exhibiting all the expenditures thereof, respectively; the sources from which the revenue and funds are derived and the manner in which the same have been disbursed. Each account shall be accompanied by a detailed statement of the several appropriations made by councils, the amount drawn on each appropriation, and the balance standing to the debit or credit of such appropriation. The report shall

be published at the expense of the borough, once a week for two weeks, in a newspaper circulating generally in the borough.

Section 10. The borough controller shall keep a regular set of books, in which shall be opened and kept as many accounts, under appropriate titles, as may be necessary to show separately and distinctly all the estates and property, whatsoever, real and personal vested in the borough, all trusts in the care of the same, all debts due and owing the borough, all receipts and expenditures of the various departments of the borough government, and all appropriations made by council, and the sums under the same, respectively.

Section 11. The foregoing provisions of this article shall not become operative or effective in any borough not having a controller, until the council shall by ordinance accept the provisions of this article. When any borough accepts the provisions of this article, the court of quarter sessions upon petition of council shall appoint a controller to hold office until the first Monday of January next succeeding the next municipal election, at which a controller may be elected under the provisions of this act.

Section 12. In all boroughs accepting the provisions of this article as provided in the preceding section, the borough auditors then in office shall continue to hold their office until the first day of January succeeding the election of a borough controller, after which date the office of borough auditor is abolished.

CHAPTER VII.

GOVERNMENT.

ARTICLE VI.

APPOINTED OFFICERS.

(a) GENERAL PROVISIONS.

Section 1. Appointed officers of the borough shall receive such compensation for their services as the council shall prescribe.

Section 2. All officers appointed by the borough council shall, whenever directed, render their accounts to the council for settlement.

Section 3. Whenever an employe of any borough is required to give bond indorsed by a surety company for the faithful performance of his duties, the borough may pay the premium thereon.

(b) TREASURER.

Section 4. The borough treasurer shall, before entering upon the duties of his office, give bond with surety as required by the borough; he shall perform the duties of the township treasurer within the bor-

ough, shall keep a just account of all receipts and disbursements, and shall annually submit his account to the borough auditors and publish the same in a manner directed by the borough; he shall pay over all moneys remaining in his hands, and deliver all books, papers, accounts, and other things belonging to the borough, to his successor. All moneys received by any officer for the use of the borough shall be forthwith paid to the borough treasurer.

Section 5. The borough treasurer shall receive such compensation as the council shall prescribe.

(c) SECRETARY.

Section 6. The secretary shall attend all meetings of the borough council and shall keep full minutes of their proceedings; he shall transcribe the by-laws, rules, regulations, and ordinances adopted, into a book kept for that purpose, and when signed by the presiding officer shall attest the same; he shall preserve the records and documents of the borough, and shall have custody of the corporate seal. He shall certify copies of any book, paper, record, by-law, rule, regulation, ordinance, or proceeding of the borough under the seal thereof, which copies so certified shall be admitted in evidence in any court of the Commonwealth. He shall attest the execution of all instruments, record the publication of all enactments and attest the same by his signature. He shall file or record the proof of service of all notices required by law, and the certificate thereof shall be good evidence of such notice. He shall deliver to his successor the seal and all books, papers and other things belonging to the borough.

(d) STREET COMMISSIONERS.

Section 7. On the first Monday of January, or within thirty days thereafter of each even numbered year, the borough council may appoint one or two persons as street commissioners, who shall serve for a term of two years or until their successors shall qualify.

Section 8. Whenever two or more boroughs are consolidated under the provisions of chapter two, article two, of this act, the street commissioners of each of such boroughs shall continue in office as officers of the new borough until the expiration of their respective terms of office.

(e) SOLICITOR.

Section 9. The borough council on the first Monday of January in any even numbered year, or as soon thereafter as practicable, may elect, by a vote of a majority of the members, one person, learned in the

law, who shall be styled the borough solicitor, and who shall serve for the term of four years from the first Monday of January of the even-numbered year in or succeeding which he was elected and until his successor qualifies. Vacancies in the office of borough solicitor shall be filled by the council for the unexpired term.

Section 10. All borough solicitors holding office at the date of the approval of this act, whose terms of office expire at any time between the first Monday of January, one thousand nine hundred and fourteen, and the first Monday of January one thousand nine hundred and sixteen, shall continue to hold their office until the first Monday of January, one thousand nine hundred and sixteen; and all borough solicitors holding office at the date of the approval of this act, whose terms of office expire at any time between the first Monday of January, one thousand nine hundred and sixteen, and the first Monday of January, one thousand nine hundred and eighteen, shall continue to hold their office until the first Monday of January, one thousand nine hundred and eighteen. Solicitors elected on the first Monday of January, one thousand nine hundred and fourteen, shall hold their respective offices until the first Monday of January, one thousand nine hundred and eighteen.

Section 11. The borough solicitor shall give a bond to the borough with two or more sureties, or one trust or bonding company, to be approved by the council in such sum as it shall by ordinance direct, conditioned for the faithful performance of his duty.

Section 12. The law matters of the borough shall be under the superintendence, discretion and control of the borough solicitor, and no department of the borough, except as herein otherwise provided, shall employ an additional counsel without the assent or ratification of the council.

Section 13. The borough solicitor shall prepare such bonds, obligations, contracts, leases, conveyances, and assurances to which the borough or any department thereof may be a party, as may be directed by ordinance or resolution; he shall commence and prosecute all actions brought by the borough for or on account of any of the estates, rights, trusts, privileges, claims or demands, as well as defend all actions or suits against the borough, or any officer thereof, wherein or whereby any of the estates, rights, privileges, trusts, ordinances, or accounts of the borough, or any department thereof, may be brought in question before any court in the Commonwealth; and shall do every professional act incident to the office which he may be authorized or required to do by the burgess or by any ordinance or resolution. He shall, whenever required, furnish the council, the committees thereof, the burgess, or the

heads of departments with his opinion in writing upon any question of law which may be submitted by any of them in their official capacities.

(f) POLICE.

Section 14. Borough councils may appoint, and remove, one or more suitable persons, citizens of this Commonwealth, as borough policemen, who shall have the power to arrest persons violating any ordinance of the borough, the violation of which may subject persons to arrest. Any person so arrested shall be received for confinement by the keepers of the jails, lock-ups, or station houses within the county.

Section 15. The borough policemen shall, when on duty, wear a shield or badge with the words "borough police" and the name of the borough for which they are appointed inscribed thereon.

Section 16. The borough police shall be under the direction of the burgess, as to the time during which, the place where, and the manner in which, they shall perform their duties. The burgess may, for cause and without pay, suspend any policeman until the succeeding regular meeting of the council, at which time the council may discharge or reinstate such policeman.

Section 17. The borough police shall receive a stated salary to be fixed by ordinance; and it shall be unlawful for any borough policeman to charge or accept any fee or other compensation, in addition to his salary, for any service performed pertaining to his duties or office, except public rewards and legal mileage allowed for traveling expenses.

Section 18. Any person violating the provisions of the preceding section shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding fifty dollars and costs, or undergo imprisonment not exceeding thirty days, or both.

Section 19. Borough policemen, residing in the borough, may at the same time hold and exercise the office of constable in the borough or any ward thereof, and may demand and receive all costs, fees and emoluments pertaining to such office.

Section 20. Borough policemen may perform all the duties of high constable but shall receive no compensation therefor.

Section 21. Boroughs may, by ordinance, establish a police pension fund to be maintained by an equal and proportionate monthly charge against each member of the police force, not exceeding annually three per centum of the pay of such member. The fund shall be under the direction of the borough council or such committee as it may designate, and shall be applied under such regulations as the council may, by ordi-

nance, prescribe for the benefit of such members of the police force as shall receive honorable discharge therefrom by reason of age or disability, and the families of such as may be injured or killed in the service. Any allowances made to those who are retired by reason of disability or age shall be in conformity with a uniform scale.

Section 22. The ordinance establishing the police pension fund may prescribe a minimum period of continuous service, not less than twenty years, after which members of the force may be retired from active duty. Borough policemen so retired shall be subject to service as police reserve until unfitted for such service, by reason of age or disability, when they may be finally discharged.

Section 23. The basis of the apportionment of the pension shall be determined by the rate of monthly pay of the member at the date of death, honorable discharge, or retirement, and shall not in any case, exceed in any year, one-half the annual pay of such member computed at such monthly rate.

Section 24. Payments made under the provisions of section twenty-one of this article, and the sections based thereon shall be a charge on no other fund in the treasury of the borough or under its control, other than the police pension fund.

Section 25. Boroughs may take by gift, grant, devise or bequest, any money or property real, personal or mixed, in trust for the benefit of such police pension fund. The care, management, investment, and disposal of such trust funds or property shall be vested in such officers as the borough shall, by ordinance, direct, and shall be governed by such officers, subject to any directions not inconsistent therewith, as the donors of such funds and property may prescribe.

Section 26. No person, participating in such police pension fund and becoming entitled to receive a benefit therefrom, shall be deprived of his right to an equal and proportionate share therein upon the basis upon which he first became entitled thereto, except for the following causes, that is to say: conviction of a crime or misdemeanor, becoming a habitual drunkard, becoming a non-resident of the Commonwealth, or failing to comply with some general regulation relating to the management of such fund which may be made by ordinance, and which provides that a failure to comply therewith shall terminate the right to participate in the pension fund after such notice and hearing as it shall prescribe.

CHAPTER VII.

GOVERNMENT.

ARTICLE VII.

BUREAU OF MINE INSPECTION AND SURFACE SUPPORT.

Section 1. Boroughs within the limits of the anthracite region of the Commonwealth may by ordinance, create a bureau of mine inspection and surface support.

Section 2. The bureau shall consist of one practical mining engineer, to be appointed by the burgess with consent of the council, and such assistants, clerks and employes as the council may provide. The officers and employes of the bureau shall receive such compensation as may be prescribed by council.

Section 3. Members of the bureau may enter, inspect, examine, and survey any mine or colliery within the limits of the borough, at all reasonable times, either by day or night, but not so as to impede nor obstruct the workings of the mine or colliery; and may take with them such other persons as may be necessary for the purpose of making an examination or survey. The owner, operator, or superintendent of such mine or colliery shall furnish the means necessary for such entry, inspection, examination, survey, and exit.

Section 4. The owner, operator, or superintendent of every coal-mine or colliery, within three months after the passage of an ordinance by any borough creating such bureau, shall make or cause to be made and furnished to such bureau, an accurate map or plan of the workings or excavations of such coal-mine or colliery, on a scale of one hundred feet to the inch. The map or plan shall exhibit the workings or excavations in every seam of coal on a separate sheet, and the tunnels and passages connecting with such workings or excavations. It shall show in degrees the general inclination of the strata, with any material deflection therein in the workings or excavations, and shall also show the tidal elevations of the bottom of every shaft, slope, tunnel, and gangway, and of any other point in the mine or on the surface where such elevation shall be deemed necessary by the bureau. The map or plan shall show the number of the last survey station and date of each survey on the gangways or the most advanced workings.

Section 5. Every mine owner, operator, or superintendent shall place or cause to be placed upon the map of the bureau, at least once in every three months, all the extensions made in any mine within the limits of such borough during the three preceding months, except those made within thirty days immediately preceding the time of placing such extensions upon the said map.

Section 6. It shall be unlawful for any person, co-partnership, association, or corporation to dig, mine, remove, or carry away the coal, rock, earth, or other minerals or materials forming the natural support of the surface beneath the public highways, streets, alleys, courts, and places of any borough in the anthracite region to such an extent and in such a manner as to thereby remove the necessary support of the surface, without having first placed or constructed an artificial permanent support sufficient to uphold and preserve the stability of the surfaces of such public highways, streets, alleys, courts, and places.

Section 7. Any person being the general manager, superintendent, or person in charge of the work of any corporation, co-partnership, or association, violating any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction before a justice of the peace of the borough shall be sentenced, for such offense, to pay a fine not exceeding one thousand dollars or to undergo imprisonment in the county jail for a period not exceeding ninety days, or both. All fines imposed under this section shall be paid into the treasury of the borough.

Section 8. Borough councils may enact such ordinances as may be necessary for the enforcement of the provisions of this article.

CHAPTER VIII.

ELECTIONS—VACANCIES IN OFFICE.

ARTICLE I.

NUMBER, TERM AND TIME OF ELECTION OF OFFICERS.

Section 1. Electors of the borough only shall be eligible to elective borough offices.

Section 2. Elections for borough officers shall be at the time and place designated by law for the holding of municipal elections.

Section 3. Certificates of election of all borough officers shall be filed among the records of the borough.

Section 4. Persons elected to borough offices shall serve until their successors are elected and qualified.

Section 5. It shall be lawful for the electors of the borough to elect:

1. In boroughs not divided into wards, seven councilmen, a burgess, high constable, and three auditors or a controller.

2. In boroughs divided into wards, at least one and not more than three councilmen in each ward, to be residents of the ward from which they are elected and chosen by the electors of the ward; also a burgess, a high constable and three auditors or a controller, who shall be chosen by the electors of the borough at large.

Section 6. At the municipal election to be held in the year one thousand nine hundred and fifteen, there shall be elected in each borough, a sufficient number of councilmen to equal one-half of the entire number of which such council is legally composed, to serve for a term of four years from the first Monday of January next succeeding, and where such entire number is seven, nine or eleven, then sufficient to constitute three, four or five as the case may be. The aforesaid councilmen to be elected in the year one thousand nine hundred and fifteen, being successors to those elected in the years one thousand nine hundred and eleven, and one thousand nine hundred and thirteen, whose terms as heretofore provided by law expire on the first Monday of January, one thousand nine hundred and sixteen. All councilmen whose terms expire on the first Monday of January, one thousand nine hundred and eighteen, shall continue to hold their office until the first Monday of January, one thousand nine hundred and eighteen, as now provided, and their successors shall be elected at the municipal election in the year one thousand nine hundred and seventeen, to serve for a term of four years from the first Monday of January next succeeding. Biennially thereafter, at the municipal election, a sufficient number of councilmen shall be elected for a term of four years, from the first Monday of January next succeeding to fill the places of those whose terms, under the provisions of this act, shall expire on the first Monday of January next following such election.

Section 7. Whenever the court of quarter sessions shall divide any borough into wards, erect two or more wards or parts of two or more wards into one ward, or divide a ward already erected into two or more wards, as provided in chapter three, article three, of this act, and when the report in such case is confirmed by the court, it shall at the same time decree the election of an equal number of councilmen in each of the wards, in such manner as not to interfere with the terms of those theretofore elected. In decreeing such election, when the entire number of council shall be composed of an even number, the decree shall be so made that one-half of the entire number shall thereafter be elected at each municipal election. When the entire number of council shall be an odd number, the court shall divide such council into two classes, and shall make its decrees so that one-half of the entire number of councilmen, less one, shall, as soon as possible, take their office in a year divisible by four and the remaining number of councilmen shall take their office in an even numbered year not divisible by four. The apportionment shall be so made by the court that there shall be equal, or as nearly equal as possible, representation by wards in each class. Bi-

ennially thereafter, at each municipal election, a sufficient number of councilmen shall be elected for the term of four years, from the first Monday of January next succeeding, to fill the places of those whose terms shall expire on the first Monday of January next following such election.

Section 8. Whenever two or more boroughs are consolidated as provided in chapter two, article two, of this act, the members of the council of each of such boroughs shall be members of the council of the new borough from the wards in which they respectively reside, and shall hold their office until the expiration of their terms.

In consolidated boroughs divided into wards, the number of councilmen in each ward shall be three.

At the first municipal election next succeeding such consolidation, the qualified electors of such borough shall elect a sufficient number of councilmen to equal one-half of the entire number of which such council is legally composed, to serve for a term of four years from the first Monday of January next succeeding their election; and where such entire number is seven, nine or eleven, and where the year in which such officers shall take office is divisible by four, then sufficient to constitute three, four or five as the case may be; and where such year is an even numbered year not divisible by four, then sufficient to constitute four, five or six. At the second municipal election succeeding such consolidation the remaining number of councilmen to which such consolidated borough is entitled shall be elected to serve for a term of four years from the first Monday of January next succeeding. In consolidated boroughs divided into wards the council shall by lot, prior to the first municipal election succeeding such consolidation, apportion the councilmen to be elected as above provided so that there shall be equal, or as nearly equal as possible, representation by wards. Biennially thereafter, at each municipal election, a sufficient number of councilmen shall be elected to serve for a term of four years, from the first Monday of January next succeeding, to fill the places of those whose term shall expire on the first Monday of January next following such election.

Section 9. The purpose of the three sections immediately preceding is that, as nearly as possible, one-half of the councilmen of every borough shall be elected at each municipal election to serve for a term of four years from the first Monday of January next succeeding.

Section 10. Whenever, upon the division of any borough into wards or the creation of a new ward or wards, the number of councilmen cannot be equally divided among the wards of the boroughs, it shall be lawful for the court in decreeing such division or crea-

tion, to increase the number of council to, and not exceeding such number, as will enable the court to make an equal apportionment of the same among the several wards of such borough.

Section 11. The court of quarter sessions having fixed the number of councilmen, as provided in section seven of this article, may, upon petition of citizens of the borough, increase the same, to any number not exceeding three for each ward.

Section 12. Whenever the electors of any borough divided into wards are authorized by this act or by a decree of court to elect three members of council from each ward, the court of quarter sessions may, upon the petition of twenty citizens of such borough and after notice to the council, decrease the number of the council to be elected in each of such wards to two.

At each municipal election thereafter the electors of each ward shall elect one councilman to hold office for a term of four years from the first Monday of January next succeeding his election.

Section 13. Whenever the court of quarter sessions shall divide any borough into wards, it shall appoint for each ward such judges and inspectors of election to hold the first election after such division as are by law required.

Section 14. Electors of every borough, shall, at the municipal election in the year one thousand nine hundred and seventeen, and every four years thereafter, elect one person as burgess, who shall hold office for a term of four years from the first Monday of January next succeeding his election.

Section 15. Whenever two or more boroughs are consolidated under the provisions of chapter two, article two, the burgess of the borough which shall have been first incorporated shall be the burgess of the consolidated borough, to serve until the expiration of his term. The burgess of the other borough shall become a member of the council of such consolidated borough from the ward in which he resides and shall continue a member thereof until the expiration of his term. At the first municipal election for the election of burgesses in boroughs and quadriennially thereafter a burgess shall be elected in such consolidated borough for a term of four years from the first Monday of January next succeeding such election.

Section 16. The electors of every borough shall, at the municipal election in the year one thousand nine hundred and fifteen, and every fourth year thereafter, elect one person as high constable, to serve for a term of four years from the first Monday of January next following.

Section 17. The qualified electors in boroughs electing auditors, and not accepting the provisions of chapter seven, article five, of this act, shall elect, at the mu-

nicipal election in the year one thousand nine hundred and fifteen, one auditor, and in the year one thousand nine hundred and seventeen, two auditors, to serve for a term of four years from the first Monday of January next succeeding their election. Biennially thereafter, one or two auditors, as the case may be, shall be elected for a term of four years to fill the places of those whose terms shall expire on the first Monday of January next following such election.

Section 18. The terms of office of all borough treasurers and street commissioners elected by the voters at large of any borough is fixed at four years from the first Monday of January next succeeding their election.

Section 19. The qualified electors in every borough having a controller, and in every borough accepting the provisions of chapter seven, article five, of this act, shall, at the municipal election in the year one thousand nine hundred and seventeen and every four years thereafter elect, as borough controller, one person who shall be a competent accountant and an elector of the borough for at least four years prior to his election. The person so chosen shall serve for a term of four years from the first Monday of January next succeeding his election.

Section 20. Whenever, in boroughs hereafter incorporated from a township as provided in chapter two, article one, in boroughs hereafter formed by the division of a borough, as provided in chapter two, article four, or in boroughs hereafter created by the detachment of territory, as provided in chapter two, article four, section six, a special election is ordered by the court for the election of borough officers, the officers so elected shall hold their office until the first Monday of January next succeeding the municipal election at which such officers are elected as provided in sections six, seven, eight, fourteen, sixteen, and nineteen, of this article, and thereafter such officers shall be so elected that the time of their election and in the case of councilmen and auditors, the number to be elected at any municipal election shall coincide with the time and number elected at such municipal elections by boroughs incorporated prior to the passage of this act.

Section 21. Any person receiving notice of his election as burgess, high constable, or a member of council refusing or neglecting to take upon himself the execution of such office, or any person having taken upon himself such duties, neglecting to discharge the same according to law, shall forfeit and pay the sum of twenty dollars to be recovered before any justice of the peace in the same manner as debts are recoverable. Any penalty so recovered shall be forthwith paid to the treasurer of the borough.

LAWS OF PENNSYLVANIA,

CHAPTER VIII.

ELECTIONS—VACANCIES IN OFFICE.

ARTICLE II.

FILLING OF VACANCIES.

Section 1. The court of quarter sessions may, on petition of borough council, fill vacancies occurring in any elective borough office until the municipal election next following. Whenever a vacancy is filled by the court, as provided in this section, the electors of the borough shall, at the municipal election next succeeding such appointment, elect a sufficient number of persons to fill such vacancies for the unexpired term.

Section 2. The borough council may fill any vacancy in their body until the municipal election next following, at which election a sufficient number of persons shall be chosen to fill such vacancies for the unexpired term. The voters shall designate on their ballots that the persons thereon named are voted for to fill an unexpired term.

Section 3. The court of quarter sessions may, on petition of council or of any resident of the borough, fill any vacancy occurring in the office of burgess. Any person so appointed shall hold office for the unexpired term.

Section 4. The court of quarter sessions may fill any vacancy occurring in the office of high constable. Any person so appointed shall hold office for the unexpired term.

Section 5. The court of quarter sessions shall fill any vacancy occurring in the office of borough controller, and the person so appointed shall serve until the first Monday of January succeeding the municipal election occurring two months after the happening of such vacancy, at which election a successor shall be elected for the unexpired term.

CHAPTER IX.

PARKS—SHADE TREES—FOREST.

ARTICLE I.

PARKS AND PLAYGROUNDS.

Section 1. Boroughs may improve, maintain and regulate public parks, parkways and playgrounds within the borough limits.

Section 2. Boroughs may enter upon, appropriate and acquire by gift, devise, purchase, lease or otherwise private property for the purpose of making, enlarging, and maintaining public parks, parkways, and playgrounds. The provisions of this section shall not authorize the appropriation of private property outside the borough limits.

Section 3. No appropriation, purchase or lease shall be made pursuant to the preceding sections, whereby any borough shall, within any period of three years, ob-

ligate itself to pay in the aggregate, any sum exceeding one and one-half mills on the dollar on the assessed valuation of all property, offices, professions, and persons in the borough upon which county taxes are rated and levied, without the consent of a majority of the electors obtained as hereinafter provided.

Section 4. Whenever any borough shall, by ordinance, provide for the appropriation, purchase or leasing of private property for the purposes aforesaid, and the value of such property or the rental thereof, shall alone, or when added to the amount of liability incurred for any of the purposes aforesaid within the preceding three years, exceed one and one-half mills on the dollar of valuation as provided in the preceding section, the council shall cause the question of such appropriation, purchase or leasing, to be submitted to the electors of the borough at the municipal or general election next occurring after the expiration of forty days from the date of such ordinance.

Section 5. The council shall give notice of the proposed submission of such question by weekly advertisements in not more than three newspapers published in the borough, for a period of four weeks immediately preceding the day of election, and, if no newspapers be published therein, by twenty printed handbills posted in conspicuous places at least twenty-one days prior to such election.

Section 6. For the purpose of having such question appear upon the ballot, the council shall certify the question to the county commissioners, at least twenty-one days before the day of the election. The question may be stated substantially as follows:—

“Shall the borough of.....acquire by purchase or condemnation, or both, at a price not exceeding dollars (or by lease for not more than years, at an annual rental of not more than dollars) property for the purpose of making (or of enlarging) public parks, parkways and playgrounds, within the locality bounded by”

The council may, at their discretion, omit the designation of the locality.

Section 7. The result of the vote on such question shall be ascertained and certified in the same manner as the vote on the election of officers named on the same ballots. No such question determined negatively by the voters shall be again submitted until one municipal or general election shall intervene.

Section 8. The appropriation of private property for the purpose of making, enlarging and maintaining public parks, parkways and playgrounds, is declared to be the taking of private property for public use; and for all damage suffered by the owners of any property so taken, the funds of the borough raised by taxation, shall be pledged as security.

Section 9. Whenever compensation for the damages arising from such appropriation cannot be agreed upon, the borough may tender its bond as security to the party claiming or entitled to any damages, to the attorney or agent of any person absent, to the agent or other officer of a corporation or to the guardian or committee of any person under legal incapacity, the condition of which shall be that the borough shall cause to be paid such amount of damages as the party shall be entitled to receive after the same have been agreed upon or assessed.

Section 10. Whenever any party claiming damages for property taken under the provisions of the preceding sections of this article, refuses or neglects to accept the security so tendered, the borough may, upon ten days' written notice, given to the party, his agent, attorney, guardian, or committee, present its bond to the court of common pleas. If approved, the bond shall be filed for the benefit of those interested, and recovery may be had thereon for the amount of damages ascertained or finally determined, if the same be not paid by an execution on the judgment in the issue formed to try the question. Upon the approval of such security the borough may enter into possession, hold and use such land for such purposes forever.

Section 11. Whenever any borough appropriates private property under the provisions of this article, and is unable to agree with the owners or lessees for the amount of compensation, or whenever by reason of the absence or legal incapacity of any owner or lessee no such compensation can be agreed upon, the courts of common pleas, or any law judge thereof in vacation, on application thereto by the borough or any person interested, shall appoint three freeholders as viewers and shall designate a time, not less than twenty nor more than thirty days thereafter, when the viewers shall meet upon the property and view the same.

Section 12. The viewers shall give ten days' notice of the time and place of their first meeting to the owners of property, their agents, attorneys or representatives by writing served, if they reside within the county, in the same manner as the service of summons in personal actions; otherwise by handbills posted upon the premises or by such other notice as the court may prescribe.

Section 13. The proceedings before the viewers for the assessment of damages, and the proceedings upon their report shall be as provided in chapter six, article two, of this act.

Section 14. The final confirmation of the report of viewers shall operate as a judgment against the borough in favor of the party to whom damages have been

awarded by the report, or by so much of the report as is confirmed. Interest is allowed on such judgment from the date of filing the report.

Section 15. Whenever any borough repeals any ordinance or discontinues any proceeding taken, providing for the appropriation of property under this article prior to the entry upon or injury to such property, and, within thirty days after the filing of the report of viewers assessing damages, the borough shall not thereafter be liable to pay any damages which have been or might have been assessed, but the costs upon any proceeding had thereon shall be paid by the borough together with the actual damage sustained by reason of such proceeding.

Section 16. Whenever, prior to the first day of June, one thousand nine hundred and eleven, any borough acquired land outside its corporate limits for park purposes, such borough may own and possess such land for park purposes, and is authorized to lay out and maintain the same, and to appropriate money to defray expenses incident to such work.

Section 17. Every borough shall have a general plan of its parks and playgrounds, which plan shall be filed in the office of the engineer or other proper officer of the borough. All subdivisions of property thereafter made shall conform thereto. The location of parks and playgrounds laid out and confirmed by the borough council shall not afterwards be altered without the consent of the council; and no map or plot of parks or playgrounds shall be entered or recorded in any public office of the county until approved by the borough council.

Section 18. No person shall recover any damages for the taking, for public use, of any buildings or improvements of any kind placed or constructed upon or within the lines of any located park or playground, after the same has been located by the borough council.

CHAPTER IX.

PARKS—SHADE TREES—FORESTS.

ARTICLE II.

SHADE TREES.

(a) ESTABLISHMENT OF SHADE TREE COMMISSION.

Section 1. Boroughs may establish a commission to be known as the shade tree commission of such borough.

Section 2. The commission shall be composed of three freeholders of the borough, who shall be appointed by the burgess and shall serve without compensation.

Whenever a shade tree commission is established by any borough, the burgess shall appoint three freeholders, one for a term of three years, one for a term of four years, and one for a term of five years.

On the expiration of the term of any commissioner, a successor shall be appointed by the burgess to serve for a term of five years.

Vacancies in the office of commissioner shall be filled by the burgess for the unexpired term.

Section 3. Whenever in any borough there exists a commission for the care of public parks, the council may, by ordinance, accept the provisions of this article so far as it relates to the subject of the shade tree commission, and thereafter the park commission shall have all the powers and be subject to all the duties prescribed by this article for the shade tree commission.

Section 4. The commission shall have exclusive custody and control of the shade trees in the borough and is authorized to plant, remove, maintain, and protect shade trees on the public highways in the borough.

Section 5. The commission may employ and pay such superintendents, engineers, foresters, tree-wardens or other assistants as the proper performance of the duties devolving upon it shall require, and may make, publish and enforce regulations for the care and protection of the shade trees of the borough. No such regulation shall be in force until it has been approved by the council, and until it has been published at least twice in one or two newspapers of the borough.

Section 6. The shade tree commission shall annually report in full to the burgess its transactions and expenses for the last fiscal year of the borough. The park commission, in boroughs accepting this article, may incorporate such transactions and expenses in its regular report to council.

Section 7. Whenever any shade tree commission or park commission in boroughs accepting this article, proposes to plant, transplant or remove shade trees on any highway, notice of the time and place of the meeting, at which such work is to be considered, shall be given in one or more newspapers published in the borough once a week for two weeks immediately preceding the time of the meeting. The notice shall specify in detail the highways or portions thereof upon which trees are proposed to be so planted, re-planted or removed.

Section 8. The cost of planting, transplanting or removing any shade trees in the highways of the borough of the necessary and suitable guards, curbing or grating for the protection thereof, and of the replacing of any pavement or sidewalk necessarily disturbed in the execution of such work, shall be paid by the owner of the real estate in front of whose property the work is done.

The amount each freeholder is to pay shall be ascertained and certified by the commission to council and to the borough treasurer.

Section 9. Upon the filing of the certificate with the council, the secretary of the borough shall cause thirty

days' written notice to be given to the persons against whose property an assessment has been made. The notice shall state the amount of the assessment and the time and place of payment, and shall be accompanied with a copy of the certificate.

The amount assessed against the real estate shall be a lien from the time of the filing of the certificate with the council, and, if not paid within the time designated in the notice, a claim may be filed and collected by the borough solicitor in the same manner as municipal claims are filed and collected.

Section 10. The cost and expenses of caring for such trees after having been planted and the expense of publishing the notice provided in the preceding section shall be paid by the borough.

The needed amount shall each year be certified by the commissioners to the borough council and shall be drawn against, as required by the commission, in the same manner as money appropriated for borough purposes.

The borough council, instead of levying the tax authorized by the general taxation act of one thousand nine hundred and fifteen, may provide for the expense of caring for trees already planted and of publishing the notice required by the preceding section, by appropriations equal to the amount certified to be required by the commission.

Section 11. The commission may assess penalties for the violation of its regulations and of this article so far as it relates to shade trees. Any penalty so assessed shall be a lien upon the real estate of the offender and may be collected as municipal claims are collected.

Section 12. All penalties or assessments imposed under this article shall be paid to the borough treasurer, to be placed to the credit of the commission, subject to be drawn upon by the commission for the purposes of the preceding sections of this article.

(b) POWER OF BOROUGHS WITH REGARD TO SHADE TREES.

Section 13. Boroughs may, by ordinance, upon the petition of a majority of the property owners upon any public street thereof, require the planting and re-planting of suitable shade trees along and upon the sides of such streets, upon such alignment and at such points as may be by such ordinance designated, by the owners of property abutting the street at the points designated. This section does not authorize boroughs to require the planting or re-planting of trees at any point which may interfere with the necessary or reasonable use of any street or abutting property or unreasonably interfere with any business conducted thereon.

Section 14. On failure of any owner, after reasonable notice, to comply with the terms of any such ordinance the borough may cause such trees to be planted or re-planted at the expense of the borough, and thereupon in the name of the borough, collect the cost of such work from the owners in default, as debts of like amount are by law collectible.

CHAPTER IX.

PARKS—SHADE TREES—FORESTS.

ARTICLE III.

FORESTS.

Section 1. Boroughs may acquire by purchase, gift or lease, and hold tracts of land covered with forest or tree growth or suitable for the growth of trees and administer the same, under the direction of the Commissioner of Forestry, in accordance with the practices and principles of scientific forestry, for the benefit of the borough. Such tracts may be of any size suitable for the purpose, and may be located within or without the borough limits.

Section 2. Before the passage of any ordinance for the acquisition of land to be used as municipal forests, the burgess shall submit to the Commissioner of Forestry, and secure his approval of, the area and location of such land.

Section 3. Whenever the council of any borough deems it expedient to acquire any lands for the purposes of municipal forests, it shall so declare in an ordinance, wherein shall be set forth all facts and conditions relating to the proposed action; which proposed ordinance shall be advertised once a week for three weeks prior to its passage.

Section 4. All money necessary for the purchase of such tracts shall be appropriated in the same manner as appropriations for borough purposes, and such funds may be provided from the current revenue, or by the proceeds of a sale of bonds in accordance with existing law.

Section 5. Upon the acquisition of any municipal forests or lands suitable for such, the council shall notify the Commissioner of Forestry, who shall make such rules for the government and proper administration of the same as may be necessary, and the council shall publish such rules, declare the uses of the forest in accordance with the intent of this article, and make such provision for its administration, maintenance, protection and development as shall be necessary or expedient. The rules governing the administration of such forests shall have for their main purpose the producing of a continuing borough revenue by the sale of forest products.

Section 6. All moneys necessary to be expended for the administration, maintenance, protection and development of such forests shall be appropriated and applied as is now done for borough purposes; all revenue and emoluments arising from such forests shall be paid into the borough treasury to be used for general borough purposes.

Section 7. Municipal forests may be used by the public as general outing or recreation grounds subject to the rules governing their administration as municipal forests.

Section 8. Whenever the council of any borough deems it expedient to alienate any municipal forest or part thereof, it shall so declare in an ordinance wherein shall be set forth all the facts and conditions relating to the proposed action; which proposed ordinance shall be advertised once a week for three weeks prior to its passage. No ordinance shall be effective in legalizing such alienation until it has been approved by a majority vote of the people at the next ensuing election.

CHAPTER X.

LIBRARIES.

ARTICLE I.

Section 1. A borough council may submit to the qualified electors of such borough, at any municipal election, the question of the establishment and maintenance of a public library, and must submit such question, if petitioned for by three per centum of the voters registered at the last general election. At such election the question of establishing an annual tax, not exceeding two mills on the dollar on all taxable property in the borough, shall be submitted and voted upon.

Section 2. The rate of tax so voted shall be an annual tax rate until another vote is taken changing the same. The tax shall be levied and collected in like manner as other taxes in the borough, and shall be in addition to all other taxes, and shall be used for no purpose other than that of establishing and maintaining a public library. The money so raised shall be under the exclusive control of a board of library directors appointed as hereinafter provided.

Section 3. If five per centum of the registered electors of any borough shall petition council to submit the question of creating a bonded indebtedness, for purchasing ground and erecting buildings for library purposes, the council must submit such question at the next general election.

Section 4. Boroughs may, by ordinance or resolution, purchase, enter upon and appropriate private property within the limits of such borough, for the purpose of establishing or enlarging public libraries.

Section 5. Whenever any borough shall appropriate private property for public library purposes, and the borough cannot agree with the owner thereof for the price to be paid therefor, or when by reason of the absence or legal incapacity of any such owner no such compensation can be agreed upon, the court of common pleas, or any judge thereof in vacation, on application thereto, by petition, by the borough council or any person interested, shall appoint three citizens of the county as viewers, and shall appoint a time, not less than twenty nor more than sixty days thereafter, when the viewers shall meet upon the premises and view the same, of which time and place ten days' notice shall be given by the petitioner to the viewers and all parties interested, by personal service, when such service can be obtained, otherwise by public notice in one or more newspapers, or by handbills posted on the premises or in such other manner as the court may direct.

Section 6. The proceedings before the viewers for the allowance of damages, for property taken, injured or destroyed, and the proceedings upon their report, shall be as provided in chapter six, article two, of this act. The costs incurred in such proceedings shall be paid by the borough.

Section 7. The affairs of public libraries in boroughs shall be under the control of a board of library directors, to be composed of not less than five nor more than nine persons, as may be determined by council. The superintendent of schools of the borough shall be an ex officio member of the board. The directors shall be appointed and vacancies filled by the burgess and confirmed by council. The first appointees shall be appointed one-third for one year, one-third for two years, and one-third for three years, and all appointments to fill the places of those whose terms expire, shall be for a term of three years. Vacancies in the board of directors shall be filled for the unexpired term.

Section 8. The board of library directors shall organize by the election of a president and treasurer from its membership, and such other officers and agents as the board may deem necessary. The treasurer shall give bond in an amount to be fixed by the board.

Section 9. Every such library shall be free to the use of the residents of the borough, subject to such reasonable rules and regulations as the board of library directors may adopt, and the board may exclude from the use of a library any person who shall wilfully violate such rules. The board may extend the privileges of such library to persons residing outside the limits of such borough upon such terms and conditions as the board may prescribe.

Section 10. The board shall make an annual report to the council of the borough covering the fiscal year of such borough, stating the condition of the library and

of any branch thereof; the amount of money received from the library tax and from other sources, and how such moneys have been expended and for what purposes; the number of books and periodicals on hand and the number added by purchase, gift or otherwise during the year; the number of registered readers; the number of books loaned out, and the general character and kind of such books with such information and suggestions as may be of general interest.

Section 11. Boroughs may pass ordinances, imposing suitable penalties, for the punishment of persons committing injury to libraries, or to the grounds or property thereof, or for failing to return, at the time and in the manner specified in the rules of the library, any books belonging to the same.

Section 12. Any person desiring to make donations of books, money, personal property or real estate for the benefit of such library, may vest the title thereto in the board of library directors, to be held and controlled by such board according to the terms of the deed, gift, devise or bequest, and as to such property the board shall be held to be trustees.

Section 13. The provisions of sections one, two, three, seven, eight, nine, ten, eleven and twelve of this article shall not apply to any borough wherein a free library was established prior to the seventeenth day of June, one thousand nine hundred and one, and is in existence at the time the provisions of such sections are sought to be invoked.

Section 14. Boroughs are authorized to contract with the managers or owners of any existing non-sectarian public library for a fixed sum of money, to be paid annually, at such periods as may be agreed upon, for the free use of such library by the residents of such boroughs. No such contract shall be entered into for a longer period than three years.

Section 15. The councils may appropriate annually, from the taxes levied and collected for borough purposes, an amount not to exceed one mill on the dollar on all taxable property in such boroughs, for the purposes specified in the preceding section.

Section 16. Boroughs may make appropriations, not to exceed one mill on the dollar on all taxable property, to establish, or to aid in the establishment and maintenance of free public libraries for the use of the residents of such boroughs, upon the condition that the borough shall be represented in the management of such library.

Section 17. All taxes on dogs, levied and collected under this act for borough purposes, may be appropriated for the support and maintenance of public libraries. All library companies, to which such an

appropriation is made, shall maintain a free reading room for the use of all the inhabitants of such boroughs.

CHAPTER XI.

BURIAL GROUNDS.

ARTICLE I.

Section 1. Boroughs may prohibit within their limits, or within any described territory within such limits, the burial or interment of deceased persons, and may regulate the depth of graves.

Section 2. When the title and management of any burial ground is vested in a borough, the council of such borough, upon petition of ten lot owners in such burial ground, may transfer such burial ground and the management thereof, to an incorporated cemetery company.

Section 3. Upon the presentation, to council, of such petition, the council may pass an ordinance declaring, that upon the acceptance of the provisions of such ordinance by the incorporated cemetery company, filed with the borough secretary, the title and control of such burial ground shall vest in such incorporated cemetery companies.

Section 4. The secretary of the borough shall record the acceptance of any such incorporated cemetery company in the ordinance book of the borough, and a copy of the ordinance and the acceptance thereof, certified by the burgess and secretary of the borough, shall be recorded in the office of the recorder of deeds of the county.

Section 5. Authority is vested in the court of quarter sessions to make such orders for the regulation of burial grounds, situated in and adjacent to boroughs, as the public good shall require; and when any burial ground shall become so neglected as, in the opinion of the court, to become a public nuisance, the court may direct the removal of the dead therefrom, by the borough authorities, to some other burial ground.

Section 6. Upon the petition of any incorporated cemetery company and a majority of the taxables of any borough, the court of quarter sessions may authorize the transfer of any cemetery to the authorities of any borough in which such cemetery may be located or be adjacent thereto.

Section 7. Such transfer shall be made without cost to the borough, and upon being made the borough authorities shall exercise the powers and privileges of such incorporated company, and may purchase lands within or beyond the borough limits, not to exceed thirty acres, for the extension of such cemetery, and

may raise the means to pay for the same, by the sale of lots or otherwise, but in no event by taxation; they may lay out lots so purchased and alter the original plot of such cemetery, and may dispose of such grounds in the same manner as such incorporated company could have done.

Section 8. A deed for any lot, made by the burgess, shall be of the same validity as the deed of such incorporated cemetery company; and the burgess is authorized to make deeds to those who theretofore purchased lots, but have not been furnished with deeds by the cemetery company.

Section 9. In altering the plot of any such cemetery, the bodies may be removed and reinterred in a suitable place, but without cost to surviving relatives or friends.

Section 10. Whenever any burial ground, in charge of any religious society or church, or in charge of no one, has ceased to be used for interments, or has become so neglected as to become a public nuisance; or when such cemetery hinders the improvements and progressive interests of any borough, or is desired by the borough for any free public library building, or for any other public purpose, the court of quarter sessions of the county, upon petition of the managers of such cemetery, or upon the petition of fifty residents in the vicinity, in case such cemetery is not in charge of anyone, setting forth that the improvements and progressive interests of such borough are hampered and the welfare of such borough is injured; or upon the petition of such borough, setting forth that such cemetery is desired by the borough for the erection thereon of a free public library building, or for any other public purpose; and after three weeks of advertisement, may direct the removal of the remains of the dead from such burial ground.

Section 11. No application, as provided in the preceding section, shall be made by the managers of any cemetery, in charge of any society or church, except in pursuance of the wishes of a majority of the members of such society or church, expressed at a meeting held for that purpose, after two weeks' public notice.

Section 12. Such removal shall be made by the managers of such cemetery, or by the borough when such cemetery is in charge of no one, in a careful manner at the expense of the party making such removal to such other burial ground as may be selected; or if so desired by relatives or friends, to some cemetery in the immediate vicinity.

Section 13. The parties making such removal shall publish, for two successive weeks, in two daily or weekly newspapers of the borough or county, a notice declaring their intention to remove such remains.

Section 14. Relatives and friends of such dead may remove such remains, at any time during such proceedings at their own expense, before removal by the managers.

Section 15. All bodies, when so removed, shall be placed in separate baskets and graves, and the markers placed by the remains of such bodies shall be taken by the persons authorized to make such removal, and placed as near as can be in the same relative position as before removal.

CHAPTER XII.

ENFORCEMENT OF ORDINANCES—ACTIONS BY AND AGAINST BOROUGHS.

ARTICLE I.

ENFORCEMENT OF ORDINANCES.

Section 1. Fines and penalties made payable by this act, or imposed under the ordinances of any borough, shall be recoverable before any justice of the peace of the borough in the same manner as debts not exceeding three hundred dollars are recoverable, and when so recovered shall be forthwith paid to the treasurer of the borough.

Section 2. Policemen of the several boroughs may, without warrant and upon view, arrest and commit for hearing, any person guilty of a breach of the peace, vagrancy, riotous or disorderly conduct or drunkenness; or that may be engaged in the commission of any unlawful act tending to imperil the personal security or endanger the property of citizens, or violating any of the ordinances of such borough for the violation of which a penalty is imposed. Persons so arrested shall be entitled to give bail for their appearance according to the practice in cases of summary convictions.

Section 3. All proceedings for the violation of borough ordinances and for the collection of fines and penalties imposed thereby, may be commenced by warrant or by summons at the discretion of the burgess or justice of the peace before whom the proceedings are commenced, but no warrant shall be issued except on oath or affirmation specifying the ordinance for the violation of which the same is issued, and all process may be directed to and be served by any policeman of the borough, who may execute the same anywhere within the Commonwealth.

Section 4. Warrants shall be returnable forthwith, and upon such return, like proceedings shall be had as in cases of summary conviction, with the same right of appeal from any final judgment.

Section 5. When any person is arrested on view, a complaint, on oath or affirmation, shall be immediately made, whereupon like proceedings shall be had as provided in the preceding section.

Section 6. Any person arrested for the violation of a borough ordinance may be committed to the borough lock-up, pending a hearing or trial, but in case there is no suitable lock-up in which to detain prisoners, the person arrested may be committed to the county jail.

Section 7. Upon judgment against any person by summary conviction, or by proceedings by summons, on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the borough lock-up for a period not exceeding five days, or to the county jail for a period not exceeding thirty days.

Section 8. No fine or penalty shall exceed one hundred dollars for any single violation of any ordinance. In case the defendant has goods or property of any kind whatsoever, out of which the judgment and costs can be collected by execution or other process, the plaintiff in the action may elect to collect the judgment and costs by such proceedings.

Section 9. When any person shall have been arrested by authority of the burgess or justice of the peace of any borough, charged with being a vagrant or tramp, and having refused to pay the fine imposed for such offense, the burgess or justice of the peace shall have authority to commit such person to the lock-up in such borough, for a term not exceeding five days, or compel such person to work upon the public works or streets of the borough, for period of time not exceeding one day for each dollar of fine imposed.

Section 10. Any such defendant, as provided in the preceding section, may appeal to the court of quarter sessions, upon entering into recognizance with at least one surety in double the amount of the fine and costs for his appearance in court, and the offense shall be prosecuted in court as in the case of misdemeanors.

Section 11. When a prisoner shall be committed to any county jail or prison, either for the non-payment of a fine or penalty imposed for the violation of any borough ordinance, or while awaiting a hearing upon any charge for the violation of any borough ordinance, the costs of the proceedings and the expenses of maintaining such prisoner during his confinement, shall be paid by the borough, and the county shall not be liable to the sheriff for any maintenance, or to any person for any costs in such proceedings.

LAWS OF PENNSYLVANIA,

CHAPTER XII.

ENFORCEMENT OF ORDINANCES—ACTIONS BY AND AGAINST BOROUGHS.

ARTICLE II.

ACTIONS BY AND AGAINST BOROUGHS.

(a) MUNICIPAL CLAIMS.

Section 1. Boroughs may proceed for the recovery of municipal claims, by lien or by action of assumpsit; and jurisdiction is conferred upon justices of the peace to entertain such actions of assumpsit to the amount of three hundred dollars. In all proceedings for the recovery of municipal claims an attorney's commission of five per centum may be included, not to exceed twenty dollars.

(b) DEFENSES BY TAXPAYERS.

Section 2. Any taxpayer of any borough may inquire into the validity of any judgment, or defend the borough in any suit or judgment, upon filing a petition with the court of common pleas of the county in which such suit is pending or judgment exists, accompanied by an affidavit that the taxpayer believes that injustice will be done to the borough in such suit or judgment. Whenever it is deemed necessary, the court may order such taxpayer to file a bond with one or more sureties, to be approved by court, to save harmless the borough from all costs that may accrue in such proceeding subsequent to the filing of such petition.

Section 3. Whenever a judgment is rendered by any justice of the peace or alderman against any borough, and a right of appeal is given to such borough, and for ten days immediately after the rendition of such judgment the borough officials neglect to perfect an appeal, any taxpayer of such borough may take an appeal, in behalf of the borough, from such judgment to the court of common pleas of the county within the time prescribed for the taking of such appeal.

Section 4. In taking the appeal, the taxpayer shall make an affidavit that the same is not taken for the purpose of delay, but because he verily believes that injustice has been done. The taxpayer shall pay the costs of the appeal and enter sufficient bail for the payment of all costs before the justice of the peace or alderman, and all costs in the court of common pleas.

Section 5. Upon the filing of such appeal in the court of common pleas of the county, the taxpayer shall be made a party to the suit and shall have the right to defend such borough therein.

(c) LIABILITY IN BOND TRANSFERS.

Section 6. All certificates of loans, issued by a borough, shall be transferable by the legal owner thereof, without any liability on the part of the transfer agents of the borough to recognize or see to the execution of any trust, whether expressed, implied or constructive, to which such loans may be subject, unless such transfer agents of the borough shall have previously received notice in writing, signed by or on behalf of the person for whom such loans appear by the certificate thereof to be held in trust, that the proposed transfer would be a violation of such trust.

CHAPTER XIII.

ACTS OF ASSEMBLY REPEALED.

ARTICLE I.

Section 1. (a) The following acts and parts of acts of Assembly are absolutely repealed, viz:—

Sections one, two, three, four, six, seven, ten, eleven, fourteen, and sixteen of an act, entitled "An act to provide for the incorporation of boroughs," approved the first day of April, one thousand eight hundred thirty-four (P. L. 163).

Sections one, four, five, seven, eight, nine, ten, eleven, thirteen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, and thirty-three of an act, entitled "An act regulating boroughs," approved the third day of April, one thousand eight hundred fifty-one (P. L. 320).

An act, entitled "A supplement to the act regulating boroughs, approved April third, one thousand eight hundred fifty-one," approved the twenty-second day of April, one thousand eight hundred fifty-six (P. L. 525).

An act, entitled "A supplement to an act, entitled 'An act to provide for the incorporation of boroughs,' approved the first day of April, Anno Domini one thousand eight hundred thirty-four," approved the first day of April, one thousand eight hundred sixty-three (P. L. 200).

An act, entitled "An act to authorize the councils of cities and boroughs in this Commonwealth to provide for the inspection of milk," approved the twentieth day of April, one thousand eight hundred and sixty-nine (P. L. 81).

An act, entitled "An act for the further regulation of boroughs," approved the second day of June, one thousand eight hundred seventy-one (P. L. 283).

An act, entitled "An act repealing the third section of the act approved June second, one thousand eight hundred and seventy-one, entitled 'An act for the fur-

ther regulation of boroughs,'” approved the twenty-eighth day of March, one thousand eight hundred seventy-three (P. L. 53).

An act, entitled “An act to prescribe the manner by which the courts may divide boroughs into wards,” approved the fourteenth day of May, one thousand eight hundred seventy-four (P. L. 159).

An act, entitled “An act relative to burial grounds and cemeteries situate in incorporated boroughs,” approved the nineteenth day of May, one thousand eight hundred seventy-four (P. L. 208).

An act, entitled “An act to regulate the extension of borough limits when the territory to be annexed is situate in two or more counties,” approved the eighth day of June, one thousand eight hundred seventy-four (P. L. 281).

An act, entitled “An act empowering the councils in the boroughs of this Commonwealth to prescribe by ordinance the salary to be paid out of the borough treasury to the burgess, respectively, in lieu of all fees, fines and costs, the manner in which salaries shall be paid, and directing all fees, fines and costs to be paid into the borough treasury,” approved the thirtieth day of April, one thousand eight hundred seventy-six (P. L. 27).

An act, entitled “An act supplementary to an act entitled ‘An act relative to burial grounds and cemeteries situated in incorporated boroughs,’ approved the nineteenth day of May, eighteen hundred and seventy-four, changing the title of the said act, and authorizing the court to make orders and decrees required by the act, and to enforce the same by process,” approved the thirteenth day of May, one thousand eight hundred seventy-six (P. L. 159).

An act, entitled “An act providing for the filling of a vacancy or vacancies in the office of council or other borough offices in the several boroughs of this Commonwealth,” approved the twenty-fourth day of March, one thousand eight hundred seventy-seven (P. L. 36).

An act, entitled “A supplement to an act, entitled ‘An act to prescribe the manner by which the courts may divide boroughs into wards,’ approved the fourteenth day of May, Anno Domini eighteen hundred and seventy-four,” approved the twenty-fourth day of March, one thousand eight hundred seventy-seven (P. L. 47).

Sections one, two, three and four of an act, entitled “An act to provide through the courts of this Commonwealth for the erection of boroughs out of territory now included in cities of the third class that have been formed by joining together two or more boroughs,” approved the eighteenth day of April, one thousand eight hundred seventy-seven (P. L. 55).

Sections four and five of an act, entitled "A supplement to an act, entitled 'An act to prescribe the manner in which the courts may divide boroughs into wards,' approved the fourteenth day of May, Anno Domini one thousand eight hundred and seventy-four," approved the tenth day of May, one thousand eight hundred seventy-eight (P. L. 51).

An act, entitled "An act authorizing boroughs having charge of water works, where the rates for water are fixed by law, to change the same," approved the twenty-fourth day of May, one thousand eight hundred seventy-eight (P. L. 118).

An act, entitled "An act to provide for appointing viewers to assess damages where streets and alleys are changed in grades or location, in the several boroughs of this Commonwealth," approved the twenty-fourth day of May, one thousand eight hundred seventy-eight (P. L. 129).

An act, entitled "An act providing for the adjustment of all indebtedness between a township and one or more boroughs erected therefrom, also providing for the adjustment of the indebtedness of a township changed or merged into one or more boroughs," approved the twelfth day of June, one thousand eight hundred seventy-eight (P. L. 184).

An act, entitled "A supplement to an act for the regulation of boroughs, approved the third day of April, Anno Domini one thousand eight hundred and fifty-one," approved the eleventh day of June, one thousand eight hundred seventy-nine (P. L. 150).

An act, entitled "A further supplement to the act approved the fourteenth day of May, Anno Domini one thousand eight hundred and seventy-four, entitled 'An act to prescribe the manner in which the courts may divide boroughs into wards, and to provide for a ward representation upon school boards in said boroughs,'" approved the sixteenth day of February, one thousand eight hundred eighty-three (P. L. 5).

An act, entitled "An act to amend the first section of an act, approved the eleventh day of June, one thousand eight hundred and seventy-nine, entitled 'A supplement to an act for the regulation of boroughs, approved the third day of April, Anno Domini one thousand eight hundred and fifty-one,' so as to include all incorporated boroughs," approved the seventeenth day of May, one thousand eight hundred eighty-three (P. L. 36).

An act, entitled "A supplement to an act, entitled 'An act regulating boroughs,' approved the third day of April, Anno Domini one thousand eight hundred and fifty-one, and empowering the corporate authorities of boroughs to lay foot walks along turnpike

roads, and assess the cost of paving, curbing and gut-
tering the same on the owners of the adjoining lands,"
approved the twenty-second day of May, one thousand
eight hundred eighty-three (P. L. 39).

An act, entitled "An act to repeal part of section
seventeen of an act, entitled 'An act regulating bor-
oughs,' approved April three, Anno Domini one thou-
sand eight hundred and fifty-one, and providing the
manner of electing members of town councils in the
boroughs of this Commonwealth, and of filling vacan-
cies therein," approved the first day of June, one thou-
sand eight hundred eighty-three (P. L. 54).

An act, entitled "An act to provide for changing the
dividing lines between adjoining boroughs, where said
lines separate the property of the same owner into
two or more parts," approved the thirteenth day of
June, one thousand eight hundred eighty-three (P. L.
98).

An act, entitled "An act fixing the date of the com-
mencement of terms of borough officers and auditors
settlements," approved the thirteenth day of June,
one thousand eight hundred eighty-three (P. L. 121).

An act, entitled "A further supplement to an act
regulating boroughs, approved the third day of April,
Anno Domini one thousand eight hundred and fifty-
one," approved the third day of June, one thousand
eight hundred eighty-five (P. L. 55).

An act, entitled "An act authorizing boroughs to
supply, and to make contracts for supplying water
outside the limits of said boroughs," approved the
tenth day of June, one thousand eight hundred eighty-
five (P. L. 81).

An act, entitled "An act relating to elections in
boroughs to determine the expediency of constructing
water works in certain cases," approved the twenty-
fourth day of June, one thousand eight hundred
eighty-five (P. L. 163).

An act, entitled "An act authorizing the councils
of the boroughs of this Commonwealth to regulate and
fix the amount of license to be paid by persons or
firms engaged in the business of auctioneering within
the limits of the same," approved the seventh day of
May, one thousand eight hundred eighty-seven (P. L.
93).

An act, entitled "An act authorizing the burgess,
alderman or justice of the peace in any borough to
commit to the lockup or station house of said borough,
in certain cases," approved the eighteenth day of May,
one thousand eight hundred eighty-seven (P. L. 122).

An act, entitled "An act extending the authority
and jurisdiction of justices of the peace to the several
burgesses of this Commonwealth," approved the nine-
teenth day of May, one thousand eight hundred eighty-
seven (P. L. 133).

An act, entitled "An act appropriating the tax on dogs to the support of public libraries in boroughs," approved the twenty-third day of May, one thousand eight hundred eighty-seven (P. L. 164).

An act, entitled "A further supplement to an act regulating boroughs, approved the third day of April, Anno Domini one thousand eight hundred and fifty, authorizing the erection and leasing of wharves, and the collection of wharfage thereon," approved the seventeenth day of April, one thousand eight hundred eighty-nine (P. L. 34).

An act, entitled "A further supplement to an act, entitled 'An act regulating boroughs,' approved the third day of April, one thousand eight hundred and fifty-one, authorizing the corporate authorities to levy and collect a license tax on hacks, carriages and other vehicles carrying persons or property for pay," approved the twenty-second day of April, one thousand eight hundred eighty-nine (P. L. 39).

An act, entitled "An act authorizing the councils of incorporated boroughs to require the paving, curbing and macadamizing of streets or thoroughfares, or parts thereof, and assess a portion of the cost of the same on the owners of property abutting thereon, and providing for the collection of the same," approved the twenty-third day of April, one thousand eight hundred eighty-nine (P. L. 44).

An act, entitled "An act providing for appeals from decrees of courts of quarter sessions incorporating boroughs," approved the ninth day of May, one thousand eight hundred eighty-nine (P. L. 174).

An act, entitled "An act to enable boroughs to adopt and construct sewage systems and to assess and collect the cost thereof," approved the fifteenth day of May, one thousand eight hundred eighty-nine (P. L. 220).

An act, entitled "An act to provide for the division of boroughs and the erection of new boroughs," approved the twenty-ninth day of May, one thousand eight hundred eighty-nine (P. L. 393).

An act, entitled "An act to authorize any borough now incorporated or that may hereafter be incorporated, to manufacture electricity for commercial purposes, for the use of the inhabitants of said boroughs and for this purpose to erect, purchase or condemn electric-light plants and apparatus, and making valid the acts of any borough which has heretofore manufactured the same, or incurred any indebtedness thereby, in accordance with the provisions of this act," approved the twentieth day of May, one thousand eight hundred ninety-one (P. L. 90).

An act, entitled "An act to authorize the burgess and council of all incorporated boroughs to widen and deepen streams and water-courses running through said boroughs, and to erect dykes and embankments along

the same, and to empower the burgess and councils to enter upon private property on and along such streams and water-courses for the purpose of procuring material for such work, and to provide for the payment of the expense thereof, and the assessment of damages sustained to provide private parties thereby," approved the eighth day of June, one thousand eight hundred ninety-one (P. L. 210).

An act, entitled "An act to authorize the election of a chief burgess for three years in the several boroughs of this Commonwealth who shall not be eligible to the office for the next succeeding term, and providing that such officer shall not be a member of the town council, giving him the power to veto ordinances, providing for the election of a presiding officer of councils and abolishing the office of assistant burgess," approved the twenty-third day of May, one thousand eight hundred ninety-three (P. L. 113).

An act entitled "An act authorizing the appointment of policemen in the boroughs of this Commonwealth, defining their powers and duties, and providing for their compensation and discharge," approved the sixth day of June, one thousand eight hundred ninety-three (P. L. 327).

Sections one, two, three, four, five, six, seven and ten of an act, entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof," approved the sixth day of June, one thousand eight hundred ninety-three (P. L. 335).

An act, entitled "An act to designate the number of councilmen to be elected in the several boroughs of the Commonwealth not divided into wards, to provide for their election and for the filling of vacancies, and to fix the length of term for which they shall serve," approved the twenty-second day of May, one thousand eight hundred ninety-five (P. L. 109).

An act, entitled "An act authorizing the councils of incorporated boroughs to change the designations of wards," approved the twenty-fourth day of June, one thousand eight hundred ninety-five (P. L. 241).

An act, entitled "A supplement to an act approved May twenty-fourth, one thousand eight hundred and seventy-eight, entitled 'An act to provide for appointing viewers to assess damages where streets and alleys are changed in grades or location, in the several boroughs of this Commonwealth,' providing that the viewers therein named shall be entitled to mileage in addition to their per diem pay," approved the twenty-fourth day of June, one thousand eight hundred ninety-five (P. L. 248).

An act, entitled "An act to amend an act, entitled 'An act empowering the councils in the boroughs of this Commonwealth to prescribe by ordinance, the salary to be paid out of the borough treasury to the

burgess respectively, in lieu of all fees, fines and costs, the manner in which salaries shall be paid, and directing all fees, fines and costs to be paid into the borough treasury,' approved the thirteenth day of April, Anno Domini one thousand eight hundred and seventy-six, extending the provisions of said act to all boroughs in this Commonwealth, whether incorporated under general or special laws," approved the twenty-fourth day of June, one thousand eight hundred ninety-five (P. L. 255).

An act, entitled "An act to change the proceedings for the incorporation of boroughs in this Commonwealth, providing for the approval of the application of incorporation by the court, and abolishing that part of the proceeding which requires the laying of the same before the grand jury and its approval thereof," approved the twenty-sixth day of June, one thousand eight hundred ninety-five (P. L. 389).

An act, entitled "An act providing for the filling of any vacancy in the office of burgess in the several boroughs of this Commonwealth," approved the second day of July, one thousand eight hundred ninety-five (P. L. 433).

An act, entitled "An act to authorize the courts of quarter sessions to declare the seats of councilmen in boroughs vacant when they fail to organize for ten days after the beginning of their term, and to fill the vacancies so made," approved the twenty-seventh day of March, one thousand eight hundred ninety-seven (P. L. 8).

An act, entitled "An act supplementary to an act, entitled 'An act regulating boroughs,' approved the third day of April, Anno Domini one thousand eight hundred and fifty-one, providing for the grading of streets and highways in boroughs according to the foot-front rule, and for the assessment and collection of the costs and expenses thereof," approved the nineteenth day of May, one thousand eight hundred and ninety-seven (P. L. 79).

An act, entitled "An act to authorize boroughs of the Commonwealth of Pennsylvania to make appropriations for the establishment and maintenance of free public libraries," approved the twenty-fifth day of May, one thousand eight hundred ninety-seven (P. L. 84).

An act, entitled "An act empowering boroughs of this Commonwealth, without petition of property owners, to grade, pave, curb, macadamize, and otherwise improve public streets, or parts thereof, when said streets or parts thereof do not exceed five hundred feet in length and connect two streets theretofore paved and improved, and providing for the payment and

collection of the costs, damages and expenses thereof," approved the thirty-first day of May, one thousand eight hundred ninety-seven (P. L. 114).

An act, entitled "An act amending subdivision eight of section three of an act, entitled 'An act regulating boroughs,' approved the third day of April, Anno Domini one thousand eight hundred and fifty-one; and prescribing the notice to be given of any proposition to fix or change the grade, or the laying out, widening, straightening, extending or vacating the streets, roads, lanes or alleys in any borough in the Commonwealth," approved the twelfth day of July, one thousand eight hundred ninety-seven (P. L. 246).

An act, entitled "An act to amend the thirtieth section of an act, entitled 'An act regulating boroughs,' approved the third day of April, Anno Domini one thousand eight hundred and fifty-one, empowering the burgess and town council of any borough to annex adjacent lots or out lots, or other tracts of land, on the petition of a majority of the freehold owners thereof," approved the fifteenth day of July, one thousand eight hundred ninety-seven (P. L. 296).

An act, entitled "An act to amend section thirty-three of an act, entitled 'An act regulating boroughs,' approved the third day of April, Anno Domini one thousand eight hundred and fifty-one, so as to extend the provisions which authorize boroughs incorporated before April third, one thousand eight hundred and fifty-one, to become subject to the restrictions and possess the powers and privileges conferred by said act, to boroughs incorporated since April third, one thousand eight hundred and fifty-one," approved the sixteenth day of March, one thousand eight hundred ninety-nine (P. L. 10).

An act, entitled "An act to amend the fourth section of an act, entitled 'An act for the further regulation of boroughs,' approved the second day of June, Anno Domini one thousand eight hundred and seventy-one,' specifying the mode of procedure in cases where the burgess and town council of any borough pass an ordinance annexing adjacent lands of a township, lots or out lots of the same," approved the sixth day of April, one thousand eight hundred ninety-nine (P. L. 33).

An act, entitled "An act to further amend the thirtieth section of an act, entitled 'An act regulating boroughs,' approved the third day of April, Anno Domini one thousand eight hundred and fifty-one, as amended by an act approved the fifteenth day of July, Anno Domini one thousand eight hundred and ninety-seven, empowering the burgess and town council of any borough, on petition of a majority of the freehold owners of lots or out lots, or other tracts of land in any section lying adjacent to said borough,

to annex the section which such petitioners or others own," approved the twenty-eighth day of April, one thousand eight hundred ninety-nine (P. L. 115).

An act, entitled "An act to amend section one of an act, entitled 'A supplement to the act regulating boroughs,' approved April third, one thousand eight hundred and fifty-one," approved the twenty-second day of April, Anno Domini one thousand eight hundred and fifty-six, and providing for the opening of sidewalks along lands abutting on turnpike roads, and ascertaining the benefits and damages caused thereby," approved the second day of May, one thousand nine hundred one (P. L. 113).

An act, entitled "An act authorizing and empowering councils of boroughs within this Commonwealth to contract with any incorporated water company, authorized to do business within such municipality, for a supply of water for fire protection, and for other municipal purposes," approved the second day of May, one thousand nine hundred one (P. L. 137).

An act, entitled "An act authorizing boroughs to provide a supply of water for the use of the public, either by the erection and operation of water works or by contracts with persons or corporations authorized to supply water within the limits of said boroughs, or by both methods," approved the third day of May, one thousand nine hundred one (P. L. 140).

An act, entitled "An act relating to connection of property with public sewers in boroughs," approved the twenty-first day of May, one thousand nine hundred one (P. L. 265).

An act, entitled "An act providing for the service of notice to build or repair sidewalks in the several boroughs of this Commonwealth," approved the twenty-fourth day of May, one thousand nine hundred one (P. L. 297).

An act, entitled "An act authorizing the policemen of the several boroughs of this Commonwealth to perform the duties of high constable, and regulating compensation for their services," approved the twenty-fourth day of May, one thousand nine hundred one (P. L. 297).

An act, entitled "A further supplement to an act, entitled 'An act regulating boroughs,' approved the third day of April, Anno Domini one thousand eight hundred and fifty-one; amending a supplement to said act, approved the twenty-second day of May, Anno Domini one thousand eight hundred and eighty-three; and empowering the corporate authorities of boroughs to lay out foot-walks, pavements, gutters, culverts and drains, over and upon lands within the boroughs, abutting on and along the side or sides of public roads entirely without the borough limits; and to assess the paving, curbing and guttering of the

same on the owners of adjoining lands," approved the twenty-fourth day of May, one thousand nine hundred one (P. L. 299).

An act, entitled "An act amending section thirty-three of an act, entitled 'An act to regulate boroughs,' approved third April, one thousand eight hundred and fifty-one; designating who shall make application for a borough, previously incorporated, to become subject to the restrictions and possess the powers and privileges conferred by said act of one thousand eight hundred and fifty-one," approved the fourth day of June, one thousand nine hundred one (P. L. 362).

An act, entitled "An act providing that the president of council in all boroughs shall exercise the duties of burgess in the absence or disqualification of that official," approved the tenth day of June, one thousand nine hundred one (P. L. 551).

An act, entitled "An act authorizing boroughs of this Commonwealth to require the planting of shade-trees along the public streets thereof, by the owners of abutting property, in certain cases," approved the seventeenth day of June, one thousand nine hundred one (P. L. 569).

An act, entitled "An act authorizing the town councils of the several boroughs of this State to pay a portion of the cost and expense of grading and curbing sidewalks," approved the nineteenth day of June, one thousand nine hundred one (P. L. 573).

An act, entitled "An act authorizing any borough within this Commonwealth, on the written request of the Board of Health to confine and pave, or completely enclose, any creek, run or natural waterway, other than navigable streams, and for this purpose to enter upon, condemn and take property and material necessary to such confining and paving or complete enclosure; and providing for the ascertainment and assessment of costs, damages and expenses as well as the levy and collection of benefits, arising therefrom, and constituting such benefits a lien upon the properties upon which they are respectively assessed," approved the tenth day of July, one thousand nine hundred one (P. L. 634).

An act, entitled "An act to amend the first clause of the second section, and the third section, of an act, entitled 'An act to provide for the consolidation of boroughs and the government and regulation thereof,' approved the sixth day of June, Anno Domini one thousand eight hundred and ninety-three, removing any limit upon the number of wards into which a consolidated borough may be divided, and defining the laws and ordinances by which a consolidated borough shall be governed," approved the twenty-sixth day of February, one thousand nine hundred three (P. L. 6).

An act, entitled "An act supplementary to an act, entitled 'An act to amend an act, entitled "An act to authorize the election of constables for three years," approved the fourteenth day of February, Anno Domini one thousand eight hundred and eighty-nine, by providing for the election of a high constable of each of the boroughs of this Commonwealth, for three years, and by correcting the ambiguity as to the beginning of the terms of office under said act,' approved the twenty-sixth day of June, Anno Domini one thousand eight hundred and ninety-five; making provisions for the filling of vacancies in the office of high constable in any borough, or in the office of constable in any borough, ward of any borough, or township of this Commonwealth," approved the eleventh day of March, one thousand nine hundred three (P. L. 22).

An act, entitled "An act to provide for the election of councilmen, in the several boroughs of this Commonwealth, by wards," approved the thirteenth day of April, one thousand nine hundred three (P. L. 171).

An act, entitled "An act authorizing the chief burgesses of the several boroughs of this Commonwealth to administer all oaths and affirmations in matters pertaining to borough affairs," approved the twenty-third day of April, one thousand nine hundred three (P. L. 291).

An act, entitled "An act authorizing any of the boroughs of this Commonwealth to pay a salary to the chief burgess thereof," approved the seventh day of April, one thousand nine hundred five (P. L. 116).

An act, entitled "An act to further amend the first clause of the second section of an act, entitled 'An act to provide for the consolidation of boroughs, and the government and regulation thereof,' approved the sixth day of June, Anno Domini one thousand eight hundred and ninety-three; authorizing provisions in the joint agreement for such consolidation, for the use and disposition of the separate assets and the liquidation of the separate debts of such boroughs, and for separate rates of taxation therein for that purpose," approved the tenth day of April, one thousand nine hundred five (P. L. 136).

An act, entitled "A supplement to an act, entitled 'An act to provide for the consolidation of boroughs, and the government and regulation thereof,' approved the sixth day of June, Anno Domini one thousand eight hundred and ninety-three, as amended by an act approved the twenty-sixth day of February, Anno Domini one thousand nine hundred and three, entitled 'An act to amend the first clause of the second section, and the third section, of an act, entitled "An act to provide for the consolidation of boroughs, and the government and regulation thereof," approved the sixth day of June, Anno Domini one thousand eight

hundred and ninety-three, removing any limit upon the number of wards into which a consolidated borough may be divided, and defining the laws and ordinances by which a consolidated borough shall be governed,' defining the meaning of said act as amended, and confirming the consolidation of boroughs partly lying or situate in different counties, and providing for their government and regulation," approved the fourteenth day of April, one thousand nine hundred five (P. L. 155).

An act, entitled "A supplement to an act, entitled 'An act authorizing the councils of incorporated boroughs to require the paving, curbing and macadamizing of streets or thoroughfares, or parts thereof, and assess a portion of the cost of the same on the owners of property abutting thereon, and providing for the collection of the same,' approved the twenty-third day of April, Anno Domini one thousand eight hundred and eighty-nine, pamphlet laws forty-four; providing that if the petition for said improvement has been verified by the affidavit of one or more of the petitioners, notice may be given of the passage of the ordinance requiring said improvement, and allowing an appeal therefrom, by any person interested, to any court of common pleas of the county; and, if such appeal is dismissed, or no such appeal is taken, then all parties interested shall be estopped from denying that said petition was signed by the requisite number of owners, representing the requisite number of feet fronting on the street to be improved," approved the fourteenth day of April, one thousand nine hundred five (P. L. 168).

An act, entitled "An act to amend the second section of an act, entitled 'An act to authorize the election of a chief burgess for three years in the several boroughs in this Commonwealth, who shall not be eligible to the office for the next succeeding term, and providing that such officer shall not be a member of the town council, giving him the power to veto ordinances, providing for the election of a presiding officer of councils, and abolishing the office of assistant burgess,' approved the twenty-third day of May, Anno Domini one thousand eight hundred and ninety-three; so as to authorize and empower the chief burgess to attend meetings of town councils at their annual organization for the election of such officers as are, by law and borough ordinances, at that time required to be elected, and who shall have no vote unless the councils be equally divided, when he shall cast the deciding vote," approved the eighteenth day of April, one thousand nine hundred five (P. L. 215).

An act, entitled "An act authorizing the councils of incorporated boroughs to require the subgrading, paving, curbing and macadamizing of streets or thorough-

fares or parts thereof, and assess the cost of the same on the owners of property abutting thereon, providing four-fifths of said owners petition councils for same, and providing for the collection of the cost of same," approved the twentieth day of April, one thousand nine hundred five (P. L. 232).

An act, entitled "An act authorizing boroughs to require the grading, paving, repaving and repairing of sidewalks, and the constructing and repairing of curbs and gutters at the edge of sidewalks, by the owner or owners of lots fronting thereon; and providing that, in case of failure to comply with such requirements, the borough may cause the work to be done, and collect the cost and charges thereof," approved the twentieth day of April, one thousand nine hundred five (P. L. 235).

An act, entitled "An act to authorize boroughs of the Commonwealth of Pennsylvania to contract with the duly constituted managers or owners of existing non-sectarian public libraries, for the free use of such libraries by the residents of such boroughs, and to make appropriations for the hiring and procuring of such free use," approved the twenty-second day of April, one thousand nine hundred five (P. L. 281).

An act, entitled "An act amending an act, entitled 'An act authorizing any of the boroughs of this Commonwealth to pay a salary to the chief burgess thereof' (Pamphlet Laws, one thousand nine hundred and five, page one hundred and sixteen), by providing that in boroughs of over five thousand population, where such salary would fall below the sum of fifty dollars per month the borough council, in its wisdom, may increase said salary to an amount not exceeding fifty dollars per month," approved the fifteenth day of April, one thousand nine hundred seven (P. L. 61).

An act, entitled "An act to amend the first section of an act, entitled 'To enable boroughs to adopt and construct sewerage systems, and to assess and collect the cost thereof,' approved the fifteenth day of May, Anno Domini one thousand eight hundred and eighty-nine (Pamphlet Laws, page two hundred and twenty), by providing for the construction of sewers without a petition of a majority of property owners, and requiring a permit from the Commissioner of Health," approved the twenty-third day of April, one thousand nine hundred seven (P. L. 97).

An act, entitled "A supplement to the act of April third, eighteen hundred and fifty-one, entitled 'An act regulating boroughs,' providing for the election of a borough solicitor, fixing the term of office and prescribing his duties, and authorizing the town council to fix his compensation," approved the twenty-fifth day of April, one thousand nine hundred seven (P. L. 103).

An act, entitled "An act to amend section one of an act, entitled 'An act empowering boroughs of this Commonwealth, without petition of property owners, to grade, pave, curb, macadamize, and otherwise improve public streets, or parts thereof, when said streets, or parts thereof, do not exceed five hundred feet in length and connect two streets theretofore paved and improved, and providing for the payment and collection of the costs, damages and expenses thereof,' approved May thirty-first, Anno Domini one thousand eight hundred and ninety-seven, by increasing the length of street so to be improved to one thousand feet," approved the seventh day of May, one thousand nine hundred seven (P. L., 168).

An act, entitled "An act authorizing the corporate authorities of boroughs to expend not exceeding one-half of the annual appropriation for roads and streets, in curbing and paving or macadamizing any street, lane or alley therein," approved the eighth day of May, one thousand nine hundred seven (P. L., 183).

Section one of an act, entitled "An act concerning building regulation and inspection in boroughs," approved the eighth day of May, one thousand nine hundred seven (P. L. 184).

An act, entitled "An act empowering incorporated boroughs to pass such ordinance as may be necessary to regulate or prevent the erection of wooden dwelling-houses, shops, warehouses, stores, carriage-houses, stables, or other frame buildings within the limits of the borough," approved the twenty-third day of May, one thousand nine hundred seven (P. L., 203).

An act, entitled "An act authorizing boroughs to erect and maintain garbage-furnaces, and pass rules and regulations for the collection, care and removal of garbage, and provide penalties for the violation of the same," approved the twenty-fifth day of May, one thousand nine hundred seven (P. L. 230).

An act, entitled "An act authorizing and empowering the several boroughs of this Commonwealth to purchase or acquire by condemnation proceedings such real estate, within or without the borough limits, as may be necessary for present and future use; upon which to erect, construct and maintain garbage or incinerating furnaces, sewage-disposal works or plants, with the necessary filter-beds, appliances, drains and sewers, and for the extensions thereof," approved the first day of April, one thousand nine hundred nine (P. L., 79).

An act, entitled "An act empowering the councils of boroughs in the Commonwealth to fix by ordinance the salary of the burghess of said boroughs," approved the twenty-third day of April, one thousand nine hundred nine (P. L., 154).

An act, entitled "An act authorizing the burgess and council in any incorporated borough in this Commonwealth, in which is vested the title, control, and management of any cemetery or burial ground, to transfer said title, control, and management to an incorporated cemetery company, and providing how such transfer shall be effected," approved the twenty-third day of April, one thousand nine hundred nine (P. L., 155).

An act, entitled "An act fixing the length of the term of borough treasurers and street commissioners, in boroughs of this Commonwealth that are elected by the electors at large," approved the sixth day of May, one thousand nine hundred nine (P. L., 440).

An act, entitled "An act amending the first section of an act, approved the twenty-fourth day of May, Anno Domini one thousand eight hundred and seventy-eight, entitled 'An act to provide for appointing viewers to assess damages, where streets and alleys are changed in grades or location in the several boroughs of this Commonwealth,' by fixing the number of the viewers at three," approved the twenty-seventh day of April, one thousand nine hundred eleven (P. L., 89).

An act, entitled "A supplement to an act, entitled 'An act authorizing the councils of incorporated boroughs to require the subgrading, paving, curbing, and macadamizing of streets or thoroughfares, or parts thereof, and assess the cost of the same on the owners of property abutting thereon, provided four-fifths of said owners petition councils for same, and providing for the collection of the cost of same,' approved twentieth day of April, Anno Domini one thousand nine hundred and five (Pamphlet Laws, two hundred and thirty-two); providing that if the petition for said improvement has been verified by the affidavit of one or more of the petitioners, notice may be given of the passage of the ordinance requiring said improvement, and allowing an appeal therefrom by any person interested to any court of common pleas of the county; and if such appeal is dismissed, or no such appeal is taken, then all parties interested shall be estopped from denying that said petition was signed by the requisite number of owners, representing the requisite number of feet fronting on the street to be improved," approved the fifth day of May, one thousand nine hundred eleven (P. L., 166).

An act, entitled "An act authorizing the proper authorities of adjoining boroughs to fix and determine the dividing line between said boroughs, where the location of the same is uncertain, and to change the dividing line between adjoining boroughs, and providing the manner of procedure in such cases," approved the fifth day of May, one thousand nine hundred eleven (P. L., 176).

An act, entitled "An act empowering boroughs of this Commonwealth, without petition of the property owners, to grade, pave, curb, macadamize, and otherwise improve public streets, or parts thereof, and assess a portion of the cost of the same on the owners of property abutting thereon; and providing for the collection of the same," approved the twelfth day of May, one thousand nine hundred eleven (P. L., 288).

An act, entitled "An act making void the surveying or laying out of certain highways and sewers over private property, in boroughs, where the work has not been commenced within two years from the passage of the ordinance," approved the first day of June, one thousand nine hundred eleven (P. L., 541).

An act, entitled "An act authorizing boroughs to lay out, and maintain as public parks, land heretofore acquired outside of the borough limits," approved the first day of June, one thousand nine hundred eleven (P. L., 544).

An act, entitled "An act to amend section one of an act, entitled 'An act authorizing the councils of incorporated boroughs to require the paving, curbing, and macadamizing of streets or thoroughfares or parts thereof, and assess a portion of the cost of the same on the owners of property abutting thereon, and providing for the collection of the same,' approved April twenty-third, one thousand eight hundred and eighty-nine, by fixing a different portion of the cost and expense which may be assessed against abutting property, where the property on one side of the street or thoroughfares desired to be improved is exempt from assessment," approved the eighth day of June, one thousand nine hundred eleven (P. L., 714).

An act, entitled "An act to amend section three of an act, entitled 'An act authorizing the appointment of policemen in the boroughs of this Commonwealth, defining their powers and duties, and providing for their compensation and discharge,' approved June sixth, Anno Domini one thousand eight hundred and ninety-three, by regulating the control of policemen when on duty," approved the eighth day of June, one thousand nine hundred eleven (P. L., 720).

An act, entitled "An act to amend section one of an act, entitled 'An act authorizing the councils of incorporated boroughs to require the paving, curbing, and macadamizing of streets or thoroughfares, or parts thereof, and assess a portion of the costs of the same on the owners of property abutting thereon, and providing for the collection of the same,' approved the twenty-third day of April, Anno Domini one thousand eight hundred and eighty-nine, so as to change the requirements of the petition for paving from two-thirds of the owners of property representing not less than two-thirds in number of feet of the properties front-

ing or abutting on the street or thoroughfares, or the part thereof proposed to be paved, to the owners of property representing not less than two-thirds in number of feet of the properties fronting or abutting on the street or thoroughfares, or the part thereof proposed to be paved, and repealing all acts or parts of acts inconsistent herewith," approved the thirteenth day of June, one thousand nine hundred eleven (P. L., 887).

An act, entitled "An act providing for the election of councilmen in the several boroughs of this Commonwealth, and fixing the time and manner of the organization of the town councils therein," approved the nineteenth day of June, one thousand nine hundred eleven (P. L., 1047).

An act, entitled "An act amending the first section of an act, approved the twenty-second day of April, Anno Domini one thousand eight hundred and fifty-six, entitled 'A supplement to the act regulating boroughs, approved April third, one thousand eight hundred fifty-one,' by fixing the number of the viewers at three," approved the twentieth day of June, one thousand nine hundred eleven (P. L., 1085).

An act, entitled "An act providing for and regulating the purchase or condemnation of real estate by boroughs, for the purpose of constructing wharves, landing-places, and docks," approved the twenty-first day of June, one thousand nine hundred eleven (P. L., 1099).

An act entitled "An act to provide for the making of a new ordinance book and record of the ordinances of any borough, in which the ordinance book thereof has become lost, destroyed, or so much worn or mutilated as to be unserviceable," approved the twenty-first day of June, one thousand nine hundred eleven (P. L., 1113).

An act, entitled "An act to amend section four of an act, approved the nineteenth day of June, one thousand nine hundred eleven, entitled 'An act providing for the election of councilmen in the several boroughs of this Commonwealth, and fixing the time and manner of the organization of the town councils therein,'" approved the twentieth day of May, one thousand nine hundred thirteen (P. L., 268).

An act, entitled "An act to amend the first section of an act approved the twenty-fifth day of April, one thousand nine hundred and seven (Pamphlet Laws, one hundred three), entitled 'A supplement to the act of April third, eighteen hundred and fifty-one, entitled 'An act regulating boroughs,' providing for the election of a borough solicitor, fixing the term of office and prescribing his duties, and authorizing the town council to fix his compensation,' so as to include all boroughs, and by changing the length of the term and

the time of the election of borough solicitors, and extending the terms of the borough solicitors, holding office under the act of April twenty-fifth, nineteen hundred and seven, and providing for the furnishing of a bond by a trust or bonding company," approved the fifth day of June, one thousand nine hundred thirteen (P. L., 409).

An act, entitled "An act to amend an act, approved the third day of April, one thousand eight hundred and fifty-one, entitled 'An act regulating boroughs,' as amended," approved the fifth day of June, one thousand nine hundred thirteen (P. L. 411).

An act, entitled "An act empowering the several boroughs of the Commonwealth to enact and enforce ordinances prohibiting accumulations of garbage or rubbish upon private properties within their respective limits," approved the fifth day of June, one thousand nine hundred thirteen (P. L., 434).

An act, entitled "A further supplement to an act, entitled 'An act to regulate boroughs,' approved the third day of April, one thousand eight hundred and fifty-one, authorizing the corporate authorities of any borough to levy and collect a license-tax on hacks, carriages, omnibuses, and motor-vehicles carrying persons or property for pay; to regulate the operation and compensation of such vehicles within the limits of any such borough, or between any such borough and other points or places," approved the fifth day of June, one thousand nine hundred thirteen (P. L., 434).

An act, entitled "An act providing for the election of a borough controller in all boroughs of this Commonwealth; prescribing the qualifications, powers and duties thereof; and abolishing the office of borough auditors in said boroughs," approved the twelfth day of June, one thousand nine hundred thirteen (P. L., 499).

An act, entitled "An act to amend section one of an act, entitled 'An act to amend section three of an act, entitled "An act authorizing the appointment of policemen in the boroughs of this Commonwealth, defining their powers and duties, and providing for their compensation and discharge," approved June sixth, Anno Domini one thousand eight hundred and ninety-three, by regulating the control of policemen when on duty,' approved June eighth, one thousand nine hundred and eleven," approved the nineteenth day of June, one thousand nine hundred thirteen (P. L., 538).

An act, entitled "An act to amend an act, approved the sixth day of June, one thousand eight hundred ninety-three, entitled 'An act to provide for the consolidation of boroughs and the government and regulation thereof,' as amended," approved the nineteenth day of June, one thousand nine hundred thirteen (P. L., 540).

(b) THE FOLLOWING ACTS AND PARTS OF ACTS OF ASSEMBLY ARE ABSOLUTELY REPEALED EXCEPT IN SO FAR AS THEY RELATE TO ASSESSORS, CONSTABLES, ELECTIONS, JUSTICES OF THE PEACE, OVERSEERS OF THE POOR, SCHOOL DIRECTORS, OR TAXATION, VIZ:—

Sections five, eight, nine, twelve, thirteen and fifteen of an act, entitled "An act to provide for the incorporation of boroughs," approved the first day of April, one thousand eight hundred thirty-four (P. L., 163).

Sections two, three, six, twelve, fourteen, fifteen, sixteen, seventeen and twenty-six of an act, entitled "An act regulating boroughs," approved the third day of April, one thousand eight hundred fifty-one (P. L., 320).

An act, entitled "An act supplementary to an act, entitled 'An act to prescribe the manner by which the courts may divide boroughs into wards,' approved the fourteenth day of May, Anno Domini one thousand eight hundred seventy-four," approved the seventeenth day of February, one thousand eight hundred seventy-six (P. L., 6).

Section one of an act, entitled "A supplement to an act, entitled 'An act to prescribe the manner in which the courts may divide boroughs into wards,' approved the fourteenth day of May, Anno Domini one thousand eight hundred seventy-four," approved the tenth day of May, one thousand eight hundred seventy-eight (P. L., 51).

An act, entitled "A further supplement to the act approved the fourteenth day May, Anno Domini one thousand eight hundred seventy-four, entitled 'An act to prescribe the manner in which the courts may divide boroughs into wards,' and to extend the powers of the courts so that they may, on petition, increase the number of councilmen and school directors after decree has been made," approved the thirteenth day of May, one thousand eight hundred eighty-nine (P. L., 193).

Section eight of an act, entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof," approved the sixth day of June, one thousand eight hundred ninety-three (P. L., 335).

An act, entitled "An act to amend the ninth section of an act, entitled 'An act to provide for the consolidation of boroughs and the government and regulation thereof,' approved June sixth, Anno Domini one thousand eight hundred ninety-three, so as to allow the town council of a consolidated borough to select, annually, one street commissioner," approved the twenty-fifth day of May, one thousand eight hundred ninety-seven (P. L., 88).

An act, entitled "An act relating to boroughs, providing a method of procedure for violations of law and borough ordinances, and for collection of the fines and penalties imposed for said violations," approved the fourth day of June, one thousand eight hundred ninety-seven (P. L., 121).

An act, entitled "An act authorizing the courts of quarter sessions of the peace to decrease the number of members of town council, and the number of school directors in wards or boroughs," approved the ninth day of July, one thousand eight hundred ninety-seven (P. L., 216).

An act, entitled "An act authorizing policemen to hold and exercise the office of constables," approved the twenty-fifth day of April, one thousand nine hundred five (P. L., 309).

(c) THE FOLLOWING ACTS AND PARTS OF ACTS OF ASSEMBLY ARE REPEALED IN SO FAR AS THEY RELATE TO BOROUGHS, VIZ:—

Section thirty-four of an act, entitled "An act relating to roads, highways and bridges," approved the thirteenth day of June, one thousand eight hundred thirty-six (P. L., 531).

Section one of an act, entitled "An act providing for the adjustment of all indebtedness between an old township, or townships, and a new township, or borough, erected therefrom," approved the twelfth day of April, one thousand eight hundred sixty-six (P. L., 109).

An act, entitled "An act relating to the assessment of damage for the appropriation of land for public use," approved the fifteenth day of June, one thousand eight hundred seventy-one (P. L., 391).

An act, entitled "An act to authorize and require the auditors to publish an annual statement of the receipts and expenditures of road commissioners, supervisors, overseers of the poor, and school directors of the several townships and boroughs within this Commonwealth, and to designate a day to audit, settle and adjust township and borough accounts," approved the twenty-fourth day of April, one thousand eight hundred seventy-four (P. L., 112).

Sections one, two and three of an act, entitled "An act declaring what offices are incompatible," approved the fifteenth day of May, one thousand eight hundred seventy-four (P. L., 186).

An act, entitled "An act to facilitate the transfer of stocks and loans," approved the twenty-third day of May, one thousand eight hundred seventy-four (P. L., 222).

An act, entitled "An act for further regulation of appeals from assessments of damages to owners of property taken for public use," approved the thirteenth day of June, one thousand eight hundred seventy-four (P. L., 283).

An act entitled "An act fixing and regulating the terms of all members of councils and all other city, ward, borough, and township officers, excepting school directors, elected by the people, and fixing the time for organization of the legislative departments of the municipal governments of the Commonwealth, and the inauguration of the mayors of all the cities of the same," approved the tenth day of March, one thousand eight hundred seventy-five (P. L., 6).

An act, entitled "A supplement to an act, entitled 'An act to authorize and require the auditors to publish an annual statement of the receipts and expenditures of road commissioners, supervisors, overseers of the poor and school directors of the several townships and boroughs within this Commonwealth, and to designate a day to audit, settle and adjust township and borough accounts,' approved the twenty-fourth day of April, Anno Domini one thousand eight hundred and seventy-four," approved the thirty-first day of March, one thousand eight hundred seventy-six (P. L., 12).

An act, entitled "A supplement to an act, approved April fourteen, Anno Domini eighteen hundred and fifty-one, relating to an appeal from the decision of township auditors," approved the first day of May, one thousand eight hundred seventy-six (P. L., 88).

An act, entitled "An act conferring additional powers upon the several boroughs and incorporated towns of this Commonwealth," approved the fifth day of May, one thousand eight hundred seventy-six (P. L., 112).

An act, entitled "An act to empower any taxpayer of any township, borough, school, poor or other municipal district, upon petition and affidavit, to become a party to any suit or process pending against said district," approved the twenty-third day of March, one thousand eight hundred seventy-seven (P. L., 20).

An act, entitled "An act to prohibit cities, boroughs and municipalities from levying any license or mercantile tax, upon persons taking orders for goods or merchandise by sample, for individuals or companies who pay a license or mercantile tax at their chief place of business, and also to prohibit the collection of such licenses, or mercantile taxes," approved the seventeenth day of May, one thousand eight hundred eighty-three (P. L., 31).

An act, entitled "A supplement to an act, entitled 'An act supplementary to an act relative to burial grounds and cemeteries situated in incorporated boroughs,' approved the nineteenth day of May, one thou-

sand eight hundred and seventy-four, changing the title of said act, and authorizing the court to make orders and decrees required by the act, and to enforce the same by process, approved the thirteenth day of May, eighteen hundred and seventy-six, further empowering courts to direct removal of remains in boroughs, cities, and towns from burial grounds where interments have ceased or have become so neglected as to become a public nuisance, or such remains interfere with the improvements, extensions and interests of such cities, boroughs or towns," approved the twelfth day of May, one thousand eight hundred eighty-seven (P. L. 96).

An act, entitled "An act to provide for licensing and taxing foreign dealers in merchandise and their agents in the several cities and boroughs in the Commonwealth," approved the twenty-fourth day of May, one thousand eight hundred eighty-seven (P. L., 185).

An act, entitled "An act declaring and defining the limits of townships, boroughs and cities bounded by any of the navigable streams of the Commonwealth," approved the twenty-fourth day of May, one thousand eight hundred eighty-seven (P. L., 203).

An act, entitled "An act to authorize cities and boroughs to condemn property and rights inside and outside of their limits, for the purpose of obtaining and supplying water," approved the twenty-fifth day of May, one thousand eight hundred eighty-seven (P. L., 267).

An act, entitled "A further supplement to an act approved the eleventh day of June, Anno Domini one thousand eight hundred and seventy-nine, entitled 'A supplement to an act for the regulation of boroughs,' approved the third day of April, one thousand eight hundred and seventy-one, providing for the adjustment of indebtedness and government of the boroughs, townships and school districts affected by changes of limits of any borough in the Commonwealth," approved the first day of June, one thousand eight hundred eighty-seven (P. L., 285).

Section eleven of an act, entitled "An act authorizing the condemnation of turnpikes, roads or highways, heretofore or hereafter constructed wholly, or in part, in any county of this Commonwealth for public use, free from tolls and toll-gates, and the assessment upon the proper county of the damages to which the owner or owners thereof may be entitled, by a jury of viewers, duly appointed by the court of quarter sessions of the proper county, and providing for the maintenance of any such condemned turnpike, road or highway by the proper city, township or district," approved the second day of June, one thousand eight hundred eighty-seven (P. L., 306).

An act, entitled "An act to provide for the licensing of transient retail merchants in cities, boroughs and townships," approved the fourth day of May, one thousand eight hundred eighty-nine (P. L., 86).

An act, entitled "An act fixing the compensation of borough and township auditors in this Commonwealth," approved the fourth day of May, one thousand eight hundred eighty-nine (P. L., 86).

An act, entitled "An act relating to unused streets, lanes and alleys," approved the ninth day of May, one thousand eight hundred eighty-nine (P. L., 173).

An act, entitled "An act to provide for an appeal by county commissioners, cities or other municipalities, and all persons interested in the damages awarded for laying out, widening, grading, opening or changing the lines or grades of any public street, road or alley in this Commonwealth, from the decree of the court of quarter sessions confirming the report of the viewers assessing such damages," approved the fifteenth day of April, one thousand eight hundred ninety-one (P. L., 17).

An act, entitled "An act in relation to the laying out, opening, widening, straightening, extending or vacating streets and alleys, and the construction of bridges in the several municipalities of this Commonwealth, the grading, paving, macadamizing or otherwise improving streets and alleys, providing for ascertaining the damages to private property resulting therefrom, the assessment of the damages, costs and expenses thereof upon the property benefited, and the construction of sewers and payment of the damages, costs and expenses thereof, including damages to private property resulting therefrom," approved the sixteenth day of May, one thousand eight hundred ninety-one (P. L., 75).

An act, entitled "An act to limit the period within which petitions for the assessment of damages for the opening or widening of any street, road or highway, may be filed in the court of quarter sessions," approved the twenty-third day of May, one thousand eight hundred ninety-one (P. L., 109).

An act, entitled "An act to provide for the security to be entered by municipal corporations for the taking of land for the opening or widening of roads, streets and highways," approved the twenty-third day of May, one thousand eight hundred ninety-one (P. L., 109).

An act, entitled "An act to provide for an appeal to the court of common pleas, from the decree of the court of quarter sessions, confirming any award of viewers in proceedings to assess damages for the opening, widening or changing of grade of any street, road or highway," approved the twenty-sixth day of May, one thousand eight hundred ninety-one (P. L., 116).

Section one of an act, entitled "A supplement to an act, entitled 'An act for future regulations of appeals from assessment of damages to owners of property taken for public use,' approved the thirteenth day of June, one thousand eight hundred and seventy-four," approved the second day of June, one thousand eight hundred ninety-one (P. L., 172).

An act, entitled "An act to amend an act, entitled 'An act to provide for the licensing of transient retail merchants in cities, boroughs and townships,' empowering councils to increase the maximum license," approved the tenth day of May, one thousand eight hundred ninety-three (P. L., 35).

An act, entitled "An act to empower boroughs and cities to establish a police pension fund; to take property in trust therefor and regulating and providing for the regulation of the same," approved the twenty-fourth day of May, one thousand eight hundred ninety-three (P. L., 129).

An act, entitled "An act to provide for the establishing and ascertaining the lines and boundaries between two or more cities, boroughs or townships, cities and boroughs, townships and boroughs, or cities and townships within this Commonwealth, and regulating the proceedings thereof," approved the third day of June, one thousand eight hundred ninety-three (P. L., 284).

An act, entitled "An act to amend the first section of an act, entitled 'An act in relation to the laying out, opening, widening, straightening, extending or vacating streets and alleys, and the construction of bridges in the several municipalities of this Commonwealth, the grading, paving, macadamizing, or otherwise improving streets and alleys, providing for ascertaining the damages to private property resulting therefrom, the assessment of the damages, costs and expenses thereof upon the property benefited, and the construction of sewers and payment of the damages, costs and expenses thereof, including damages to private property resulting therefrom,' approved the sixteenth day of May, Anno Domini, one thousand eight hundred and ninety-one, providing for assessment of damages where streets and alleys are changed in grade or location," approved the twelfth day of June, one thousand eight hundred ninety-three (P. L., 459).

An act, entitled "An act relating to actions brought to ascertain or recover damages for appropriation of rights of way or easements in lands by corporations invested with the right of eminent domain, and empowering and authorizing owners of lands and corporations, municipal or otherwise, desiring to exercise the right of eminent domain in such lands, to waive the assessment of damages by viewers, and granting the right to either party to demand and have the jury engaged in trying

such action visit and view said land and premises," approved the twenty-first day of May, one thousand eight hundred ninety-five (P. L., 89).

An act, entitled "An act amending section nine of an act, entitled 'An act in relation to the laying out, opening, widening, straightening, extending or vacating streets and alleys, and the construction of bridges in the several municipalities of this Commonwealth, the grading, paving, macadamizing or otherwise improving streets and alleys, providing for ascertaining the damages to private property resulting therefrom, the assessment of the damages, costs and expenses thereof, upon the property benefited, and the construction of sewers and payment of the damages, costs and expenses thereof, including damages to private property resulting therefrom,' approved May sixteenth, Anno Domini one thousand eight hundred and ninety-one, enabling municipal corporations to lay out, open, widen, extend and vacate streets or alleys, upon petition or without petition of property owners," approved the twenty-second day of May, one thousand eight hundred ninety-five (P. L., 106).

An act, entitled "An act providing for the manner of ascertaining, determining, awarding and paying compensation and damages in all cases where municipalities of this Commonwealth may hereafter be authorized by law to take, use and appropriate private property for the purpose of making, enlarging and maintaining public parks within the corporate limits of such municipality," approved the eighth day of June, one thousand eight hundred ninety-five (P. L., 188).

An act, entitled "An act to authorize cities, boroughs and townships of this Commonwealth to appropriate moneys for Memorial Day services," approved the twenty-fifth day of June, one thousand eight hundred ninety-five (P. L., 298).

An act, entitled "An act conferring upon municipalities the right of eminent domain for the purpose of appropriating public property for the use of the National Guard of Pennsylvania," approved the twenty-sixth day of June, one thousand eight hundred ninety-five (P. L., 332).

An act, entitled "An act regulating the letting of contracts for the erection and construction of public buildings," approved the second day of July, one thousand eight hundred ninety-five (P. L., 426).

An act, entitled "An act to regulate the remuneration of policemen and constables employed as policemen throughout the Commonwealth of Pennsylvania, and prohibiting them from charging or accepting any fee or other compensation, in addition to their salary, except as public rewards and mileage for traveling expenses," approved the fourteenth day of July, one thousand eight hundred ninety-seven (P. L., 266).

An act, entitled "An act authorizing any borough or city within this Commonwealth to vacate, change, alter or relocate the course or channel of any creek, run or natural waterway, other than navigable streams, and for this purpose to enter upon, condemn and take property and materials necessary to such vacation, change, alteration or relocation, and providing for the ascertainment and assessment of costs, damages and expenses, as well as the levy and collection of benefits arising therefrom, and constituting such benefits a lien upon the properties upon which they are respectively assessed," approved the twenty-eighth day of April, one thousand eight hundred ninety-nine (P. L., 74).

Section eleven of an act, entitled "An act supplementary of an act approved the second day of June, Anno Domini one thousand eight hundred and eighty-seven, entitled 'An act authorizing the condemnation of turnpikes, roads, or highways heretofore or hereafter constructed, wholly, or in part, in any county of this Commonwealth, for public use, free from tolls and toll gates, and the assessment upon the proper county, of the damages to which the owner or owners thereof may be entitled, by a jury of viewers, duly appointed by the court of quarter sessions of the proper county, and providing for the maintenance of any such condemned turnpike, road or highway by the proper city, township or district,' extending its provisions so to authorize the condemnation of any turnpike, road or highway in whole or in part located upon the line dividing two counties, and to assess the damages, payable to the owner or owners thereof equitably between such two counties," approved the twenty-eighth day of April, one thousand eight hundred ninety-nine (P. L., 79).

An act, entitled "An act amending section eight of an act entitled 'An act in relation to the laying out, opening, widening, straightening, extending or vacating streets and alleys, and the construction of bridges in the several municipalities of this Commonwealth, the grading, paving, macadamizing or otherwise improving streets and alleys, providing for ascertaining the damages to private property resulting therefrom, the assessment of the damages, costs and expenses thereof upon the property benefited, and the construction of sewers and payment of the damages, costs and expenses thereof, including damages to private property resulting therefrom,' approved May sixteenth, Anno Domini one thousand eight hundred and ninety-one, extending the provisions of said act to the grading, paving, curbing, macadamizing, or improvement of parts of streets or alleys," approved the twenty-eighth day of April, one thousand eight hundred ninety-nine (P. L., 100).

An act, entitled "An act to provide for the licensing of transient retail merchants in cities, boroughs and townships, and providing a penalty for failures to ob-

tain the same," approved the second day of May, one thousand eight hundred ninety-nine (P. L., 159).

An act, entitled "An act making it lawful for any municipality, in which a corporation created and existing under and by virtue of the laws of this Commonwealth, have constructed and are maintaining, or may hereafter construct and maintain, sewers, culverts, conduits and pipes, with the necessary inlets and appliances, for surface, under surface and sewage drainage; to become the owners of such sewers, culverts, conduits, and pipes, with the necessary inlets and appliances aforesaid; providing the amount to be paid for the same, and the manner of ascertaining such amount in case of disagreement between the municipality and the corporation owning the same," approved the nineteenth day of April, one thousand nine hundred one (P. L., 82).

An act, entitled "An act authorizing borough councils or school boards of this Commonwealth to purchase, acquire, take, use and appropriate private property for public library purposes, and providing the manner in which damages sustained thereby shall be assessed and collected," approved the eleventh day of May, one thousand nine hundred one (P. L., 169).

An act, entitled "An act to provide for the alteration of the boundaries of townships and boroughs in certain cases, and the adjustment of the indebtedness thereof," approved the eleventh day of May, one thousand nine hundred one (P. L., 177).

Section two of an act, entitled "An act authorizing the abandonment by turnpike road or highway companies of such portion or portions of their turnpike roads or highways as are separated, as to ownership or possession, from the longest continuous portion thereof remaining in the possession or ownership of such companies after the appropriation or condemnation to public use of an intermediate portion or portions thereof; also prescribing the method of making such abandonment and the giving of notice thereof to township authorities, and providing for the future disposition of such abandoned portion or portions of said turnpike roads or highways," approved the fourth day of June, one thousand nine hundred one (P. L., 359).

An act, entitled "An act relating to railroad crossings of highways, and for the regulation, alteration and abolition of grade crossings, except in cities of the first and second classes," approved the seventh day of June, one thousand nine hundred one (P. L., 531).

An act, entitled "An act authorizing and empowering boroughs and incorporated towns to take, use and appropriate private property for necessary public buildings and works within the corporate limits of such municipality; and providing for the manner of ascertaining, determining, awarding and paying com-

pensation and damages therefor," approved the tenth day of June, one thousand nine hundred one (P. L., 555).

An act, entitled "An act for the establishment and maintenance of public libraries in cities of the second and third class and in boroughs," approved the seventeenth day of June, one thousand nine hundred one (P. L., 569).

An act, entitled "An act regulating the filing of reports of viewers, or juries of view, appointed by the courts of this Commonwealth to assess damages and benefits for the taking, injury or destruction of private property in the construction or enlargement of public works, highways or improvements," approved the eighteenth day of March, one thousand nine hundred three (P. L., 28).

An act, entitled "An act authorizing councils, in boroughs and in cities of the second class and third class, within this Commonwealth, to issue subpoenas and to take the testimony of witnesses in any pending case of inquiry, investigation or impeachment; also providing for the compulsory production of books and papers, and a mode of compelling the attendance of witnesses, by attachment for contempt; and providing for the punishment of perjury, by witnesses so called," approved the nineteenth day of March one thousand nine hundred three (P. L. 31).

An act, entitled "An act amending section nine of an act, entitled 'An act in relation to the laying out, opening, widening, straightening, extending or vacating streets and alleys and the construction of bridges in the several municipalities of this Commonwealth, the grading, paving, macadamizing or otherwise improving streets and alleys, providing for ascertaining the damages to private property resulting therefrom, the assessment of the damages, costs and expenses thereof upon the property benefited, and the construction of sewers and payment of the damages, costs and expenses thereof, including damages to private property resulting therefrom,' approved May sixteenth, Anno Domini one thousand eight hundred and ninety-one, enabling municipal corporations to lay out, open, widen, extend and vacate streets or alleys, upon petition or without petition of property owners, as amended by the act approved the twenty-second day of May, Anno Domini one thousand eight hundred and ninety-five, providing for the approval of ordinances by the city recorder and the publication of the ordinances," approved the nineteenth day of March, one thousand nine hundred three (P. L., 35).

An act, entitled "An act to provide for the confirmation of the reports of viewers, or juries of view, appointed by the courts of quarter sessions to assess dam-

ages and benefits, and for the collection of damages in such proceedings," approved the twenty-seventh day of March, one thousand nine hundred three (P. L., 83).

An act, entitled "An act amending sections two and six of an act, entitled 'An act in relation to the laying out, opening, widening, straightening, extending or vacating streets and alleys, and the construction of bridges in the several municipalities of this Commonwealth, the grading; paving, macadamizing or otherwise improving streets and alleys, providing for ascertaining the damages to private property resulting therefrom, the assessment of the damages, costs and expenses thereof upon the property benefited, and the construction of sewers and payment of the damages, costs and expenses thereof, including damages to private property resulting therefrom,' approved the sixteenth day of May, Anno Domini one thousand eight hundred ninety-one," approved the second day of April, one thousand nine hundred three (P. L., 124).

An act, entitled "An act enabling the burgess and council of any borough or incorporated town, by ordinance, to annex to the borough or incorporated town adjacent territory upon petition of a majority of the freehold owners thereof," approved the twenty-second day of April, one thousand nine hundred three (P. L., 247).

An act, entitled "An act to permit farmers to sell their own products without a license fee, in and about the streets of any borough or city of this Commonwealth," approved the twenty-second day of April, one thousand nine hundred three (P. L., 258).

An act, entitled "An act to further define the police power of cities of the third class and boroughs, with reference to electric light wires," approved the twenty-eighth day of April, one thousand nine hundred three (P. L., 335).

An act, entitled "An act authorizing the municipalities of the Commonwealth to vacate, in whole or in part, all streets, lanes and alleys within their corporate limits, laid out by this Commonwealth, whenever the same, or the portion to be vacated, shall have remained unopened for a continuous period of thirty years next preceding such vacation," approved the twenty-first day of March, one thousand nine hundred five (P. L., 46).

An act, entitled "An act providing for the payment of the expense of maintaining prisoners, committed to county prisons for non-payment of fines or penalties imposed for the violation of city or borough ordinances, or ordinances of townships of the first class, by the city, borough or township of the first class, to which such fines are payable," approved the twenty-eighth day of March, one thousand nine hundred five (P. L., 61).

An act, entitled "An act to provide for the vacation and closing of alleys, lanes, or passageways that are, or may hereafter become, public nuisances; and to com-

pensate abutting property owners or others who may be damaged thereby, and assess benefits, if any there be," approved the seventeenth day of April, one thousand nine hundred five (P. L., 193).

An act, entitled "An act supplementary to an act, entitled 'An act in relation to the laying out, opening, widening, straightening, extending or vacating streets and alleys, and the construction of bridges in the several municipalities of this Commonwealth, the grading, paving, macadamizing or otherwise improving streets and alleys, providing for ascertaining the damages to private property resulting therefrom, the assessment of the damages, costs and expenses thereof upon the property benefited, and the construction of sewers and the payment of the damages, costs and expenses thereof, including the damages to private property resulting therefrom,' approved the sixteenth day of May, Anno Domini one thousand eight hundred and ninety-one, relating to exceptions and to the confirmation of the reports of viewers and of parts thereof and of appeals to the Superior and Supreme Court from the confirmation of viewers' reports or parts thereof, the manner of taking the same and the effect thereof," approved the eighteenth day of April, one thousand nine hundred five (P. L., 198).

An act, entitled "An act to provide for the repair and maintenance or improvement, by the proper county, city or borough, of turnpikes heretofore or hereafter appropriated or condemned, or any part thereof, for public use free of tolls," approved the twentieth day of April, one thousand nine hundred five (P. L., 237).

An act, entitled "An act authorizing vacation of public highways at grade crossings over railroads and the opening of undergrade or overgrade crossings in lieu thereof, by the court of quarter sessions," approved the twenty-second day of April, one thousand nine hundred five (P. L., 295).

An act, entitled "An act authorizing the county commissioners of the several counties, or the town councils of the several boroughs, of this Commonwealth, or both, to appropriate annually a sufficient sum of money to each post of the Grand Army of the Republic, in their respective counties or boroughs, to aid in defraying the expenses of Memorial Day," approved the twenty-first day of March, one thousand nine hundred seven (P. L., 22).

An act, entitled "An act supplementary to an act entitled 'An act enabling the burgess and council of any borough or incorporated town, by ordinance, to annex to the borough or incorporated town adjacent territory, upon petition of a majority of the freehold owners thereof,' approved the twenty-second day of April, one thousand nine hundred and three; enabling the burgess and council of any borough or incorporated

town by ordinance to annex to the borough or incorporated town adjacent territory, in the same or an adjoining county, upon petition of a majority of the freehold owners thereof," approved the twenty-first day of March, one thousand nine hundred seven (P. L., 25).

An act, entitled "An act fixing the pay of commissioners of roads, viewers, reviewers and re-reviewers of roads and bridges, and commissioners appointed to run, establish or re-establish township lines, or to divide townships, or to divide townships into election districts, or boroughs into wards, in this Commonwealth," approved the fourth day of April, one thousand nine hundred seven (P. L., 44).

An act, entitled "An act to amend section one of the act approved May twenty-fifth, one thousand eight hundred and eighty-seven, entitled 'An act to authorize cities and boroughs to condemn property and rights, inside and outside of their limits, for the purpose of obtaining and supplying water,' so as to include springs," approved the fifteenth day of April, one thousand nine hundred seven (P. L., 90).

An act, entitled "An act to amend the first section of an act, entitled 'An act to provide for the repair and maintenance or improvement, by the proper county, city, or borough, of turnpikes heretofore or hereafter appropriated or condemned, or any part thereof, for public use free of tolls,' approved the twentieth day of April, Anno Domini one thousand nine hundred and five; providing for the repair and maintenance or improvement, by the proper county, city, or borough, of turnpikes heretofore or hereafter abandoned, or any part thereof, and for the repair, maintenance or improvement of any turnpike, or part thereof, where the company or association owning the same has been or may hereafter be dissolved," approved the twenty-fifth day of April, one thousand nine hundred seven (P. L., 104).

An act, entitled "An act authorizing municipal corporations, owning their own water systems, to relocate roads destroyed by overflow of reservoirs or otherwise, and to acquire land to preserve water-supply from contamination," approved the seventh day of May, one thousand nine hundred seven (P. L., 167).

An act, entitled "An act exempting certain real estate from the power of eminent domain as exercised by corporations incorporated under the laws of Pennsylvania," approved the tenth day of May, one thousand nine hundred seven (P. L., 196).

An act, entitled "An act providing for the payment of the premiums on bonds of county, city, borough, school-district, and township employes," approved the twenty-third day of May, one thousand nine hundred seven (P. L., 225).

An act, entitled "An act to provide for the alteration of the boundaries of contiguous boroughs and townships within this Commonwealth, by detaching part or parts of the land embraced within the lines of any borough and annexing such territory to any adjacent or contiguous township or townships," and for adjustment of the indebtedness of the boroughs and townships affected by such change of boundaries or limits," approved the twenty-eighth day of May, one thousand nine hundred seven (P. L., 264).

An act, entitled "An act to authorize municipalities or townships to make assessments for municipal improvements outside of their corporate limits, under certain conditions," approved the twenty-eighth day of May, one thousand nine hundred seven (P. L., 287).

An act, entitled "An act to provide for the planting and care of shade trees on highways of townships of the first class, boroughs, and cities of the Commonwealth of Pennsylvania, and providing for the cost thereof," approved the thirty-first day of May, one thousand nine hundred seven (P. L., 349).

An act, entitled "An act providing for the acquiring of water plants or systems by municipalities, from corporations, firms, or individuals and the manner of ascertaining and arriving at the value of the same; and to authorize municipalities of this Commonwealth to issue bonds, secured by such water plants or systems, for the payment thereof; and to provide a sinking fund therefor out of the revenues of said plants," approved the thirty-first day of May, one thousand nine hundred seven (P. L., 355).

An act, entitled "An act to amend section one of an act, entitled 'An act authorizing and empowering boroughs and incorporated towns to take, use, and appropriate private property for necessary public buildings and works within the corporate limits of such municipality; and providing for the manner of ascertaining, determining, awarding and paying compensation and damages therefor,' approved June tenth, one thousand nine hundred and one; extending the provisions of the act to the taking, use and appropriation of private property for a filter plant," approved the first day of June, one thousand nine hundred seven (P. L., 365).

An act, entitled "An act providing a method to secure possession of lands, buildings or other property acquired under the power of eminent domain," approved the seventh day of June, one thousand nine hundred seven (P. L., 461).

An act, entitled "An act to provide for the vacation and closing of a leys, lanes, or passageways that are or may hereafter become public nuisances, and to compensate abutting property owners or others who may

be damaged thereby, and assess benefits if any there be," approved the eighth day of June, one thousand nine hundred seven (P. L., 503).

An act, entitled "An act relating to armories for the National Guard of Pennsylvania; authorizing counties, cities, towns, boroughs, and other municipal divisions of the Commonwealth to provide and appropriate moneys, or purchase and convey land, or convey land owned by any county, city, town, borough or other municipal division of the Commonwealth, to assist the Armory Board in the erection of armories, and to furnish, free of cost to the Commonwealth, water, light, fuel, either or all, for use in any armory," approved the fifteenth day of March, one thousand nine hundred nine (P. L., 33).

An act, entitled "An act authorizing municipalities to purchase or condemn public toll-bridges crossing rivers or streams within the limits thereof; and giving power to municipalities to charge and collect tolls or rentals, for the use of any such bridge, from railway, telephone and telegraph companies, and other persons making a use thereof for other than ordinary public foot and vehicle travel; and providing for the preservation of existing contracts with such persons, and their assignment to such municipality," approved the twenty-fourth day of March, one thousand nine hundred nine (P. L., 67).

An act, entitled "An act to amend an act approved the fourth day of April, Anno Domini one thousand nine hundred and seven, entitled 'An act providing for the recovery and collection of municipal claims by lien or by action of assumpsit,' by conferring jurisdiction upon justices of the peace in such cases," approved the twenty-fifth day of March, one thousand nine hundred nine (P. L., 78).

An act, entitled "An act to permit the acquisition of forest or other suitable lands by municipalities, for the purpose of establishing municipal forests; and providing for the administration, maintenance, protection, and development of such forests," approved the twenty-second day of April, one thousand nine hundred nine (P. L., 124).

An act, entitled "An act to amend sections five and six of an act, entitled 'An act providing for the acquiring of water plants or systems by municipalities, from corporations, firms, or individuals, and the manner of ascertaining and arriving at the value of the same; and to authorize municipalities of this Commonwealth to issue bonds, secured by such water plants or systems for the payment thereof, and to provide a sinking-fund therefor, out of the revenues of said plants,' approved May thirty-first, one thousand nine hundred and seven; limiting the liability of municipalities on the bonds issued for such water plants or systems, and providing that the bonds mentioned in

said act shall be payable in thirty years from date of their issue," approved the twenty-second day of April, one thousand nine hundred nine (P. L., 135).

An act, entitled "An act to empower township and borough auditors to employ an attorney, and providing for their compensation," approved the twenty-seventh day of April, one thousand nine hundred nine (P. L., 261).

An act, entitled "An act to amend sections one and two of an act, entitled 'A supplement to an act, entitled "An act supplementary to an act relative to burial-grounds and cemeteries situated in incorporated boroughs, approved the nineteenth day of May, one thousand eight hundred and seventy-four, changing the title of said act, and authorizing the court to make orders and decrees required by the act, and to enforce the same by process," approved the thirteenth day of May, eighteen hundred and seventy-six, further empowering courts to direct removal of remains in boroughs, cities and towns from burial grounds where interments have ceased or have become so neglected as to become a public nuisance, or such remains interfere with the improvements, extensions, and interests of such cities, boroughs, or towns; by further providing that such removal may be authorized when said lands shall be desired by said municipalities, or the school districts thereof, for the erection of municipal, school or public library buildings thereon, or for any other public purpose," approved the twenty-ninth day of April, one thousand nine hundred nine (P. L., 291).

An act, entitled "An act relating to the settlements and audits of the accounts of all officers of boroughs, townships, poor districts, and school districts, and appeals therefrom to the common pleas and thence to the Supreme and Superior Courts, and providing a penalty for violations thereof," approved the third day of May, one thousand nine hundred nine (P. L., 392).

An act, entitled "An act authorizing townships of the first class and boroughs of this Commonwealth to acquire, by taking and appropriating under right of eminent domain, and by gift, devise, purchase, lease and otherwise, private property, for the purpose of making, enlarging, extending, and maintaining public parks, parkways, and playgrounds; requiring the consent of the qualified electors to such acquiring in certain cases, and providing the procedure for obtaining such consent; authorizing the said townships and boroughs to improve, maintain, and regulate such parks, parkways, and playgrounds; and providing for the manner of securing, ascertaining, determining, awarding, and paying compensation and damages where property is taken, used and appropriated for the said purposes," approved the third day of May, one thousand nine hundred nine (P. L., 401).

An act, entitled "A supplement to an act, entitled 'An act relating to roads, highways and bridges,' approved the thirteenth day of June, Anno Domini eighteen hundred and thirty-six," approved the fifth day of May, one thousand nine hundred eleven (P. L., 123).

An act, entitled "An act to amend section one of 'An act authorizing and empowering boroughs and incorporated towns to take, use, and appropriate private property for necessary public buildings and works within the corporate limits of such municipality; and providing for the manner of ascertaining, determining, awarding, and paying compensation and damages therefor,' approved the tenth day of June, one thousand nine hundred and one, so as to extend the same to townships of the first class," approved fifth day of May, one thousand nine hundred eleven (P. L., 168).

An act, entitled "An act to empower any taxpayer of any township, borough, poor district, or school district, upon providing for costs, to appeal in behalf of such municipality to the court of common pleas of the proper county, from the judgment of any justice of the peace or alderman against such municipality, and to become a party to such suit," approved the eleventh day of May, one thousand nine hundred eleven (P. L., 208).

An act, entitled "An act providing for the payment of the costs of proceedings and the expenses of maintaining prisoners committed to county prisons, either for non-payment of fines or penalties imposed for, or while awaiting a hearing upon, any charge for the violation of any city or borough ordinance, or any ordinance of township of the first class whose ordinances are alleged to have been violated, or to which any such fines or penalties are payable," approved the seventh day of June, one thousand nine hundred eleven (P. L., 677).

An act, entitled "An act fixing the time for organization of the legislative departments of municipal governments, and for the inauguration of mayors of cities," approved the ninth day of June, one thousand nine hundred eleven (P. L., 857).

An act, entitled "An act to amend the first section of an act, approved the twenty-first day of March, Anno Domini one thousand nine hundred and seven, entitled 'An act authorizing the county commissioners of the several counties, or the town councils of the several boroughs, of this Commonwealth, or both, to appropriate annually a sufficient sum of money to each Post of the Grand Army of the Republic in their respective counties or boroughs, to aid in defraying the expenses of Memorial Day,' by requiring the commissioners to make the payments specified, and fixing the maximum

amount thereof," approved the ninth day of June, one thousand nine hundred eleven (P. L., 863).

An act, entitled "An act relating to the settlement and audit of the accounts of all officers, elected or appointed, of boroughs, townships, poor districts, and school districts; prescribing the time for such settlement and audits, for the matters to be contained in the report of settlement and audit, for the filing of said report in the office of the clerk of quarter sessions, and for appeals to the court of common pleas and Superior and Supreme Courts," approved the ninth day of June, one thousand nine hundred eleven (P. L., 865).

An act, entitled "An act providing a system whereby boroughs may build sewers; grade, sub-grade, and pave streets and alleys; pay the costs thereof by the issue of bonds, and collect the same from the property benefited, in instalments," approved the fifteenth day of June, one thousand nine hundred eleven (P. L., 971).

An act, entitled "An act to amend the second section of an act, approved the twenty-fifth day of May, Anno Domini one thousand eight hundred and eighty-seven, entitled 'An act to authorize cities and boroughs to condemn property and rights, inside and outside of their limits for the purpose of obtaining and supplying water,' by fixing the number of the viewers at three," approved the nineteenth day of June, one thousand nine hundred eleven (P. L., 1033).

An act, entitled "An act to amend the first section of an act approved the eighth day of June, Anno Domini one thousand nine hundred and seven, entitled 'An act to provide for the vacation and closing of alleys, lanes, or passageways that are, or may hereafter become, public nuisances, and to compensate abutting property owners or others who may be damaged thereby, and assess benefits if any there be,' by fixing the number of the jury at three," approved the nineteenth day of June, one thousand nine hundred eleven (P. L., 1036).

An act, entitled "An act to amend the first section of an act, approved the seventeenth day of April, Anno Domini one thousand nine hundred and five, entitled 'An act to provide for the vacation and closing of alleys, lanes, or passageways that are, or may hereafter become, public nuisances, and to compensate abutting property owners or others who may be damaged thereby, and assess benefits if any there be,' by fixing the number of the jury at three," approved the twentieth day of June, one thousand nine hundred eleven (P. L., 1087).

An act, entitled "An act to amend the first section of an act, approved the tenth day of June, one thousand nine hundred one, entitled 'An act authorizing and empowering boroughs and incorporated towns to take,

use, and appropriate private property for necessary public buildings and work within the corporate limits of such municipality; and providing for the manner of ascertaining, determining, awarding, and paying compensation and damages therefor,' as amended by the first section of an act, approved the fifth day of May, one thousand nine hundred eleven, entitled 'An act to amend section one of "An act authorizing and empowering boroughs and incorporated towns to take, use, and appropriate private property for necessary public buildings and works within the corporate limits of such municipality; and providing for the manner of ascertaining, determining, awarding, and paying compensation and damages therefor," approved the tenth day of June, one thousand nine hundred and one, so as to extend the same to townships of the first class,' by extending the act to include townships of the second class," approved the fifteenth day of April, one thousand nine hundred thirteen (P. L., 66).

An act, entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings," approved the first day of May, one thousand nine hundred thirteen (P. L., 155).

An act, entitled "A supplement to an act, entitled 'An act in relation to the laying out, opening, widening, straightening, extending, or vacating streets and alleys, and the construction of bridges in the several municipalities of this Commonwealth; the grading, paving, macadamizing, or otherwise improving, streets and alleys; providing for ascertaining the damages to private property resulting therefrom, the assessment of the damages, costs, and expenses thereof upon the property benefited, and the construction of sewers and payment of the damages, costs, and expenses thereof, including damages to private property resulting therefrom,' approved the sixteenth day of May, Anno Domini one thousand eight hundred and ninety-one, empowering municipalities to locate streets and alleys, and to include therein streets and alleys, or parts thereof, theretofore opened or used for highway purposes," approved the fifteenth day of May, one thousand nine hundred thirteen (P. L., 212).

An act, entitled "A supplement to an act, entitled 'An act in relation to the laying out, opening, widening, straightening, extending, or vacating streets and alleys, and the construction of bridges in the several municipalities of this Commonwealth; the grading, paving, macadamizing, or otherwise improving, streets and alleys, providing for ascertaining damages to private property resulting therefrom; the assessment of the damages, costs, and expenses thereof upon the property benefited; and the construction of sewers, and payment of the damages, costs, and expenses thereof, including

damages to private property resulting therefrom,' approved the sixteenth day of May, Anno Domini one thousand eight hundred and ninety-five (Pamphlet Laws, seventy-five); by providing that in proceedings to assess damages and benefits arising from improvements under the act to which this is a supplement, if property is both benefited and damaged by such improvements, the excess of damages over benefits, or the excess of benefits over damages, or nothing in case the benefits and damages are equal, shall be awarded to or assessed against the owners of property, and providing that the report thereof made by the board of viewers shall show the net result only," approved the fifteenth day of May, one thousand nine hundred thirteen (P. L., 215).

An act, entitled "An act requiring a license for conducting any business the whole or greater part of which shall consist of the sale of goods which shall be held forth, represented or advertised to be goods of, or obtained from, the estate of any bankrupt; or goods of, or obtained from, an assignee or a person, firm, or corporation about to go out of business; or goods to have been damaged in any way, and regulating such licensing, and fixing a penalty for violation of this act," approved the twentieth day of May, one thousand nine hundred thirteen (P. L., 227).

An act, entitled "An act to amend the title, the first section, the second section, and the third section of an act of Assembly, entitled 'An act relating to the settlement and audit of the accounts of all officers, elected or appointed of boroughs, townships, poor districts, and school districts; prescribing the time for such settlement and audit, for the filing of said report in the office of the clerk of quarter sessions, and for appeals to the court of common pleas and Superior and Supreme Courts,' approved the ninth day of June, Anno Domini one thousand nine hundred and eleven; by repealing so much thereof as applies to school districts," approved the twentieth day of May, one thousand nine hundred thirteen (P. L., 254).

An act, entitled "An act to amend section one of an act, approved the third day of May, Anno Domini one thousand nine hundred and nine, entitled 'An act authorizing townships of the first class and boroughs of this Commonwealth to acquire, by taking and appropriating under right of eminent domain, and by gift, devise, purchase, lease, and otherwise, private property, for the purpose of making, enlarging, extending, and maintaining public parks, parkways, and playgrounds; requiring consent of the qualified electors to such acquiring in certain cases, and providing the procedure for obtaining such consent; authorizing the said townships and boroughs to improve, maintain, and regulate such parks, parkways, and playgrounds; and providing for the manner of securing, ascertaining, determining,

awarding, and paying compensation and damages where property is taken, used and appropriated for the said purposes,' by changing the limitations of the amount of money which such township or borough, in the exercise of the authority granted by said act, shall, within any period of three years, obligate itself to pay, without the consent of a majority of the qualified electors," approved the twentieth day of May, one thousand nine hundred thirteen (P. L., 257).

An act, entitled "An act amending an act, entitled 'An act providing a system whereby boroughs may build sewers; grade, sub-grade, and pave streets and alleys; pay the costs thereof by the issue of bonds, and collect the same from the property benefited, in instalments,' approved June fifteen, Anno Domini one thousand nine hundred and eleven, by extending the provisions thereof so as to include the acquisition by boroughs and incorporated towns of existing sewers and sewer systems," approved the twenty-first day of May, one thousand nine hundred thirteen (P. L., 277).

An act, entitled "An act permitting counties, cities, and boroughs, singly or jointly, of the Commonwealth of Pennsylvania, to appropriate and expend moneys for the improvement of highways outside the limits of such cities or boroughs, for the purpose of connecting improved streets of such cities or boroughs with a State highway or State-aid highway, when the highway outside of the limits of such cities or boroughs is less than one mile in length, and will connect such cities or boroughs with the State highway or State-aid highway," approved the twenty-third day of May, one thousand nine hundred thirteen (P. L., 336).

An act, entitled "An act giving to all owners or tenants of lands, property, or material, abutting on, or through which pass, roads, streets, lanes, or alleys injured by the laying out, opening, widening, vacating, extending, or grading of said roads, streets, lanes, or alleys, or the changing of grades and lines thereof, by cities, counties, boroughs, or townships, within this Commonwealth; the construction and the vacating by said cities, counties, boroughs or townships of bridges, and the piers, abutments, approaches, embankments, slopes or causeways, therefor, or leading thereto, which abut on or pass through or along said lands, property, or material, and the construction by said cities, counties, boroughs, or townships of sewers in, over, upon, along, or through said lands, property, or material, the right to damages for said injuries; directing all juries of view appointed or that shall hereafter be appointed, under existing laws for assessing damages or benefits for taking, using, occupying, or injuring lands, property or material, to assess said damages, if any, against said cities, counties, boroughs, or townships, as the case may be, and the benefits, if any, in con-

nection therewith; granting the right of appeal to the proper court of common pleas from the report of said juries, and the trial by jury in said court of common pleas, and the right to file exceptions to said report; and the right of appeal to the Superior Court or Supreme Court, after disposal of exceptions, or verdict and final judgment; and providing that this act shall apply to all existing and future proceedings," approved the twenty-eighth day of May, one thousand nine hundred thirteen (P. L., 368).

An act, entitled "An act relating to the reports of auditors of boroughs, townships, and poor districts, and appeals therefrom; giving certain powers to taxpayers in connection therewith; and prescribing the practice to be pursued in all appeals from such auditors' reports," approved the thirty-first day of May, one thousand nine hundred thirteen (P. L., 394).

An act, entitled "An act to authorize the display of the State, county, city, borough, or other municipal flags on public buildings in the Commonwealth," approved the fifth day of June, one thousand nine hundred thirteen (P. L., 419).

An act, entitled "An act establishing a Commission of Water-works, in boroughs and incorporated towns of this Commonwealth; providing for the appointment of commissioners of water-works and prescribing their powers and duties," approved the fifth day of June, one thousand nine hundred thirteen (P. L., 445).

An act, entitled "An act amending the first section of an act, entitled 'An act to further define the police power of cities of the third class and boroughs, with reference to electric light wires,' approved the twenty-eighth day of April, one thousand nine hundred and three, so as to include telegraph and telephone wires, and reducing the number of jurors," approved the twelfth day of June, one thousand nine hundred thirteen (P. L., 488).

An act, entitled "An act relating to damages in case of taking of property for use as a public wharf, pier, or bulkhead," approved the twentieth day of June, one thousand nine hundred thirteen (P. L., 543).

An act, entitled "An act authorizing the several counties, incorporated towns, and boroughs to appropriate annually sums of money to each camp of the United Spanish War Veterans, and of the Army of the Philippines, and to each post of the American Veterans of Foreign Service, in the respective counties, boroughs, and towns, to aid in defraying the expenses of Memorial Day," approved the twenty-fifth day of June, one thousand nine hundred thirteen (P. L., 550).

An act, entitled "An act to authorize all cities and boroughs in the Commonwealth of Pennsylvania to construct and maintain comfort and waiting-stations and drinking fountains in the public highways of such

municipalities, and providing the manner of ascertaining and collecting the damages caused by the construction of such improvements," approved the twenty-seventh day of June, one thousand nine hundred thirteen (P. L., 632).

An act, entitled "An act to permit viewers to award damages, for the vacation of streets, roads, or highways, to abutting owners, where no land is actually taken," approved the twenty-seventh day of June, one thousand nine hundred thirteen (P. L., 633).

An act, entitled "An act amending and supplementing an act, entitled 'An act making it lawful for any municipality in which a corporation created and existing under, and by virtue of the laws of this Commonwealth, have constructed and are maintaining, or may hereafter construct and maintain, sewers, culverts, conduits, and pipes, with the necessary inlets and appliances for surface, under surface and sewage drainage, to become the owner of such sewers, culverts, conduits, and pipes, with the necessary inlets and appliances aforesaid; providing the amount to be paid for the same, and the manner of ascertaining such amount in case of disagreement between the municipality and the corporation owning the same,' approved April nineteenth, one thousand nine hundred and one, by extending the provisions thereof to sewers, culverts, conduits and pipes, with the necessary inlets and appliances, owned by individuals and unincorporated associations; and providing for the assessment of the costs and expenses of the property, so acquired, upon the properties benefited thereby or upon the proper municipality," approved the twenty-first day of July, one thousand nine hundred thirteen (P. L., 865).

An act, entitled "An act to amend an act, entitled 'An act in relation to the laying out, opening, widening, straightening, extending, or vacating streets and alleys, and the construction of bridges, in the several municipalities of this Commonwealth; the grading, paving, macadamizing, or otherwise improving streets and alleys; providing for ascertaining the damages to private property resulting therefrom, the assessment of the damages, costs and expenses thereof upon the property benefited; and the construction of sewers, and payment of the damages, costs, and expenses thereof, including damages to private property resulting therefrom,' approved the sixteenth day of May, Anno Domini one thousand eight hundred and ninety-one," approved the twenty-second day of July, one thousand nine hundred thirteen (P. L., 902).

An act, entitled "An act conferring certain powers upon municipalities of this Commonwealth in and on the public wharves within the limits of such municipalities," approved the twenty-fourth day of July, one thousand nine hundred thirteen (P. L., 1017).

An act, entitled "An act regulating the mining out and removing of the coal and other minerals and support underlying and beneath the surface of the several streets, avenues, thoroughfares, courts, alleys, places, and public highways within the limits of the several municipal corporations, and authorizing the creation of a Bureau of Mine Inspection and Surface Support by any municipal corporation, within the anthracite coal fields of this Commonwealth, and giving such bureau jurisdiction, and providing for the filing of certain maps and plans, and providing a penalty for violation thereof," approved the twenty-sixth day of July, one thousand nine hundred thirteen (P. L., 1439).

(d) THE FOLLOWING ACTS AND PARTS OF ACTS ARE REPEALED IN SO FAR AS THEY CONFER ANY POWERS OR IMPOSE ANY DUTIES ON BOROUGHES, VIZ:—

An act, entitled "An act to provide for the erection and maintaining of watering troughs for the use of horses and cattle on the public roads of this Commonwealth, and providing penalties for the injury and destruction of the same," approved the twenty-eighth day of April, one thousand eight hundred seventy-six (P. L., 51).

An act, entitled "A supplement to an act to provide for the erection and maintaining of watering troughs for the use of horses and cattle, on the public roads of this Commonwealth, and providing penalties for the injury and destruction of the same, approved the twenty-eighth day of April, Anno Domini one thousand eight hundred and seventy-six," approved the twenty-fifth day of June, one thousand eight hundred eighty-five (P. L., 168).

An act, entitled "An act authorizing the grading, paving and curbing or macadamizing of streets and alleys, which may be in whole or in part the boundaries of boroughs and first class townships, by joint contract, and providing for the payment of costs, damages and expenses thereof," approved the tenth day of July, one thousand nine hundred one (P. L., 637).

An act, entitled "An act authorizing any municipality to connect with the sewer of any other municipality and township of the first class, for sewage purposes, and providing a method for ascertaining the damages caused thereby, and for the assessment and payment of the same," approved the seventeenth day of July, one thousand nine hundred one (P. L., 668).

An act, entitled "An act authorizing contracts between cities, boroughs, and townships of the one part, and street passenger railway companies and motor power companies, of the other part; providing for the keeping of certain streets free from street railway tracks, by permitting the temporary relocation or

abandonment of tracks already laid, or the postponement of the laying of tracks duly authorized, while preserving the rights of such company to resume the exercise of its said franchises upon the termination or breach of such contract," approved the third day of May, one thousand nine hundred five (P. L., 379).

An act, entitled "An act authorizing contracts between cities, boroughs or townships, of the one part, and street passenger railway companies, surface, elevated or underground, or motor power companies leasing and operating the franchises and property of such companies, of the other part, affecting, fixing and regulating the franchises, powers, duties, and liabilities of such companies, the management of the same, the relations and respective rights of the contracting parties, and the ultimate acquisition by such cities, boroughs and townships of the property, leaseholds and franchises of said contracting companies," approved the fifteenth day of April, one thousand nine hundred seven (P. L., 80).

An act, entitled "An act relating to the location, construction, and maintenance of viaducts and bridges in boroughs and adjacent territory; empowering the several boroughs of this Commonwealth to construct or have constructed bridges or viaducts over rivers, creeks, streams, railroads, and private land, or over and across railroads, and any of them or over and across railroads, for public highways and to procure locations therefor by purchase or condemnation proceedings, whether the same be wholly within, or partly within and partly without, the borough limits; authorizing said boroughs to unite and enter into a contract or contracts with the county commissioners of the proper county, and with railroad, street railway and other companies and parties interested, or with any of them, for the erection, construction, and maintenance of said viaducts and bridges, and for the payment of the damage caused by their location and erection; and forbidding any railroad company to pass under or upon any such viaduct or bridge without contributing the cost of maintenance thereof," approved the twenty-fifth day of May, one thousand nine hundred seven (P. L., 240).

An act, entitled "An act authorizing municipalities to purchase, condemn, maintain, and use public toll-bridges crossing rivers or streams within the limits thereof, and to enter into a contract with the county commissioners of the proper county,—when said commissioners are duly authorized thereto by the court of quarter sessions, on petition of twenty or more taxpayers of such county—whereby the said county shall pay a portion of the cost thereof; and giving power to the municipalities to charge and collect tolls or rentals, for the use of any such bridge, from railway, telephone, and telegraph companies and other persons

making a use thereof for other than ordinary public foot and vehicle travel; and providing for the preservation of existing contracts with such persons, and their assignment to such municipality," approved the twenty-fourth day of March, one thousand nine hundred nine (P. L., 69).

An act, entitled "An act to authorize municipalities to unite in the construction of a sewage system, and to permit municipalities to form corporations for the purpose of constructing a sewage system," approved the first day of May, one thousand nine hundred nine (P. L., 306).

An act, entitled "An act amending an act approved the twenty-second day of April, Anno Domini nineteen hundred and five, entitled 'An act to amend an act, entitled "An act providing for the permanent improvement of certain public roads or highways in the several counties of this Commonwealth, making such improved roads and highways, county roads; authorizing the relocation, opening, straightening, widening, extension, and alteration of the same, and the vacation of so much of any such road as may thereby become necessary; authorizing the taking of property for such improvement, and providing for the compensation therefor and the damage resulting from such taking; providing for the payment of the costs and expenses incurred in making such improvements, and in thereafter repairing and maintaining said road, and authorizing the levy of a tax to provide a fund for such purposes," approved June twenty-sixth, one thousand eight hundred and ninety-five; providing that public roads and highways may be constructed, improved, and maintained by the several counties of the Commonwealth as county roads, whether existing by other authority or laid out in whole or in part by virtue of this act; and providing that public roads and highways may be originally located, laid out, and established for the purpose of such construction, improvement and maintenance by the several counties, in the manner and by the procedure set out in the amended act, and subject to other provisions thereof; providing for the laying out of a system of main thoroughfares, to which the establishing, construction, improvement and maintenance of public roads by the counties shall be restricted after January one, one thousand nine hundred and seven; but providing for such establishing, construction, improvement and maintenance of roads not part of said system, upon parties interested paying not less than one-fourth of the original cost of construction; and providing that the county commissioners of any county may provide rules regulating the use of roads constructed and maintained by the counties; and prescribing the penalties for the violation thereof", and providing that public roads and high-

ways located, established, constructed and improved by the several counties, in the manner and by the procedure set out in the said acts, shall thereafter be township or borough roads, and be maintained and improved by the proper township or borough," approved the thirteenth day of May, one thousand nine hundred nine (P. L., 527).

Section eighteen of an act, entitled "An act providing for the original location, laying out and construction of public roads or highways in the several counties of this Commonwealth, and for the permanent improvement of certain public roads or highways therein; making such originally constructed or improved roads and highways county roads; authorizing the relocation, opening, straightening, widening, extension and alteration of the same, and the vacation of so much of any road as may thereby become unnecessary; providing that the county commissioners of any county may prescribe rules regulating the use of roads constructed or maintained by the various counties and prescribing penalties for the violation thereof; providing for the taking of property for such improvement, the compensation to be paid therefor, and the payment of damages resulting from such taking, and the manner in which such damages may be determined; providing for the payment of the costs and expenses of such construction or improvement and in thereafter repairing and maintaining said roads; authorizing the levy of a tax or the issuing of bonds to provide a fund for the expense thereof; prescribing a method for improving a county road lying within or traversing a borough, and apportioning the cost of such improvement; and authorizing the vacation of any county road," approved the eleventh day of May, one thousand nine hundred eleven (P. L., 244).

An act, entitled "An act authorizing boroughs to unite with boroughs or townships in constructing or acquiring and maintaining works for supplying water to such boroughs or townships," approved the first day of June, one thousand nine hundred eleven (P. L., 541).

An act, entitled "An act to amend the first and second sections of an act, approved the first day of May, Anno Domini one thousand nine hundred and nine, entitled 'An act to authorize municipalities to unite in the construction of a sewage system, and to permit municipalities to form corporations for the purpose of constructing a sewage system,' by including townships," approved the fifteenth day of June, one thousand nine hundred eleven (P. L., 966).

An act, entitled "An act providing a method whereby highways, the center line of which constitutes a dividing line between a city or borough and a township in the same county, may be altered or improved and the

cost thereof apportioned," approved the twentieth day of May, one thousand nine hundred thirteen (P. L., 267).

First four paragraphs of section one of an act, entitled "An act to amend section eighteen of an act, entitled 'An act providing for the original location, laying out, and construction of public roads or highways in the several counties of this Commonwealth, and for the permanent improvement of certain public roads or highways therein; making such originally constructed or improved roads and highways county roads; authorizing the relocation, opening, straightening, widening, extension and alteration of the same, and the vacation of so much of any road as may thereby become unnecessary; providing that the county commissioners of any county may prescribe rules regulating the use of roads constructed or maintained by the various counties, and prescribing penalties for the violation thereof; providing for the taking of property for such improvement, the compensation to be paid therefor, and the payment of damages resulting from such taking, and the manner in which such damages may be determined; providing for the payment of the costs and expenses of such construction or improvement and in thereafter repairing and maintaining said roads, authorizing the levy of a tax or the issuing of bonds to provide a fund for the expense thereof; prescribing a method for improving a county road lying within or traversing a borough and apportioning the cost of such improvement; and authorizing the vacation of any county road,' approved the eleventh day of May, Anno Domini one thousand nine hundred and eleven by authorizing counties to contract with boroughs in the improvement of a borough street connecting with a county road; providing for the cost thereof; prescribing the method by which the contract for such improvement shall be made; and imposing the cost of maintenance of such street on the borough," approved the twentieth day of May, one thousand nine hundred thirteen (P. L., 273).

(e) THE FOLLOWING ACT OF ASSEMBLY IS REPEALED IN SO FAR AS IT RELATES TO HIGH CONSTABLE:--

The act of Assembly, entitled "An act to amend an act, entitled, 'An act to authorize the election of constables for three years', approved the fourteenth day of February, Anno Domini one thousand eight hundred eighty-nine, by providing for the election of a high constable in each of the boroughs of this Commonwealth for three years, and by correcting the am-

biguity as to the beginning of the terms of office under said act," approved the twenty-sixth day of June, one thousand eight hundred ninety-five (P. L., 375).

(f) All acts or parts of acts of Assembly supplied by, inconsistent with, or appertaining to the subject matter covered by this act, are repealed. It is the intention that this act shall furnish a complete and exclusive system for the government and regulation of boroughs, except as to the several matters enumerated in section two, article one, chapter one, of this act. Nothing in this act shall be construed to repeal any of the provisions of the public service company law.

APPROVED—The 14th day of May, A. D. 1915.

MARTIN G. BRUMBAUGH.

No. 193.

AN ACT

Validating certain elections of counties, cities, boroughs, townships, school districts, and other incorporated districts, held pursuant to the provisions of an act, approved the twentieth day of April, Anno Domini one thousand eight hundred and seventy-four, entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments thereto, and validating bonds issued, or authorized to be issued, in pursuance of such elections.

Section 1. Be it enacted, &c., That all elections heretofore held by any county, city, borough, township, school district, or other municipality or incorporated district within this Commonwealth, to increase its indebtedness under the provisions of an act, entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," approved the twentieth day of April, one thousand eight hundred and seventy-four, and under the acts amendatory thereof, where the majority of votes cast at such election was in favor of the increase of indebtedness, be and the same are hereby ratified, confirmed, and made valid, notwithstanding the authorities of such county, city, borough, township, school district, or incorporated district did not, by separate and independent action, prior to the ordinance or vote in pursuance of which notice of the election was given to the electors, signify their desire for such increase of indebtedness, or did not, in the words of the act and supplements aforesaid authorizing such increase, signify their desire for such increase of indebtedness; or where the ballots were not certified or signed by the county commissioners, or were not printed on the official ballot after the list of candi-

Municipalities
and incorporated
district.

1874, P. L., 65.

Validation of
elections favoring
increase of in-
debtedness.