

ACTS

OF THE

General Assembly

OF THE

COMMONWEALTH

OF

PENNSYLVANIA,

PASSED AT A SESSION WHICH WAS BEGUN AND HELD

AT THE

Borough of Harrisburg

ON

TUESDAY, THE SIXTH DAY OF DECEMBER,

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND TWENTY-FIVE

AND OF THE

INDEPENDENCE

OF THE

UNITED STATES OF AMERICA

THE FIFTIETH.

PUBLISHED BY AUTHORITY.

HARRISBURG:

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1826.

tunnpike company to be collected. from Washington to Williamsport, in the county of Washington.

Part of the road laid out, per act of 10th April, 1792, from London to Roads towards Port Deposit, vacated.

SECT. 31. *And be it further enacted by the authority aforesaid,* That so much of a road laid out under the direction of an act passed the tenth day of April, one thousand seven hundred and ninety-two, entitled "A supplement to an act entitled, an act to provide for opening and improving sundry roads within this commonwealth as lays south and east of a road leading from New London to Roads, in Chester county, towards Port Deposit, on the Susquehanna river," be and the same is hereby repealed.

JOSEPH RITNER, *Speaker*
of the House of Representatives.

ALEXANDER MAHON,
Speaker of the Senate.

APPROVED—the tenth day of April, one thousand eight hundred and twenty-six.

J. ANDW. SHULZE.

CHAPTER CXXIX.

A FURTHER SUPPLEMENT

To an act, entitled "An act to erect Norristown, in Montgomery county, into a borough, and for other purposes."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,*

Water authorised to be introduced into the boroughs of Norristown and Lewistown.

That the corporations of the borough of Norristown and the borough of Lewistown, be, and they are hereby authorised and empowered to introduce into said boroughs a sufficient supply of Schuylkill, Kishacoquillas or other wholesome water for the use of said boroughs, at the expense of said boroughs, for which purpose said corporations are hereby authorised to contract for such supply with any individual or body corporate as they may deem most expedient, and shall also be authorised to convey such supply by means of pipes, trunks and aqueducts, and to provide proper cisterns or reservoirs

for the reception thereof, and for said purposes said corporations may by their artists and workmen enter into such lands and enclosures as may be necessary, and to dig, ditch and lay pipes through the same, doing as little damage as possible to private property, and paying for whatever injury shall be done by them, and when the parties cannot agree, the damages to be assessed by three disinterested freeholders, to be appointed on application by the court of common pleas in and for said county of Montgomery, or the county of Mifflin, and who shall be duly sworn or affirmed, justly and equitably to make such assessment, and the corporations shall at all times, (paying damages as aforesaid,) have liberty to renew and repair the pipes, trunks and aqueducts wherever laid on and though private property, doing as little damage as possible, and shall also have liberty at all times to dig and lay pipes along the roads and highways of said boroughs, and to renew and repair the same, shutting up and amending any breaches which they may respectively make as soon as practicable.

Authority to enter upon lands to dig, ditch & lay pipes.

Of payment of damages &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the corporations of the said boroughs are hereby authorised and empowered to borrow any sum or sums of money not exceeding eight thousand dollars upon the faith and credit of said boroughs, to carry into effect the purposes of this act, and to apply so much of the taxes raised upon said boroughs as may be necessary to the punctual payment of the interest on said loan.

Authorised to borrow money not exceeding \$8,000.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the corporations of said boroughs, be, and they are hereby authorised and empowered to sell or rent the said water to all and every person and persons who may be disposed to purchase the same, upon such terms as may be agreed upon, the rents or proceeds of which shall be for the use and benefit of said boroughs.

Authority to sell or rent water.

SECT. 4. *And be it further enacted by the authority aforesaid,* That any person who shall wilfully destroy or injure in any manner the pipes, aqueducts, cisterns, reservoirs, buildings or machinery, or any of them, or any of the works of said corporations erected in pursuance of this act, or shall wilfully corrupt or render unwholesome the water which shall be conveyed and brought into said boroughs by the said corporations, shall on being thereof convicted in the court of quarter sessions of the peace of said counties of Montgomery or Mifflin, pay a fine not exceeding fifty dollars, one half to the use of the poor of said counties, and the other half to the informer, or be sentenced to undergo an imprisonment for any term not exceeding three months at the discretion of said courts, and shall moreover remain liable for all damages to the said corporation.

Penalty for injuring pipes, aqueducts, &c. or corrupting water.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if the said corporations do not commence said work,

Water to be introduced within five years.

and introduce such supply of water into said boroughs within five years from the passage of this act, that thenceforth it shall be void

Boundaries of the town of Birmingham.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the town of Birmingham and its vicinity, in the county of Allegheny comprised in the following limits, viz. Beginning on the bank of the Monongahela river, thence along the line of Birmingham and by lands of Isaac Gregg's heirs, south two degrees east fifty-five perches and four-tenths to a post, by land of John M'Donald, Aaron Sullivan and Thomas Duncan, north eighty-eight degrees east sixty four perches and two tenths to a post on the line of Sidneyville, thence by said line and land of John M'Donald and Thomas Duncan south two degrees east forty perches and two-tenths to a post, by John M'Donald and John Linton, south eighty-nine and a fourth degrees east forty perches and five-tenths to a post, by land of Oliver Ormsby, north three and a third degrees east one hundred and eighteen perches to a post on the Monongahela river, thence down said river by the several courses thereof, (a direct line being south seventy-eight degrees west) one hundred and nineteen perches and one-tenth to the place of beginning, shall be, and the same is hereby erected into a borough which shall be called the borough of Birmingham.

Erected into a borough.

Who may vote.

SECT. 7. *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 previous to any election to meet at the public school house in said town on the first Monday in May in each and every year, and then and there 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 burghess of the said borough, and five reputable citizens to be a town council, and also elect as aforesaid a high constable, who before entering on the duties of his office shall give bond with security for the faithful performance of the duties thereof in such sum as may be required by the burghess and town council aforesaid, but previously to any such election the inhabitants shall elect three reputable citizens one of whom shall preside as judge, one as inspector and the other discharge the duty of clerk according to the general election law of this commonwealth, so far as relates to the receiving and counting the votes, and shall be subject to the same penalties for mal practices 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 some judge or justice of the peace in the county of Allegheny, 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

Time of holding annual election.

Officers.

Constable to give bond.

How elections shall be conducted.

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 the said officers, or if the election should not be held on the day appointed in this act, 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 supply such omission or to fill such a vacancy, he giving at least ten days notice by advertisements set up at four of the most public places in said borough.

How vacancies shall be filled.

SECT. 8. *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 Birmingham," 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, all 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.

Corporation created.

Powers and privileges.

SECT. 9. *And be it further enacted by the authority aforesaid,*

That if any person duly elected as aforesaid, having been notified as before directed, shall refuse or neglect to take upon himself the duties of the office to which he shall have been elected, every person so refusing or neglecting, shall forfeit and pay, if a burgess, ten dollars, and for any other office five 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, but no person shall be compelled to serve more than one in any term of five years.

Penalty for refusing to serve as officers.

SECT. 10. *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 judge or justice of the peace of said county, to support the constitution of the United States and of this state, and well and tru-

Officers to be under oath.

ly to execute the duties of their respective offices, in the borough of Birmingham, and the certificate of such oath or affirmation shall be recorded in the books of the said corporation.

SECT. 11. *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 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 and laws of the United States, or of this state, and no person shall be punished for a breach of any by-law or ordinance enacted, for the regulation of the said borough of Birmingham, 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 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.

Town council may make by-laws.
Assess taxes.

Appoint a town clerk, &c.

By-laws and ordinances to be promulgated.
Proviso.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the burgess elected agreeably to this act, is hereby authorised 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.

Of the collection of taxes, fines and forfeitures.

SECT. 13. *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, and 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 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 majori-

By-laws &c. to be recorded.

Duty of town clerk.

ty 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 thereon as shall be just and reasonable, which order or judgment shall be conclusive against all parties.

SECT. 14. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the high constable, town clerk and all officers appointed by the town council, to render their accounts to the said council once in every year, which being settled and adjusted by the said council, shall be published, showing particularly the amount of taxes levied, fines collected, and of all receipts and expenditures which shall have been made.

SECT. 15. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, the citizens of the borough of Orwigsburg shall be exempted from paying road tax to the township of Brunswick.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said borough aforesaid, shall elect one assessor and two assistant assessors of the county taxes for the said borough, at such time, under like regulations and for the same purposes as are or shall be hereafter directed by law in the several townships within this commonwealth, which said assessor, and assistant assessors so elected, shall have, use and exercise all and every the powers, rights and privileges, perform all and every the same duties, and be subject to all and every the same fines, penalties and forfeitures within the said borough respectively, which are or hereafter shall lawfully be used, had and exercised, or which are or shall be suffered by or imposed upon like officers of the several townships of this commonwealth.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the inhabitants of the borough aforesaid shall elect at the same time and place, and under the same regulations as the overseers of the poor within the several townships in this commonwealth are now by law elected, two overseers of the poor of said borough, who shall perform the same duties as are by law required to be performed of the overseers of the poor of other boroughs and townships within this commonwealth, and be subject to all and every the same fines, penalties and forfeitures which are, or hereafter shall be suffered or imposed upon like officers of the several townships within this commonwealth, and shall render their accounts yearly to the town council, who shall audit and settle the same.

agreeably to the laws which now are, or hereafter shall be in force in this commonwealth, and the names of the said overseers of the poor so elected, shall be returned to the court of quarter sessions of the county of Schuylkill as other officers are in similar cases.

Certain property in the said borough authorised to be sold by the county commissioners.

SECT. 18. *And be it further enacted by the authority aforesaid;* That the commissioners of the county of Schuylkill, be and they are hereby authorised to sell at public sale, at such time and place as they shall think proper, all the right, title and interest of the said county to a certain house and lot of ground in the borough of Orwigsburg, marked in the general plan of said town number nineteen, and the said commissioners are hereby authorised and empowered to execute a deed to the purchaser or purchasers, for the said house and lot of ground, in fee simple; and the proceeds of such sale or sales to pay over to the treasurer of the said county.

Time of holding election for managers of the Old Columbia Public Ground Company.

SECT. 19. *And be it further enacted by the authority aforesaid;* That the citizens of that part of the borough of Columbia called "Old Columbia," qualified to vote at a general election, that have resided therein one year immediately previous thereto, shall meet at the town hall in said borough on the first Saturday of June next ensuing the passage of this act; between the hours of one and four o'clock, P. M. then and there to elect by ballot six citizens, inhabitants of "Old Columbia," who shall be styled "The President and Managers of the Old Columbia Public Ground Company," three whereof shall serve until the first Saturday of January, one thousand eight hundred and twenty-seven, the other three until the first Saturday in January, one thousand eight hundred and twenty-eight, and every year hereafter the citizens qualified as aforesaid shall elect by ballot on the first Saturday of January, in each and every year, three citizens, qualified as aforesaid, to serve for two years and until others are chosen, of which election public notice shall be given by the managers, at least nine days previous thereto, by printed or written advertisements, put up at least in six public places in said town; any person so elected as aforesaid refusing to serve shall pay a fine of five dollars, to be recovered by the president and managers as debts of like amount are by law recoverable; the said president and managers shall not receive pay for their services; no person shall be compelled to serve more than two years in six; if it shall happen that an election of managers be not made on the day above described, the corporation shall not for that cause be dissolved, but it may be lawful on any other day within thirty days thereafter, nine days notice being given as aforesaid, to hold an election in the manner prescribed as aforesaid, and the said managers shall have the power to appoint one of the board

Time of holding annual elections.

Notice thereof to be given.

Penalty for not serving when elected. Of compensation.

If no election be held corporation not to be dissolved.

for president, and shall also appoint a secretary and treasurer, who shall be inhabitants of said "Old Columbia," and when vacancies happen the managers shall have power to supply his place from amongst the citizens of said "Old Columbia" until the next election, and the said president and managers shall have perpetual succession by the name, style and title of "The President and Managers of the Old Columbia Public Ground Company," by the same name, style and title they shall be and are hereby made able and capable in law to sue and be sued, and be impleaded, and enjoy all the privileges and franchises incident to a corporation, they shall be capable of taking and holding the said public ground, the water stock now held, the moneys now on hand, and those hereafter arising from the dividends of stock, and the rents of the public ground, and to invest it or so much thereof as they may deem expedient, of stock of any incorporated company of this state or of the United States: *Provided*, That the nett annual income shall at no time exceed the amount of more than four thousand dollars: *And provided further*: That the said managers cannot sell any stock now and hereafter held by them without the consent of the citizens called together for that purpose.

SECT. 20. *And be it further enacted by the authority aforesaid*, That the president and managers, or a majority of them, shall have power to adopt such by-laws, rules, and regulations, as may be deemed expedient for the well governing the affairs of the corporation, and shall also have power to call special meetings of the citizens of Old Columbia whenever they may think it necessary, by giving nine days notice thereof by printed or written handbills put up at least in six public places in said Old Columbia, of the time, place and business of meeting: *Provided*, That such by laws, rules and regulations shall in no wise contravene the constitution and laws of the United States or of this state.

SECT. 21 *And be it further enacted by the authority aforesaid*, That immediately after the election of managers has taken place and they have been organized under this law, the present trustees of the public ground are hereby required to transfer the right they have to the public ground, and also the shore purchased of John L. Wright, together with all the Columbia Water Company stock, to the president and managers of the "Old Columbia Public Ground Company," and also to require their treasurer to pay over to the treasurer of the "Old Columbia Public Ground Company" all moneys in his hands.

SECT. 22. *And be it further enacted by the authority aforesaid*, That immediately after the passage of this law the present trustees shall call a meeting of the citizens of Old Columbia, and if they or a majority accept this act of incorporation, then so much of the fourteenth section of the act incorporating

Of president
secretary &
treasurer.
Of vacancies

Style of the
company.

Powers and
privileges:

Provido

2d. provisio

Power to
make by-
laws,

And call spe-
cial meet-
ings of citi-
zens.

Provido.

The present
trustees to
transfer the
property to
the company
hereby in-
corporated.

This act to
be submitted
to citizens of
Old Colum-
bia &c.

the borough of Columbia as this act supplies be and the same is hereby repealed.

JOSEPH BITNER, *Speaker*

of the House of Representatives.

ALEXANDER MAHON,

Speaker of the Senate.

APPROVED—the tenth day of April, one thousand eight hundred and twenty-six.

J. ANDW. SHULZE.

CHAPTER CXXX.

AN ACT

Authorising the Recorder of Deeds for Indiana county, to record the draft of a re-survey of the town of Indiana, and for other purposes.

Preamble.

WHEREAS the original draft of a re-survey of the town of Indiana and the out lots of said town, made in pursuance of an act of Assembly, passed twenty-eighth March, one thousand eight hundred and nine, now remains, as is alledged, in the commissioners' office of said county, but may in time be lost or defaced, and the recorder of the said county has no authority to record the same:

Therefore,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the recorder of deeds for Indiana county be, and he is hereby authorised to record the said draft in his office, the same being first duly proved before an associate judge of said county.

Draft of re-survey of the town to be recorded.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the books of record which have been purchased by the prothonotary and register and recorder of deeds of Lycoming county, for the use of their respective offices, and that all

Books of record, &c. of county offi-