

one mile below the lower Falls of said river,) have a legal title to the same. And whereas it appears that said Island was purchased from the Indians in the year one thousand six hundred and eighty by William Biles, the ancestor of the present possessors; that said purchase was further confirmed by a deed bearing date the nineteenth day of March, one thousand seven hundred and twenty-seven, under which a peaceable possession of the same has been held ever since that time: Therefore to remove all doubts as respects any claim which the commonwealth may be supposed to have to the said Island:

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 present possessors of all and every part of the Island known by the name of Biles Island, situate in Falls township, Bucks county, about one mile below the lower Falls of the River Delaware be, and they are hereby established and confirmed in the possession and right to the same, which they respectively hold at the time of passing of this act: Provided, that nothing herein contained shall be construed so as to interfere with the rights of any individual or impair any contract respecting all or any part of the said Island.

Approved February 1, 1808. Recorded in L. B. No. 11, p. 152.

CHAPTER MMDCCCXCIX.

AN ACT TO ALTER AN ACT ENTITLED, "AN ACT TO ERECT THE TOWN OF HARRISBURG IN THE COUNTY OF DAUPHIN INTO A BOROUGH."(*)

Whereas by the sixth section of an act of the general assembly of this commonwealth, passed on the thirteenth day of April, Anno Domini one thousand seven hundred and ninety-one, entitled, "An act to erect the town of Harrisburg,

in the county of Dauphin into a borough,"⁽¹⁾ it is enacted, "That the burgesses and freeholders inhabitants of Harrisburg respectively forever shall enjoy all the powers, jurisdictions, exclusions, authorities and privileges, and be subject to the same qualifications, restrictions, penalties, fines and forfeitures within the said borough, as are enjoyed by, and limited to the burgesses and inhabitants of the borough of Reading in the county of Berks." And whereas it appears by petition of the inhabitants of the said borough of Harrisburg, that experience has fully proved that owing to a difference in the local situation of the two places, and various other causes, the act of assembly for erecting the town of Reading into a borough, however applicable to the purpose for which it was originally intended by the legislature, is not well calculated for the good government of the borough of Harrisburg: Therefore,

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 said town of Harrisburg, shall still continue and forever remain a borough under the name and title of "The Borough of Harrisburg," the extent and bounds of which shall be the same as in the original law, to wit: Beginning at low-water-mark on the Eastern shore of the Susquehanna river; thence by the pineapple tree, north sixty degrees and one quarter east, seventy-nine perches to an ash tree on the west bank of Paxton creek; thence by the several courses thereof three hundred and twenty-three perches to a white hickory, in William Maclay's line; thence by the same south sixty-seven degrees and three-quarters west, two hundred and twelve perches to a marked chesnut-oak on the eastern bank of the Susquehanna; thence by the same course to low-water-mark; and from thence by the low-water-mark to the place of beginning.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the freeholders, housekeepers and other inhabitants of the said borough, entitled to vote

for members of the general assembly, having resided within the said borough at least one year immediately preceding the election and within that time paid a borough tax, shall have power on the third Friday in March next, and on the same day in every year hereafter to meet at the court house in said borough, and then and there between the hours of one and five in the afternoon, elect by ballot one respectable citizen, residing therein, who shall be styled the "Chief Burgess," one other reputable citizen, who shall be styled "The Assistant Burgess," and nine reputable citizens to be a town council, and shall also elect as aforesaid one reputable citizen as high-constable; all of whom shall be residents and freeholders of the said borough. And also shall at the same time and place elect four suitable persons for constables, and return the said persons so elected for constables to the next court of quarter sessions of the county of Dauphin; and the said court shall appoint two of them to be constables of the said borough for one year from and after the time of their appointment; but previous to the opening of said election, such of the inhabitants as are present at the court house, shall elect three reputable citizens as judges, one as inspector and two as clerks of the said election, which shall be regulated and conducted throughout according to the general election law of this commonwealth, and who shall be subject to the same penalties for malpractices, as by the said law is imposed; and the said judges, inspectors and clerks, before they enter upon the duties of their respective offices, shall take an oath or affirmation before any justice of the peace of said county, to perform the same with fidelity; and after said election shall be closed, shall declare the persons having the greatest number of votes to be duly elected; and in case that any two or more candidates should have an equal number of votes, the preference shall be determined by lot, to be drawn by the three judges in the presence of the inspector and clerks; whereupon duplicate certificates of said election shall be signed by the said judges, one of which shall be delivered to the clerk of the court of quarter sessions of the said county, to be deposited in his

office, and the other shall be filed with the papers belonging to the corporation. And it shall be the duty of the high constable for the preceding year to give notice in writing to each of the persons so elected as aforesaid; and in case of the death, resignation, removal or refusal to accept of any of the said offices, the chief burgess, or in his absence or inability to act, the assistant burgess shall issue his precept directed to the high constable, to hold an election in manner aforesaid, to supply such vacancy, giving at least eight days' notice of such election by six advertisements set up in the most public places in the said borough.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That from and after the third Friday in March next, the chief burgess, assistant burgess, and town council, duly elected as aforesaid, and their successors, shall be one body politic and corporate by the name and style of "The Chief Burgess, Assistant Burgess, and Town Council of the Borough of Harrisburg," and shall have perpetual succession; and the said chief burgess, assistant burgess, and town council and their successors, shall be capable in law to have, get, receive, hold and possess goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors, in fee simple or otherwise, not exceeding the yearly value of five thousand dollars; and also to grant, sell, let and assign the same lands, tenements, hereditaments and rents, and by the name and style aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law in this commonwealth in all manner of actions whatsoever, and to have and use one common seal, and the same from time to time at their will to change and alter, until it be otherwise directed by law; and the said inhabitants shall hereafter forever hold two markets in each week, one on Wednesday, and one on Saturday; and two fairs in each year, one on the second Thursday and succeeding Friday in June, and the other on the second Thursday and succeeding Friday in October forever.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any person duly elected as chief burgess, assistant burgess, member of the town council, or high constable as aforesaid, and having received notice thereof as directed by this act, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, or having taken upon himself the duties of said office, shall neglect to discharge the same according to law, every person so refusing or neglecting, shall for every such offense, 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 any of the by-laws and ordinances of the town council, shall be for the use of the said corporation, and shall be recovered before the chief burgess, or in his absence or inability to act, before the assistant burgess, in the same manner that debts not exceeding one hundred dollars, are recoverable before a justice of the peace; and when so recovered, shall be forthwith paid to the treasurer of the borough; and it shall be the duty of the officers of said borough, on receiving any money, belonging to the corporation, to pay the same to the treasurer forthwith.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the chief burgess, assistant burgess, town council and high constable, and each of them, before entering upon the duties of their respective offices, shall take and subscribe an oath or affirmation, before any justice of the peace of the said county, to support the constitution of the United States, and of this state, and to execute the duties of their respective offices with fidelity; and the certificates of such oaths and affirmations, shall be filed among the records of the said corporation.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the said town council, five of whom shall be a quorum, to hold quarterly meetings on the first Saturday in April, July, October and January, in each year, and oftener, if occasion requires; at which meetings they shall revise, repeal or amend

all such by-laws and ordinances, as have been heretofore made in the said borough; and enact such other by-laws, and make such rules, regulations and ordinances, as shall be determined by a majority of them, necessary to promote the peace, good order, benefit and advantage of said borough, particularly of providing for the regulation of the markets, improving, repairing and keeping in order the streets, lanes, alleys, and highways, ascertaining the depth of vaults, sinks, pits for necessary houses, and making permanent rules relative to the foundations of buildings, partywalls and fences, and for the safe keeping, and preservation from injury, of the lot of ground in the said borough, belonging to this commonwealth until it be otherwise disposed of by law: They shall have power to assess, apportion and appropriate such taxes, as shall be determined by a majority of them, necessary for carrying the said rules and ordinances, from time to time, into complete effect; and also to appoint a town clerk, treasurer, two persons to act as street and road supervisors, a clerk of the market and a collector, annually, and such other officers as may be deemed necessary, from time to time, and the same officers, from time to time, to remove for misdemeanor in office, which meetings of the said town council shall be held at the court house, in the said borough until a town-house is erected: Provided, that no by-law, rule or ordinance of the said corporation shall be repugnant to the constitution or laws of the United States or of this commonwealth; and that no person shall be punished for a breach of a by-law or ordinance made as aforesaid, until ten days have expired after the promulgation thereof, in at least one English and one German newspaper printed in the said borough: And provided also, that in assessing such tax, due regard shall be had to the valuation of taxable property taken for the purpose of raising county rates and levies, so that the said tax shall not in any one year exceed half a cent in the dollar of such valuation, unless some object of general utility shall be thought necessary, in which case a majority of the taxable inhabitants of said borough,

shall approve of and certify the same, in writing under their hands, to the town council, who shall proceed to assess the same accordingly.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the chief burgess, elected and qualified agreeably to this act, or in his absence or inability to act, the assistant burgess is hereby authorized to issue his precept, as often as occasion may require, directed to the collector, commanding him to collect all taxes so assessed, and the same to pay over to the treasurer: And the said chief burgess, or in his absence or inability to act, the assistant burgess is hereby authorized to carry into effect all by-laws and ordinances enacted by the town council, and whatsoever else shall be enjoined upon him or them, for the well ordering and governing said borough; and shall have jurisdiction in all cases of dispute, that may arise between the corporation and individuals, under this act or any by-laws enacted by the town council, and shall also have power to mitigate or remit fines and forfeitures, in all cases where it shall appear that the person or persons so fined did not offend intentionally, or on their having some other just and reasonable excuse to plead in his or their behalf, which excuse shall be satisfactorily proven to the said chief burgess, or assistant burgess, as the case may be.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the town clerk to attend all meetings of the town council, when assembled upon business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal and records of the corporation and be answerable for the same, and also for the faithful discharge of all the duties which may be enjoined upon him by virtue of this act, or of the acts of the corporation, whose attestation, with the seal of the corporation, shall be good evidence of the act or thing so certified.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the treasurer shall give suffi-

cient security for the faithful discharge of the duties of his office, and for the safe delivery of all monies, books and accounts appertaining thereto, into the hands of his successor, upon demand made for that purpose.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That the street supervisors, treasurer, high constable, clerk of the market and collector, as well as all other officers, which may be appointed by the corporation or council, shall, at the quarterly meeting of the council in the month of April, yearly, render their accounts to the said council for settlement; and the said accounts, being so adjusted and settled accordingly, shall be forthwith published by said council, showing particularly the amount of taxes laid and collected, and of all monies paid into the treasury, and the amount of expenditures.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the chief burgess, assistant burgess and president of the council, or any two of them, shall constitute a court of appeal, and prior to the collection of any borough tax, the collector shall inform each inhabitant of the amount of his tax, and of the time and place of appeal: Provided nevertheless, that the said court of appeal shall have no other power, as such, than to determine the justness of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same.

Section XII. (Section XII, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the high constable to give notice of the annual elections of the said borough, held in pursuance of this act, by setting up advertisements in the market-houses, and in four other public places in the said borough, ten days previous thereto; he shall attend and see that the same is opened, at the time and in the manner directed by this act: Provided, that it shall be the duty of the present high constable to publish and superintend, in like manner, the election to be held on the third Friday in March next as is herein-before directed.

Section XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the judges, inspector and clerks of the elections aforesaid, shall be allowed each, one dollar a day for their services in holding said elections; and the town council shall, from time to time, fix the salaries of the high constable, town clerk, treasurer, clerk of the market, and such other officers as may be appointed under this act, which salaries shall be paid out of the borough treasury, by orders drawn thereon, signed by the president of the council, which salaries shall not be increased or diminished during the time for which the said officers were appointed respectively: Provided also, that if any person, appointed by the town council, as aforesaid, shall neglect or refuse to take upon himself the duties of the office to which he shall be so appointed, shall forfeit and pay for the use of the corporation, the sum of twenty dollars, unless he can render to the said council; a satisfactory reason why he should be exonerated from such service.

Section XIV. (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall think him, her or themselves aggrieved, by any thing done in pursuance of this act, except in what relates to the imposing and collecting the borough tax, and appointments made by the town council, he, she, or they may appeal to the next court of common pleas, to be held for the said county upon giving security, according to law, to prosecute his, her or their appeal with effect, and the said court, having taken such order therein as shall seem to them just and reasonable, the same shall be conclusive against all parties.

Section XV. (Section XV, P. L.) And be it further enacted by the authority aforesaid, That from and after the third Friday in March next, the act entitled, "An act to erect the town of Harrisburg, in the county of Dauphin, into a borough;" passed on the thirteenth day of April, one thousand seven hundred and ninety-one,⁽¹⁾ be, and the same is hereby repealed.

Approved February 1, 1808. Recorded in L. B. No. 11, p. 153.

Note ⁽¹⁾ Chapter 1570; 14 Statutes at Large, p. 98.