

sylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the sum of five hundred dollars is hereby appropriated for the purpose of improving that part of the road called the Narrows, leading from Pittsburgh to the borough of Beaver, and the governor is hereby authorised and empowered to draw his warrant on the treasurer of this commonwealth for the aforesaid sum, in favor of the commissioners of Allegheny county, who may contract with any person or persons for improving said road, and on the completion thereof they shall submit a particular account of the expenditure of said money to the auditors of said county for their approbation.

Approved March 29, 1908. Recorded in L. B. No. 10, p. 140.

CHAPTER MMDLXXXVIII.

AN ACT TO ERECT THE TOWN OF ERIE, IN THE COUNTY OF ERIE, INTO A BOROUGH, AND FOR OTHER PURPOSES.

Section I. (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the first section of the town of Erie, in the county of Erie, shall be and the same is hereby erected into a borough, which shall be called the Borough of Erie, and the east side of Parade street, the south side of Twelfth street, the west side of Chestnut street and Lake Erie, shall be the boundaries thereof.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for all persons entitled to vote for members of the legislature, who have resided in said borough six months previously to any election, to meet at the house now occupied by George Buchlar, on the first Monday in May in each year, until a court house shall be erected, after which the elections shall be held therein, and then and there to elect by ballot, between the hours of twelve and six o'clock in the evening, one reputable citizen

residing therein, who shall be styled the burgess of the said borough, and five reputable citizens to be a town council, and also to elect as aforesaid a high constable; but previously to any such election, the inhabitants shall elect three reputable citizens, one of whom shall preside as judge, one act as inspector, and the other discharge the duty of clerk, according to the general election law of this commonwealth, so far as relates to receiving and counting the votes, and shall be subject to the same penalties for malpractices as by the said election laws are imposed, and the said judge, inspector and clerk, before they enter on the duties of their respective offices, shall take an oath or affirmation, before any justice of the peace in the county of Erie, to perform the same with fidelity, and shall hold said elections, from time to time, as occasion may require, and receive and count the ballots, and declare the persons having the greatest number of votes to be duly elected, whereupon duplicate certificates thereof shall be signed by the said judge, inspector and clerk, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation for their safe-keeping; and in case of vacancy by death, resignation, refusal to accept, or removal from the said borough of any of said officers, the burgess, or, in his absence or inability to act, the first named of the town council shall issue his precept, directed to the high-constable, requiring him to hold an election to fill such vacancy, he giving at least ten days notice, by advertisements set up at four of the most public places in said borough.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the burgess and town council duly elected as aforesaid and their successors forever, shall be one body politic and corporate in law, by the name of "The Burgess and Town council of the Borough of Erie, in the county of Erie," and shall have perpetual succession, and the said burgess and town council aforesaid, and their successors forever, shall be capable in law to have, get, receive, hold and possess lands, tenements, rents, liberties, jurisdictions, franchises and hereditaments to them and their successors in fee simple or otherwise, also goods, chattels and other things of

what nature and kind soever, not exceeding the yearly value of three thousand dollars; and also to give, grant, let, sell and assign the same lands, tenements, hereditaments, rents, goods and chattels, and by the name aforesaid they shall be capable in law to sue and be sued, plead and be impleaded, in any of the courts of this commonwealth, in all manner of actions whatsoever, and to have and to use one common seal, and the same, from time to time, at their will to change and alter.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any person duly elected, whether a burgess or member of town council, as aforesaid, having been notified as before directed, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, every person so refusing or neglecting shall forfeit and pay the sum of twenty dollars; which fine, and all other fines and forfeitures incurred and made payable in pursuance of this act, or of the by-laws and ordinances of the town council, shall be for the use of the said corporation; to be recovered as debts of equal amount are or may be by law recoverable.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the burgess, town council and high constable, and each of them, shall take an oath or affirmation, before any justice of the peace of said county, to support the constitution of the United States and of this state, and well and truly execute the duties of their respective offices in the borough of Erie, and the certificate of such oath or affirmation shall be recorded in the books of the said corporation.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the town council to meet as often as occasion may require, and enact such by-laws and make such rules, ordinances and regulations; assess, apportion, and appropriate such taxes as shall be determined by a majority of the town council, necessary to promote the peace, good order, benefit or advantage of said borough; and also to erect and build, or cause to be erected and built, such and so many wharves and landings,

and extend the same to such distance into the Bay of Presqu'isle opposite to the said borough, from time to time, and to charge and receive reasonable tolls and wharfage from persons using the same; and generally to make such rules, orders and regulations respecting the same, as they shall think necessary; and also to appoint a town-clerk, and such other officers as may be deemed necessary, by a majority of the town council; but no by-law, rule or ordinance enacted as aforesaid, shall be repugnant to the constitution or laws of the United States or of this state, and no person shall be punished for the breach of any by-law or ordinance enacted for the regulation of the said borough of Erie, unless a true copy thereof be set up at three of the most public places in said borough, and no by-law or ordinance shall be carried into operation in less than three weeks after such publication: Provided nevertheless, that no tax shall be laid in any one year on the valuation of taxable property exceeding one half cent in the dollar, unless some object of general utility should be thought necessary; in such case, a majority of the taxable inhabitants of said borough, by writing under their hands, shall certify the same to the town council, who shall proceed to assess the same as aforesaid.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the burgess, elected agreeably to this act, is hereby authorized and empowered to issue his precept, directed to the high constable, commanding him to collect all taxes assessed from time to time, as aforesaid, and all fines and forfeitures that may become due by virtue of this act, or by the ordinances or regulations of the corporation, and the same to pay over to the treasurer to be appointed by the town council; and to carry into effect whatsoever is enjoined on him for the well ordering and governing the said borough.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the burgess shall be, and is hereby required to cause the by-laws, rules, ordinances and regulations, made as aforesaid, to be recorded in a book to be kept for that purpose, and he shall carry the same into full

execution, without delay, after the publication thereof, as directed by this act; and it shall be the duty of the town clerk to attend all meetings of the town council when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal, records, papers, books and other documents relating to the said corporation, and in default he shall be answerable to any person concerned for all damages, and may be removed from office by the burgess, on complaint of a majority of the council; and the high constable shall perform all duties on him enjoined by this act, and also by the by-laws and ordinances of the town-council, under the like penalties: Provided always, that if any person or persons shall think him, her or themselves aggrieved by any thing done in pursuance of this act, he, she or they may appeal to the next court of quarter sessions to be held for the proper county, on giving security according to law to prosecute his, her or their appeal with effect, which court shall take such order therein as shall be just and reasonable, which order or judgment shall be conclusive against all parties.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the lots numbered in the general plan of the said town with the numbers two thousand and sixty-six and two thousand and sixty-seven, are hereby granted to George Buchlar and Judeth Colt, their heirs and assigns, in trust nevertheless and to and for the use of the said borough, for the purpose of erecting a church or churches thereon, and to the inhabitants of the said borough forever for a place of burial: Provided, nevertheless, that the right of private property shall not be affected or impaired by any of the grants aforesaid, without the consent of the owner or owners first had for that purpose.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That the following shall hereafter be the northern boundary of Front street of the said town; to wit, Commencing at the west side of Parade street, two hundred and ninety feet from the north-east corner of lot number three thousand two hundred and seventy-eight; thence south

fifty-nine degrees west three thousand three hundred and ten feet to a post at the mouth of Lee's run; thence north eighty-six degrees west seven hundred and forty feet to a post; thence south sixty-six degrees west four hundred and eighty five feet to a post on the west side of Myrtle street; thence south forty-three degrees west seven hundred feet to the east side of Chestnut street; and that the burgess, and town council, or a majority of them for the time being, shall have power to lay out a row of lots adjoining the said line, on the north side thereof, opposite to the several squares of said town, of the length of sixty feet and not less than thirty, nor more than fifty feet in breadth, and to lay out a street along the north side of the said row of lots of the breadth of forty feet, to be called Water street, and to extend as far into the Bay of Presqu'isle as they may judge expedient, all the streets which have heretofore terminated at the shore of the Bay aforesaid: Provided, that Water street aforesaid shall be raised not less than six feet above the surface of the water of the Bay, and the north side of Front street aforesaid shall be raised at least fourteen feet above the surface of the water aforesaid, and the burgess and town council, for the time being, or a majority of them, shall have power at such time and times, in such manner, and on such terms as to them shall appear most advantageous, to sell, at public auction, and by indenture duly executed under their hands and seals, or under the hands and seals of a majority of them, to grant and convey in fee simple, to the highest and best bidders respectively, all or any of the lots to be laid out as aforesaid, with authority to the said purchasers respectively to erect such wharves opposite to such lots as the said burgess and town council shall think expedient, and to extend the same, from time to time, to such distance into the Bay as the borough laws shall permit, and the monies arising from the sale of the said lots shall be laid out and appropriated in the same manner, and subject to the same regulations and restrictions as the monies to be raised by virtue of the sixth section of this act: Provided always, that no building shall be erected on any of the lots so to be laid out

and sold as aforesaid, higher, including the roof, than forty feet above the surface of the water aforesaid, nor shall any building whatever be erected on the north side of Water street aforesaid.

Approved March 29, 1805. Recorded in L. B. No. 10, p. 141.

CHAPTER MMDLXXXIX.

AN ACT DIRECTING THE MODE OF SELECTING AND RETURNING JURORS.

Section I. (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That, in each county of this commonwealth, the sheriff and county commissioners, or any two of the said commissioners with the sheriff, shall meet at the seat of justice at least thirty days previously to the first court of common pleas to be holden in each and every year, and shall then and there select, from the list of taxable citizens, the names of a sufficient number of sober and judicious persons, to serve as jurors at the several courts hereinafter mentipned, to be holden in that year, and shall write the name of each person so selected on a small piece of paper, which papers shall be as nearly alike, in size and shape, as may be, and shall be so folded that the name doth not appear; two wheels shall be provided, which shall be numbered 1, 2; in No. 1 the names of those intended for grand jurors shall be put; in No. 2 those intended for petit jurors shall be put; upon which they shall turn the wheel sufficiently to intermix the papers deposited therein, and having first drawn from the proper wheel or wheels a number of names sufficient for the then next court, the wheels respectively shall then be locked up and sealed; the county commissioners shall take charge of the wheels, and the sheriff of the keys; and thirty days previously to each succeeding court, the same proceedings shall be had by the sheriff and county commissioners aforesaid; a list of the names