

LAWS 2411-1

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF PENNSYLVANIA,

PASSED AT THE

SESSION OF 1864,

In the Eighty-Eighth Year of Independence.

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With an Appendix.

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HARRISBURG:

SINGERLY & MYERS, STATE PRINTERS.  
1864.

That George A. Cooke, George C. Thomas, James T. Bing-  
ham, R. D. Barclay, Joseph Lesley, J. M. Ritterson, Thomas  
S. Fernon, and their associates, or a majority of them, be and  
they are hereby created a body corporate and politic, under  
the name of the South Mountain Iron Company, for the pur-  
pose of manufacturing iron and steel from the ore, and man-  
ipulating iron and steel from the ore, and manipulating the  
same into any shape; said company to have a capital,  
not exceeding fifty thousand shares, of the par value of fifty  
dollars each, with the privilege of issuing bonds, and se-  
curing the same, by mortgage on the property, and fran-  
chises of the company, in amount not exceeding one-third the  
par of the capital shares, issued at a rate of interest, not ex-  
ceeding seven per centum per annum: *Provided*, That no bond  
shall be issued for a less sum than one hundred dollars; the  
said company to be subject to all the conditions, and to be  
possessed of all the rights and privileges, not inconsistent  
herewith, contained in an act, entitled "An Act to encourage  
the manufacture of iron with coke, or mineral coal, and for  
other purposes," passed sixteenth June, one thousand eight  
hundred and thirty-six, and the supplements thereto, for  
manufacturing iron with charcoal; and said company shall  
elect not more than seven directors, and shall pay into the  
state treasury, in four equal annual instalments, a tax of one-  
half of one per centum on the capital stock paid in.

Corporators.

Name.

Privileges.

Capital.

Authorized to  
issue bonds.

Proviso.

Subject to.

Directors.

Tax to state.

HENRY C. JOHNSON,

Speaker of the House of Representatives.

JOHN P. PENNEY,

Speaker of the Senate.

APPROVED—The twenty-third day of April, Anno Domini one  
thousand eight hundred and sixty-four.

A. G. CURTIN.

No. 510.

## An Act

Revising the charter of the municipal corporation of the city of Reading.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the inhabitants of the municipal corporation of the city of Reading, in the county of Berks, for all the purposes for which cities are, by law, incorporated, in this commonwealth, with the boundaries, as at present established, excepting as hereinafter provided, shall continue to be one body politic, in fact,

Incorporation.

- Name. and in name, under the style, and denomination, of the city of Reading; and as such, shall have, exercise, and enjoy, all the rights, immunities, powers, and privileges, and shall be subject to all the duties, and obligations, now incumbent upon, and appertaining to, said city, as a municipal corporation.
- Privileges. and appertaining to, said city, as a municipal corporation.
- Divided into nine wards. SECTION 2. The city of Reading shall be divided into nine wards, in the manner following, to wit: So much of said city, as shall be included within the line, beginning at the westerly bank of the river Schuylkill; thence eastwardly in a line with, and by, Spruce street, to Sixth street; thence by Sixth street, to the intersection of said street with Canal street; thence by Canal street, to the intersection of said street with South street; thence by South street, to the westerly bank of the river Schuylkill; and thence along said westerly bank, to the place of beginning, shall be one ward, and shall be called First ward.
- Boundaries of First ward.
- Second. And so much of said city, as shall be included within the line, beginning at the westerly bank of the river Schuylkill; thence eastwardly, in a line with, and by, South street, to the intersection of said street with Canal street; thence by Canal street, to Sixth street; thence by Sixth street, to Spruce street; thence by Spruce street, to Seventh street; thence by Seventh street, to Chestnut street; thence by Chestnut street, to the Reading and Perkiomen turnpike; thence by said turnpike, to the eastern line of the city boundary; thence along the same, running in a southerly direction, to the westerly bank of the river Schuylkill; and thence along said westerly bank, to the place of beginning, shall be one ward, and shall be called Second ward.
- Third. And so much of said city, as shall be included within the line, beginning at Penn street; thence by Seventh street, to Chestnut street; thence by Chestnut street, to the Reading and Perkiomen turnpike; thence by said turnpike, to Penn street; and thence by Penn street, to Seventh street, the place of beginning, shall be one ward, and shall be called Third ward.
- Fourth. And so much of said city, as shall be included within the line, beginning at Penn street; thence by Seventh street, to Spruce street; thence by Spruce street, to Fourth street; thence by Fourth street, to Penn street; and thence by Penn street, to Seventh street, the place of beginning, shall be one ward, and shall be called Fourth ward.
- Fifth. And so much of said city, as shall be included within the line, beginning at the westerly bank of the river Schuylkill; thence eastwardly, in a line with, and by, Penn street, to Fourth street; thence by Fourth street, to Spruce street; thence by Spruce street, to the westerly bank of the river Schuylkill; and thence along said westerly bank, to the place of beginning, shall be one ward, and shall be called Fifth ward.
- Sixth. And so much of said city, as shall be included within the line, beginning at the westerly bank of the river Schuylkill; thence eastwardly, in a line with, and by, Penn street, to Fourth street; thence by Fourth street, to the Centre turnpike; thence by said turnpike, to the northern line of the city boundary; thence by said northern line, to the westerly bank of the river Schuylkill; and thence along said westerly bank,

to the place of beginning, shall be one ward, and shall be called Sixth ward.

And so much of said city, as shall be included within the line, beginning at Penn street; thence by Fourth street, to the Centre turnpike; thence by said turnpike, to the northern line of the city boundary; thence by said northern line, to the Philadelphia and Reading railroad; thence by said railroad, to Penn street; and thence by Penn street, to Fourth street, the place of beginning, shall be one ward, and shall be called Seventh ward.

And so much of said city, as shall be included within the line, beginning at Penn street; thence by Seventh street, to Walnut street; thence eastwardly, in a line, with, and by, Walnut street, to the eastern line of the city boundary; thence by said eastern line to the Reading and Perkiomen turnpike; thence by said turnpike, to Penn street; and thence by Penn street, to Seventh street, the place of beginning, shall be one ward, and shall be called Eighth ward.

And so much of said city, as shall be included within the line, beginning at Seventh street; thence eastwardly, in a line with, and by, Walnut street, to the eastern line of the city boundary; thence by said eastern line beginning in a northwardly direction, to the Philadelphia and Reading railroad; and thence by said railroad, to Walnut street, the place of beginning, shall be one ward, and shall be called Ninth ward.

SECTION 3. That the councils of said city shall, from time to time, by ordinance, ordain, and appoint, the places, at which all general and municipal elections shall be held, in the several wards, hereinbefore created; and that for the purpose of holding all elections, to take place in said city, on or before the second Friday of February, Anno Domini one thousand eight hundred and sixty-five, the judges of the court of common pleas, of Berks county, shall appoint a judge, and two inspectors, and an assessor, for each ward of said city, who shall perform all the duties, and be subject to all the liabilities of judges, and inspectors, of elections, and of assessors, under the laws of this commonwealth; and that at the election, to be held in said city, on the second Friday of February, one thousand eight hundred and sixty-five, as hereinafter provided for, the qualified electors of the several wards of said city, shall elect one judge, and two inspectors, and an assessor, for each of said wards, to serve for one year.

Councils to fix the places for holding elections.

Judges of court of common pleas to appoint officers to hold election in 1865.

Election of judges, inspectors, and assessors.

SECTION 4. That the administration of all the fiscal, prudential, and municipal, concerns of said city, with the conduct and government thereof, shall be vested in one principal officer, to be styled the mayor, one council, to be called the select council, and one council, to be called the common council, and also, such other officers, and boards of officers, as are hereinafter specified; and the fiscal year, of the city of Reading, shall commence on the first day of January, in each and every year.

Government of city to be vested in mayor, councils, &c.

Fiscal year to commence on first of January.

SECTION 5. That the annual meeting of the citizens, for the election of municipal officers, hereinafter mentioned, shall be held on the second Friday in February; and the mayor shall issue his proclamation to the qualified voters of each ward, at

Annual election, when and how held.

least ten days before said second Friday, and therein state the officers to be voted for at such election; and the person, receiving the highest number of votes, for any office, shall be deemed, and declared, to be elected to the same; and whenever two or more persons are to be elected to the same office, the several persons, to the number required to be chosen, having the highest number of votes, shall be declared elected; and in case of a tie vote between candidates, having the highest number of votes, for the same office, such candidates, having a tie vote, shall, on the day fixed for entering upon the duties of the office, determine by lot, which of them shall be entitled to hold the same.

Qualifications  
of voters.

SECTION 6. That the freemen of the city of Reading, being citizens of the United States, who have resided within the bounds of said city for one year, and have paid the city tax, for the year preceding the election, which shall have been assessed at least ten days before, shall be entitled to vote at the elections for officers of the said city; and any person, not so qualified, who shall fraudulently vote at any city election, or being otherwise qualified, shall vote out of his proper ward, or if any person, knowing the want of such qualification, shall aid, or procure, such person to vote, the person, or persons, so offending, shall, on conviction thereof, be fined in any sum, not exceeding two hundred dollars, and be imprisoned for any term, not less than one, nor more than six months: *Provided*, That the payment of a city tax shall not be required of any citizen, voting, who shall be between the ages of twenty-one and twenty-two years.

Penalty for  
fraudulent  
voting, &c.

Proviso.

Election offi-  
cers, duties of.

SECTION 7. That all city elections shall be held by the judges, and inspectors, elected to hold the general elections in the several wards, or by those duly appointed in their stead, who shall be duly sworn or affirmed, for said purpose, and if the said officers, or any of them, shall not open the election for the space of one hour, after the time fixed for opening, the qualified voters of the ward, then present, shall elect, from among their number, to fill his, or their, place, or places; and the said judges, inspectors, and the clerks, by them appointed, shall be subject to the same penalties, for a violation of the law, or fraud, in the discharge of their duties, as are provided in the general election laws of this commonwealth; and it shall be the duty of the commissioners, of the county of Berks, to provide at, or before, eight o'clock in the morning, of any city election, the said officers with election boxes, blank forms, tally papers, and a list of the qualified voters of the respective wards; and in order to enable them to make said lists, the assessors, of the several wards, shall furnish them with the names of the persons assessed.

Subject to.

Duties of com-  
missioners and  
assessors.

Tickets, how  
printed and vo-  
ted.

SECTION 8. That the qualified voters, of the city of Reading, at their annual election for city officers, may vote, for said officers, upon two written, or printed, tickets, or slips of paper, one of which shall be headed city officers, and contain the names of the candidates for mayor, city treasurer, city auditors, and select and common councils, for whom the voter desires to vote, and the other shall be headed ward officers, and contain the names of the candidates for alderman, constables,

judge, and inspectors, of elections, controller of schools, and assessor, for whom they may desire to vote.

SECTION 9. That the officers, herein provided, to hold the city elections, after closing the polls, and counting, and ascertaining, the number of votes, for each candidate, or person, voted for, shall, within twenty-four hours, make return thereof, as follows, namely: for the office of mayor, the return shall be delivered to the president of the select council, and by him laid before the said council, on the day of organization, and by the president elect, of said council, before the joint convention of the two branches of the city councils, on the Wednesday succeeding the city election for mayor; for the offices of city treasurer, city auditors, and members of councils, to the mayor, who shall present the returns, for members of the councils, at the time fixed on the Tuesday succeeding the city election, for their organization, to the respective bodies; and the returns, for the other officers, to the joint convention of the councils, on the Wednesday succeeding the city election, of said officers; for the office of alderman, the return shall be made in the manner now provided by law; in the case of elections of justices of the peace, and for all the other offices, in the manner now provided by law, in such cases; and the said officers shall give notice, to the persons elected, in their respective wards.

Returns of election, when and how made, &c.

Notice to persons elected.

SECTION 10. That the select council shall consist of one member from each ward, who shall have the same qualifications as are required by the constitution of this commonwealth, for members of the senate; the qualified voters of each ward, in which the terms of members shall expire, shall, at the annual election, held on the second Friday in February, elect one member qualified, as aforesaid, to serve for three years, from the Tuesday succeeding the respective city elections; immediately after the members of the select council shall have assembled, after the first election, under this act, they shall be divided into three classes by lot: the seats of the members, of the first class, shall be vacated at the expiration of the first year, of the second class, at the expiration of the second year, and, of the third class, at the expiration of the third year, so that one-third may be thereafter elected every year; and if any vacancies shall happen, by resignation, or otherwise, during the term for which any member shall be elected, the same shall be filled, for the unexpired term, at the next city election: *Provided*, That the members, whose terms shall not have expired, at the time of the first meeting, after the first election, under this act, shall take their places in the class to which they would be severally entitled, for the period of their unexpired terms.

Members of select council, number and qualifications of.

Election and classification.

Vacancies.

Proviso.

SECTION 11. The common council shall consist of one member, for every three hundred taxable inhabitants of each ward, and one member for every fraction of three hundred taxable inhabitants, exceeding in number two hundred, who shall have the same qualifications as are required by the constitution of this commonwealth, for members of the house of representatives, and shall be elected at the annual city election, held on the second Friday in February, by the qualified voters of each

Common council-men, number and qualifications of.

Election and official term.

Number, hereafter, to be regulated by council.	ward, for the term of two years, from the Tuesday succeeding the respective city elections; and the common council shall have power to regulate the number of common councilmen, to be chosen from each ward, from time to time, being governed, in the discharge of that duty, by the ratio of representation, as herein prescribed; and the number of taxable inhabitants, of each ward, shall be determined from the returns of the assessors, for city purposes, in the preceding year; immediately after the members of the common council shall have assembled, after the first election, under this act, they shall be divided into two classes, by lot: the seats of the members, of the first class, shall be vacated, at the expiration of the first year, and the seats of the members, of the second class, at the expiration of the second year, so that one-half may be thereafter elected every year; and if any vacancies shall happen, by resignation, or otherwise, during the time for which any member shall be elected, the same shall be filled for the unexpired term, at the next city election: <i>Provided</i> , That no member of the state legislature, nor any one holding office, or employment, from, or under, the state, at the time of said election, shall be eligible as a member of said councils; nor shall any member of said councils, during the term for which he shall be elected, hold any office, or employment, herein created, or provided for, of a municipal character.
Classification.	
Vacancies.	
Proviso.	
Meeting and organization of councils.	SECTION 12. That the members of the select and common councils, elected on the second Friday in February, one thousand eight hundred and sixty-five, together with the members of the select council holding over, under the provisions of this act, shall meet at the place provided for their accommodation, in said city, between the hours of one and four o'clock, in the afternoon of the Tuesday succeeding their election, and shall then, and there, organize in separate chambers; each council, by a majority of votes, shall elect a president, and such other officers as may be deemed necessary for the transaction of business; and the members of the council elect shall meet, as aforesaid, on the Tuesday succeeding the second Friday in February, in each year thereafter, with those whose terms have not expired, and shall take the oath of office, and enter upon the duties thereof.
Oaths to be administered.	SECTION 13. That the members of the select and common councils shall be sworn, or affirmed, to support the constitution of the United States, and of the commonwealth of Pennsylvania, and to discharge the duties of their office with fidelity; and the president elect, of each branch, shall also be sworn, or affirmed, to perform his duties, as president, with fidelity, which oath, or affirmation, shall be administered to him by a member of the branch to which he belongs, appointed for that purpose; and the president, so sworn, and affirmed, shall administer the oaths, or affirmations, to the members elect, and officers, of their respective branches.
Councils to judge of qualifications of members.	SECTION 14. That each council shall judge of the qualifications of its members; and contested elections shall be determined by a committee, to be selected, formed, and regulated, in such manner as shall be directed, by law, or ordinance of said city. A majority of each council shall constitute a

quorum to do business, but a less number may adjourn, from time to time, and have power to compel the attendance of absent members, under such rules, and penalties, as may be provided.

Quorum.  
May compel attendance.

SECTION 15. That each council may determine the rules of its proceedings, which shall, however, not be inconsistent with any joint rule that may be adopted by the two branches of said councils; and each branch shall have power, and authority, to vacate the seat of any of its members for misbehavior, neglect of duty, or other misdemeanor. Each branch shall keep a journal of its proceedings, which shall be, at all times, open to public inspection, and the yeas and nays, of the members, on any question, shall, at the request of any two of them, be entered on the journal. All the voting in the said select and common councils, or in any convention of the same, shall be *viva voce*, and on the final passage of a bill, or resolution, the vote shall be taken by yeas and nays.

Rules.  
Power to vacate seats.  
Journal of proceedings, relative to.  
Mode of voting.

SECTION 16. That whenever a vacancy, or vacancies, shall happen, in either branch of said councils, by death, resignation, removal from the ward, or otherwise, such branch shall order an election, to fill such vacancy, or vacancies, to be held in the proper ward, or wards, at such times as shall be, by such council, respectively appointed, giving at least ten days' public notice of such election.

Vacancies, how filled.

SECTION 17. That the select and common councils shall assemble, for the transaction of business, on the second and last Saturdays, of every month, in each year, and at such other times as they may deem necessary, which meetings shall, at all times, be open, and accessible, to all citizens deporting themselves with order and decorum.

Business meetings, when held.

SECTION 18. That the legislative powers, of the said city, shall be vested in the said select and common councils, who shall have full power, and authority, to make, ordain, constitute, and establish, such, and so many, laws, ordinances, and regulations, as they shall deem necessary to preserve, and promote, the peace, good order, health, benefit, and convenient government, of the said city, subject to the approval of the mayor, as hereinafter provided; and to annex penalties, not exceeding one hundred dollars, for the breach thereof; and the same to enforce, put in use and execution, by the proper officers, and, at their pleasure, said laws, ordinances, and regulations, to repeal, alter, and make anew, as occasion may require: *Provided*, That the same shall not be inconsistent with the constitution, and laws, of the United States, or of this commonwealth: *And provided also*, That it shall not be lawful for councils, at any time, to pass an ordinance, or by other means provide, for the payment of any money, in the shape of per diem pay, or compensation of any kind, for services rendered by them, in their capacity, as councilmen, or members of committees emanating from councils.

Powers vested in councils.

Subject to.

Proviso.

Proviso.

SECTION 19. That every bill, for a law or ordinance, which shall have passed both branches of the councils, shall be presented to the mayor; if he approve, he shall sign it, but if he shall not approve, he shall return it, with his objections, to the council in which it originated, which shall proceed to re-con-

Approval of ordinances by mayor, relative to.

Two-thirds of council may pass bill not signed.

When bills, not returned, to take effect.

Exception.

Ordinances to be published in newspapers.

Proof of publication necessary.

To be recorded.

Orders, or resolutions, to be binding without approval of mayor.

Election of mayor.

Term and qualification of.

Oath of office, how and when administered.

sider it; if, after such re-consideration, two-thirds of that council shall agree to pass the bill, it shall be sent, with the objections, to the other council, by which, likewise, it shall be re-considered; and, if approved by two-thirds of that council, also, it shall be a binding law, or ordinance, upon the conditions, hereinafter mentioned, being complied with; in such cases, the votes, of both councils, shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each branch, respectively. Every bill which shall be presented to the mayor, and not so returned by him, at the next stated meeting of the councils, shall take effect as if it had been approved by him, unless such bill shall have been presented to the mayor, within five days of such next stated meeting, in which case he shall have the right to return the same at the stated meeting succeeding the one last mentioned.

SECTION 20. That all laws, or ordinances, which shall be approved by the mayor, passed by two-thirds of councils, without his approval, or become a law, by neglect in returning the same, shall be published three times, in one or more of the public newspapers, published in said city, within twenty days after being severally approved, passed by two-thirds, or after having become a law; and the publication of the same, with the dates and times of publication, shall be proved by the oath, or affirmation, of the clerk of the select council, which shall at all times, be deemed, and taken, as sufficient evidence of such publication, and the dates and times thereof; and the said laws, and ordinances, together with the affidavit of the publication thereof, shall be recorded by the clerk of the select council, in a book, provided for that purpose, within forty days from and after being so, as aforesaid, approved, passed by two-thirds, or after having become a law; and any such law, or ordinance, which shall not be published, and recorded, as aforesaid, shall be null and void.

SECTION 21. That it shall not be necessary, for any order, or resolution, of either branch, or to which the concurrence of both branches of the council may be required to be presented to the mayor, for his approval, but the same shall be binding for all purposes; the councils may transact business, by an order, or resolution; and every such order, or resolution, shall be filed in the archives of said city, and shall be evidence, for the purposes therein contained.

SECTION 22. That the qualified voters of the city of Reading, shall, on the second Friday in February, one thousand eight hundred and sixty-five, and on the second Friday in February, in every second year thereafter, elect one discreet person, to serve as mayor of the said city, for the term of two years, and until his successor shall be elected, and duly qualified; he shall be at least thirty years of age, a citizen of the United States, and shall have resided four years next preceding his election, within the said city; he shall take the usual oath of office, in the presence of the councils, to be administered by the president of the select or common council, between the hours of one and four o'clock, post meridian, on the Wednesday next succeeding his election, if the same shall, within

that time, be approved, and shall give security to the city of Reading, in such sum, as may be fixed and determined upon by the city councils, for the payment of all moneys, coming into his hands, for fines, and penalties, in accordance with the laws, or ordinances, under which the same be recovered.

SECTION 23. That any citizen of said city, qualified to serve as mayor, desiring to contest the election of the person, returned elected as mayor, shall present his petition, setting forth the reasons for contesting the same, to the president of the convention of the city councils, on the Wednesday succeeding the election of mayor; the said petition shall be signed by at least ten qualified electors of said city, accompanied by an affidavit, taken, and subscribed, before some person, having authority to administer oaths, that the facts stated in such petition, are true, to the best of their knowledge and belief; whereupon, said convention shall proceed to examine into the facts alleged in said petition, for which purpose they may adjourn from day to day, *subpœna* and compel the attendance of witnesses, hear testimony, and decide, within ten days, which of the persons is duly elected; and the person, in whose favor it shall be decided, shall be duly qualified to serve as mayor; or, if the said convention should deem it proper, to set aside the election, they shall order a special election for said office, to be held within twenty days, from and after the determination of such contested election, which shall be conducted in the manner prescribed, and return thereof made, as directed in this act, on the third day next following the same; and the person, ascertained to have received the highest number of votes at such special election, shall be duly qualified to act as mayor, for the remainder of the term for which he shall have been elected; whenever a vacancy shall occur, in the office of mayor, by the refusal, or omission, of any person elected, as aforesaid, to serve, or by death, resignation, removal from the city, or otherwise, it shall be the duty of the councils, in joint convention, forthwith to elect a person, qualified, as aforesaid, to serve as mayor, who shall continue in office until the Wednesday succeeding the next city election, or until his successor shall have been duly declared elected and qualified; in case of the temporary absence, or inability, of the mayor to act, the councils shall appoint a mayor, to serve until he shall resume the duties of the office.

SECTION 24. That the mayor, of said city, shall be the chief executive magistrate thereof, and shall be, *ex officio*, a justice of the peace within the city; it shall be his duty to be vigilant, and active, in causing the laws of this commonwealth, and the laws, and ordinances, of the said city, to be executed, and enforced, therein; and in order to enable him, more effectually, to preserve the peace, and good order, of the city, all the powers given to sheriffs of this commonwealth, to prevent routs, riots, and tumultuous assemblies, are hereby conferred upon him; he shall also communicate to councils, at the first stated meeting, in the month of January, of each year, and oftener, if he shall deem expedient, the condition of the city, in relation to its government, finances, and improvements, and shall recommend the adoption of all such measures as the business,

- and interests, of the city may, in his opinion, require; the councils shall fix the number of police-constables, and watchmen, and the mayor shall nominate, and by, and with, the advice, and consent, of the select council, appoint the said police-constables, and watchmen, and, at his pleasure, dismiss all, or any, of them, and, in like manner, all vacancies shall be filled; the police constables, and watchmen, shall obey the orders of the mayor, and make report to him, which report shall be laid before councils by him, whenever required, and he shall exercise a constant supervision, and control, over the conduct of the police-constables, and watchmen, receive, and examine, all complaints preferred against them, in the discharge of their duties, and report the same to councils; and the mayor shall be required to remove from office any police-constable, or watchmen, by him appointed, upon a resolution to that effect being passed by two-thirds of both branches of councils.
- SECTION 25.** That the mayor of the said city shall have power to hear, try, judge, and determine, all actions, or prosecutions, for penalties, fines, or forfeitures, imposed by virtue of the laws of this commonwealth, or by virtue of the laws, and ordinances, of the said city of Reading, as fully, and in the same manner, and with the same rights, and privileges, as justices of the peace, by the laws of this commonwealth, now have, or hereafter may have; and the said mayor may have, hold, enjoy, and exercise, the criminal jurisdiction of a justice of the peace, in regard to offences of whatever nature, as fully as the same is had, held, enjoyed, and exercised, by any justice of the peace of this commonwealth, by virtue of the laws thereof; he shall, also, have power to commit, to the prison of Berks county, for a term not exceeding thirty days, any dissolute person, or persons, who may be committing any mischief, or otherwise behaving in a disorderly manner, to the disturbance, or annoyance, of the peaceable inhabitants of said city; he is, also, empowered, during his continuance in office, to receive, and take, acknowledgments of deeds, mortgages, and other instruments of writing, as fully, and effectually, as the judges of the several courts of common pleas, and justices of the peace, now are, or hereafter may be, authorized to do, under the laws of this commonwealth; and he shall, also, have full power, and authority, to administer oaths, and affirmations, in all cases, in which justices of the peace may administer the same, and if required to use his official seal, in attestation thereof, and he shall receive the same fees, for services rendered, in the exercise of his jurisdiction, as are, by law, allowed to the justices of the peace of this commonwealth, for similar services; the said mayor shall have, and keep, a docket, in which he shall enter, and record, or cause to be entered, or recorded, all process suits, judgments, orders, and proceedings, before him had, in the same manner as is required of the justices of the peace of this commonwealth; and the said docket of the mayor, and the entries, and records, therein, and transcripts thereof, certified by the said mayor, under his seal, shall be proved, and be competent evidence, for all purposes, in the same manner as the docket entries, records, and transcripts, of the justices
- Councils to fix the number of police-constables and watchmen.  
Mayor to appoint, and control, the same.
- Removal of, relative to.
- Jurisdiction of mayor.
- May take acknowledgments of deeds, &c.
- Fees of.
- Docket to be kept.

of the peace of this commonwealth, are, or may be, required to be proved, when the same are, or may be, competent evidence.

SECTION 26. That the city of Reading is hereby divided into districts, for the election of aldermen, as follows, to wit: the First, Second, Third, Fourth, and Fifth wards, shall comprise the first district, and the Sixth, Seventh, Eighth, and Ninth wards, shall comprise the second district, and each of said districts shall have two aldermen, who shall reside in their respective districts; and the aldermen, who hold the said office, at the passage of this act, shall continue in the same, until the expiration of their respective terms, unless sooner vacated; they shall be elected, in each district, by the qualified voters thereof, on the second Friday in February, on the expiration of the term, or terms, or whenever a vacancy shall exist, by death, resignation, removal from the district, or otherwise, and commissioned for the same term of years, as is provided by the act of assembly, passed the twenty-first day of June, Anno Domini one thousand eight hundred and thirty-nine, entitled "An Act providing for the election of aldermen and justices of the peace," and the acts supplemental thereto; and the aldermen, who shall be elected in pursuance of this act, and the acts herein referred to, shall give security, as provided in the said acts, shall be subject to the same liabilities, and penalties, be removed from office in the same manner, and, respectively, shall have all the civil, and criminal, authority, and jurisdiction, and all the rights, powers, and privileges, which are now, or hereafter may be, vested in the several justices of the peace of this commonwealth, by the laws thereof, and be entitled to the same fees, and perquisites, with the like right of appeal, by the party, or parties, aggrieved, from any judgment, order, or decree, of any such alderman, or aldermen, to the court of common pleas of the county of Berks.

SECTION 27. That all actions, prosecutions, complaints, and proceedings, for violation of the laws, and ordinances, of said city, and for fines, penalties, and forfeitures, imposed, or enacted, thereby, which shall be brought before the mayor, or any alderman, or aldermen, of the said city, respectively, shall be instituted in the corporate name of the said city; those which shall be brought for violation of the laws of the commonwealth, relating to the said city, or for fines, penalties, and forfeitures, imposed, and enacted, thereby, shall be instituted in the name of the commonwealth, or as prescribed by the said laws of the commonwealth; and all other actions, prosecutions, complaints, and proceedings, so brought for fines, penalties, or forfeitures, imposed, or enacted, by the laws, or statutes, of this commonwealth, shall be instituted, and conducted, as provided by law; and all warrants, with orders, and process in, and concerning, the said actions, prosecutions, complaints, and proceedings, or in, and concerning, any criminal prosecutions, complaint, case, or proceeding, made, and issued, by the said mayor, and aldermen, respectively, shall be made, directed, and issued, to any of the police-constables, or other constables, of the said city, who shall, respectively, serve, obey, and execute, the same, anywhere within the said city, or in the

Districts for the election of aldermen.

Each district to have two aldermen.

Those in commission to continue until election.

Election, and term of.

To give security.

Subject to.

Jurisdiction.

Fees.

Appeals.

Prosecutions, complaints, &c., for violation of ordinances, and laws, proceedings therein.

county of Berks, or in any of the cities, or counties, of this state, under the provisions of the act of assembly of this commonwealth, passed the sixteenth day of April, one thousand eight hundred and twenty-seven, entitled "An Act concerning backing of warrants by justices of the peace;" or the same may be issued, and served, and executed, anywhere in the said city, and county, by special constables, or other persons, as provided by law.

Appeals from judgment of mayor, or aldermen, relative to.

SECTION 28. That if any person shall think himself aggrieved by any judgment against him, as defendant, by the mayor, or any alderman, of the said city, in any action, prosecution, or proceeding, for any fines, penalties, or forfeitures, imposed, or enacted, by, or under, any law, or statute, of this commonwealth, relative to the said city, or by, or under, any law, or ordinance, of the said city, such person may, if the said judgment shall exceed the sum of five dollars, exclusive of costs, appeal from the said judgment, to the court of common pleas

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of the county of Berks: *Provided*, That such person shall enter into recognizance, to the said city, with one or more sufficient sureties, whose sufficiency shall be approved of by the said mayor, or alderman, before the said mayor, or alderman, in a sum sufficient to cover the said judgment; and all costs that have accrued, or that may thereafter accrue, in the said case, conditioned that such defendant shall prosecute his

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appeal with effect: *And provided*, That when such appeal shall be taken, the recognizance entered into, and certified transcript of the judgment, and recognizance, to be furnished by the said mayor, or alderman, to the said defendant, on his demand therefor, shall be filed, by the said defendant, in the office of the prothonotary of the said court, within twenty days after the rendition of the said judgment. In case the said transcript shall not be so filed, within the said time, the said mayor, or alderman, shall proceed, in the said case, as if no such appeal had been taken; and, in case of the forfeiture, or breach, of the condition of the said recognizance, and suit shall be brought, the same shall be brought in the corporate name of the said city, and recovery had, in an action of debt thereon, in the same manner as debts, on contract, of like amount, are

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sued, and recovered, by the laws of this commonwealth: *Provided further*, That the said mayor, or alderman, may issue process, and execution, on the said judgment, immediately on the rendition of the said judgment, and before the expiration of the aforesaid twenty days, unless an appeal shall, at the time, have been taken, and the said recognizance entered into, the said process, and execution, to be stayed on the payment of the cost of said execution, on an appeal being taken, and recognizance entered into, and transcript filed, as aforesaid.

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The proceedings on the said appeal, and on any judgment thereon, in the said court, shall be with like process, proceedings, and writs of execution, as directed, or authorized, by the acts of assembly of this commonwealth: *And provided further*, That in case of a judgment for the defendant, by the said mayor, or alderman, in any such action, or prosecution, instituted in the name of the said city, for a fine, penalty, or forfeiture, greater than the sum of five dollars, the said city shall

have the same right of appeal as the defendant aforesaid, under the same terms, and conditions, except entering into recognizance, as aforesaid.

SECTION 29. That the qualified voters of the city of Reading shall, on the second Friday in February, one thousand eight hundred and sixty-five, and on the second Friday in February, in every second year thereafter, elect a city treasurer, to serve for two years, from the Wednesday next succeeding such election, and until his successor shall be duly elected and qualified; and he shall have the same qualifications as are required for the office of select councilmen. His election shall be determined upon by the councils, in convention, on the Wednesday succeeding the election; and contested elections, in relation to the office, shall be proceeded with, in the manner provided in the case of mayor; and any vacancy in said office of treasurer shall be filled, by the city councils, in joint convention, in like manner. He shall give bond to the city, conditioned for the faithful performance of his duties, in such amount as the city councils shall direct, and with such sureties as shall be by them approved, and shall, before he enters upon his office, take and subscribe an oath, or affirmation, before the mayor, to support the constitution of the United States, and of this commonwealth, and honestly to keep an account of all public moneys, and property, entrusted to his care, and to discharge the duties of his office with fidelity. No money shall be drawn from the treasury of the city, except the same shall have been previously appropriated by councils to the purpose for which it is drawn. The accounts to be kept by the said treasurer shall exhibit all the receipts, and all the expenditures, of the city, in an intelligible manner, in which, the particulars of each item of charge, and discharge, shall fully, and precisely, appear. The said treasurer shall keep the public moneys in such place, and manner, as the city councils shall direct, and shall verify his cash account, at least once in every month, to the satisfaction of a standing committee of councils, and upon the affidavit of a majority of such committee to any default therein, the said treasurer may be suspended from office, and another appointed, until the further action of councils; and the said treasurer, at the expiration of his term of office, shall deliver all moneys, books and papers, in his hands, belonging to the said office, to his successor in office.

Election of treasurer.

Official term, and qualifications of.

Contested elections.

Vacancies.

To give bond, &c.

Oath.

Mode of keeping accounts, &c.

SECTION 30. That it shall be the duty of the city treasurer to act as receiver of taxes, as hereinafter provided, and upon the duplicate, or duplicates, of city taxes, having been made out, as may be directed by the city councils, the same shall be placed in the possession of the said treasurer, who shall receive, and collect, said taxes, and for that purpose he shall have, and exercise, all the powers conferred by law, in that behalf; for collection of state, and county, taxes; and, if any taxes on real estate remain unpaid after the thirty-first day of December, in the year for which they are assessed and levied, the treasurer shall deliver a correct, and detailed, statement of the same, taken from the duplicates, to the city solicitor, who shall register the same as hereinafter directed: *Provided*, That the standing committee, appointed by the select and com-

Duties and powers of treasurer, as receiver of taxes.

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mon councils, shall have the right, at all times, to inspect the said duplicate, or duplicates, while in the possession of the said treasurer, or of the collectors, and have power to make such allowances, or alterations, in the same, as they may deem necessary; and the said treasurer, and collectors, shall render a monthly account of all taxes received by them, to the clerk of the select council.

Board of audi-  
tors:

SECTION 31. That the qualified voters of the city of Reading, on the second Friday in February, one thousand eight hundred and sixty-five, and, annually, thereafter, shall elect one reputable person to serve as city auditor, for the term of three years from the Wednesday succeeding such election; and he, with the two auditors previously elected, shall constitute a board to audit the treasurer's accounts, at the end of the fiscal year, and at the close of his term, and perform such other duties as may be prescribed by law, or ordinance; and the election of auditors shall be determined upon, and vacancies in said board shall be filled, in the same manner as is provided in the case of city treasurer.

Their duties.

Constables,  
election of.

SECTION 32. That the qualified voters of the city of Reading shall, on the second Friday in February, one thousand eight hundred and sixty-five, and annually, thereafter, elect two constables, who shall be qualified, as the laws of this commonwealth require such officers to be, and shall, upon entering the requisite security, be commissioned by the court of quarter sessions of the county of Berks; they shall be under, and subject, to the same legal penalties, and provisions, and exercise all the powers, and do, and perform, all duties that, by the usages, and laws, of this commonwealth, are enjoined upon such officers; all vacancies that may, from any cause, occur, in the said office of constable, shall be filled by the court of quarter sessions of the said county of Berks.

To give securi-  
ty.

Subject to.  
Duties.

Vacancies.

Engineer, soli-  
citor, commis-  
sioners of high-  
ways, markets,  
and city proper-  
ty, to be elected  
by councils.

SECTION 33. The select and common councils, in joint convention, shall, at their first stated meeting, on the Wednesday next succeeding the election, in the year one thousand eight hundred and sixty-five, and on every third year, thereafter, elect, for the term of three years, a city engineer; and said select and common councils shall, annually, in joint convention, at the stated meeting on the Wednesday next succeeding their election, elect, for the term of one year, a city solicitor, two commissioners of highways, commissioner of markets, and city property, and such other officers as they shall provide for, by ordinance, and may deem necessary, for the good government, and proper execution, of the laws, and ordinances, of said city; and said councils may, by joint resolution, dismiss, and remove, all, or any, officers elected, or appointed, by them, without the approval, of such joint resolution, by the mayor; and whenever a vacancy shall occur, in any of the offices, filled by election, or appointment, of councils, such vacancy shall be filled in joint convention of councils: *Provided*, That the city engineer shall not be removed from office, except by joint resolution, adopted by a vote of two-thirds of the members present, in select and common councils.

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SECTION 34. That the police-constables, and watchmen, after being duly qualified, shall have power, during their continu-

ance in office, to make arrests, serve, and execute, all process, issued by any officer having jurisdiction, and relating to the penal laws of this commonwealth, and the laws, and ordinances of the said city, and to execute all process, endorsed by any mayor, recorder, alderman, or justice of the peace, within this state; they shall have authority, as conservators of the peace, within the said city, and it shall be their duty to do, and perform, all acts, and things, which may be required of them, by the laws, and ordinances, of the said city; and they shall also be allowed, and entitled to, the same fees as other constables.

Powers of police-constables and watchmen.

Fees.

SECTION 35. That all officers, either elected, or appointed, and not otherwise provided for, shall be sworn, or affirmed, to support the constitution of the United States, and of this state, and to discharge the duties of their office with fidelity; and the city councils shall fix the compensation, and prescribe the duties, of all officers of said city, in such manner as to carry out the purposes of this act, and as the welfare of said city may require, not inconsistent with the constitution and laws of the United States, and of this commonwealth; whenever any elective officer, of said city, shall die, or become incapable of fulfilling the duties of his office, his place, except where other provision is made, for filling the vacancy, shall be filled by a joint convention of the city councils, until the next city election; and the qualification of a successor in office, and all officers elected by the qualified voters, under this act, or appointed by councils to fill vacancies, in cases not otherwise provided for, shall be subject to removal from office, on impeachment for misdemeanor in office, or other sufficient cause, on charges to be preferred by the common council, and tried by the select council, in the manner prescribed by the constitution and laws of this commonwealth, as to the impeachment by the House of Representatives, and trial, thereof, by the Senate.

Official oath to be taken.

Councils to fix compensation, and prescribe duties, of all officers.

Vacancies.

Subject to removal, &c.

SECTION 36. That it shall be the duty of the city councils, to provide, by ordinance, for the establishment, and regulation, of all the departments, indicated by this act, under proper heads, designate, and appoint, the heads thereof, and provide for the appointment of clerks, and officers, all of whom shall serve for such periods, as may be fixed by ordinance, subject to dismissal, by the appointing power, or superior officer, as such ordinance may provide; that all officers, and boards, acting under the authority of the said corporation, and entrusted with the expenditure of public moneys, shall be accountable therefor, to the city councils, in such manner as they may direct; and it shall be the duty of said councils, to cause to be published, annually, for the information of the citizens, a particular statement of the receipts, and expenditures, of all public moneys; and every officer, or agent, receiving moneys for the city, and payable to the city treasurer, shall give bond, for the faithful performance of his duty, and shall be required to make return to the clerk of select council, once in every month, if councils shall direct, under oath, or affirmation, of each item of the moneys received by him, and immediately, upon making such return, to pay the amount in his hands, to the city treasurer; the said clerk, of the select

Councils to establish and regulate all city departments.

Annual statement of receipts, and expenditures, to be published.

Officers receiving moneys to give bond, and make monthly returns.

Clerk of select council to administer oath.

council, is hereby authorized, to administer such oath, or affirmation; and any person, falsely making such oath, or affirmation, or guilty of falsehood, in any other oath, or affirmation, under the provisions of this act, or by any ordinance of councils, made in pursuance thereof, shall be guilty of perjury.

Councils authorized to borrow money, and issue bonds therefor.

SECTION 37. That the select and common councils shall have power, by ordinance, to borrow, for the use of the city of Reading, any sum, or sums, of money, which they shall deem necessary, and to issue bonds, certificates of loan, or other evidences of indebtedness, for the amount so borrowed, to the persons, respectively, lending the same; and such bonds, certificates of loan, or other evidences of indebtedness, signed by the mayor and presidents of councils, sealed with the corporate seal of said city, and attested by the clerk of the select council, shall be binding, and obligatory, on the said corporation; and the money, so borrowed, shall be exempt from the payment of city tax: *Provided*, That the sums of money, so borrowed, shall not, in the whole, including the sum heretofore borrowed, for the use of the said city, for the re-payment of which, the faith of the city is now pledged, exceed the sum of three hundred thousand dollars, nor bear a greater rate of interest than six per centum per annum; hereafter, no money shall be borrowed, on the faith and credit of the said city, unless the proposed ordinance, authorizing the same, shall have been introduced at one stated meeting of the common council, and published in at least two of the newspapers of the city, for two weeks before the final consideration, and passage, thereof, by the said common council; and at any stated meeting of the select council, held at least one week after the final consideration of any such ordinance, by the common council, the select council may consider, and act, upon any such ordinance; but the select council shall not originate, any ordinance for borrowed money, and no loans shall be authorized, without a vote of two-thirds of the whole number of the members of each council present, when said vote is taken: *Provided also*, That it shall be lawful for councils to authorize, by joint resolution, temporary loans of money, whenever they shall deem it necessary, not exceeding, in the aggregate, at any one time, the sum of thirty thousand dollars; and no such loan shall be for a longer period than three months.

Exempt from city tax.

Limitation.

Ordinances for borrowing money, relative to.

Temporary loans.

Councils authorized to erect gas and water works, &c.

SECTION 38. That the councils of the city of Reading, be and are hereby authorized, and empowered, to supply with water, and gas light, the said city of Reading, and such persons, partnerships, and corporations therein, as may desire the same, at such prices as may be agreed upon; and for that purpose, to make, erect, and maintain, all proper water-works, machinery, buildings, cisterns, reservoirs, pipes, and conduits, for the raising, reception, and conveyance, of water; and also, to make, erect, and maintain, the necessary buildings, machinery, and apparatus, for manufacturing, and distributing, gas; and in order to effect the objects, and purposes, aforesaid, all the rights, privileges, and franchises, heretofore, by their several acts of incorporation, or otherwise, granted to, or vested in, the Reading Water Company, and the Reading Gas Company, are hereby extended to, and con-

Privileges conferred.

ferred upon, the said councils : *Provided*, That the said councils shall be, and are, hereby authorized, and empowered, to purchase, for such price, or prices, as they may agree upon, all the real, personal, and mixed, estate, rights, privileges, and franchises, of the Reading Water Company, and the Reading Gas Company, or of either of said companies, and to receive a deed, or deeds, of conveyance of the same, to the city of Reading ; and after such purchase, said councils shall possess, and exercise, all the rights, privileges, and franchises, now by law belonging, or pertaining, to either, or both, of said companies : *And provided further*, That in order to defray the expenses, and cost, of supplying said city with water and gas, either by purchase, or otherwise, as hereinbefore provided, said councils are hereby authorized, and empowered, to borrow any sum of money, not exceeding three hundred thousand dollars, in addition to such sums of money, as elsewhere, in, and by, this act, the said councils are authorized to borrow.

SECTION 39. That hereafter, the qualified voters of each ward shall elect one person as assessor, for state, county, and city, purposes, and there shall be no assistant assessors elected in the said city ; so much of any act, as authorizes the election of assistant assessors, is hereby repealed, so far as the same may apply to the city of Reading ; the several assessors, after being duly qualified, shall do, and perform, within their respective wards, all the duties that, by the usages and laws of this commonwealth, are now enjoined upon the assessors, and assistant assessors ; and after they shall have taken the names of the taxable persons, and an estimate of the real and personal estates of the inhabitants of the said city, and the real estate of persons, non-residents, they shall meet together as a board to equalize, and fix, a uniform standard, and just valuation on the same, and for neglect of duty, they shall be subject to the same penalties as are now provided by law.

SECTION 40. That the councils, of the city of Reading, shall have power to provide for the assessment, and collection, of taxes, not exceeding two and a half per centum, upon the city valuation, in any one year, on all persons, real and personal property, and all other matters, and things, within said city, taxable for state and county purposes, for the payment of loans to support the government, and make the necessary improvements of said city ; and the assessors, in the several wards, shall perform the duties of city assessors, in conformity with the provisions of this act, and the ordinances of said city ; all taxes assessed, and levied, upon real estate, in pursuance of this act, and the laws, and ordinances, of said city, shall be a lien, on such real estate, from the time of such levy ; and the lien, hereby created, shall have priority to, and shall be fully paid, and satisfied before, any recognizance, mortgage, judgment, debt, obligation, or responsibility, which the said real estate may become charged with, or liable to, from, and after, the passage of this act ; nor shall the defendant, or defendants, or other persons, in any writ of *feri facias*, *venditioni exponas*, or *levari facias*, be entitled to claim any exemption, under a levy, and sale, of any real estate, charged with such tax, against the allowances, or payment, of the same.

Purchase of the property, and franchises, of the Reading gas and water companies, authorized.

May borrow money for this purpose.

Election of assessors.

Repeal.

Duties of.

Assessment and collection of taxes.

Taxes to be liens, &c.

Duplicates,  
relative to.

Collection,  
mode of.

Statement of  
taxes unpaid  
to be placed in  
hands of solicitor.

Register of  
taxes to be kept  
by prothonotary.

Mode of recovery  
against delinquents.

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SECTION 41. That the annual assessments shall be completed on, or before, the fifteenth day of May, in each, and every, year; and upon the the duplicates of city taxes having been made, as may be directed by the councils, the same shall be placed in the possession of the city treasurer, who shall receive, and collect, said taxes; and after the first day of August, in each, and every, year, the additional sum of five per centum shall be added to all the taxes, then remaining unpaid, in the duplicates; and after the first day of October, in each, and every, year, an additional sum of five per centum shall be added to all the taxes, then remaining unpaid, in the duplicates; and said city treasurer shall continue to receive, and collect, said taxes, and until, and on, the first day of October, in each, and every, year, after which date said duplicates shall be placed in the hands of collectors, to be appointed by said councils, as hereinafter mentioned; after the first day of January, in each, and every, year, a correct, and detailed, statement of the city taxes, due upon real estate, shall be placed, by the city treasurer, in the possession of the city solicitor, who shall cause the said taxes upon real estate, remaining unpaid, to be registered in the name of the city of Reading, and against the person, or persons, charged in the duplicates with the same; or if any property has been transferred, upon which such tax has been assessed, against the person, or persons, who may have become the owner, or owners, of such property, in the office of the prothonotary of the county of Berks, who shall keep a separate book for that purpose, to be called register of taxes; and all taxes, so registered, shall be, and continue to be, liens on the real estate, upon which they have been assessed, for the term of five years; the prothonotary shall be allowed, and paid, for each tax, so registered, a fee of twenty-five cents, which shall form part of the expenses, and shall be paid by the person from whom the tax is due, and owing; he shall also, at all times, on demand, made within the hours during which the office shall be opened, for the transaction of business, make searches, and furnish transcripts, or extracts, from the register of taxes, aforesaid, for which he shall be allowed the usual fees.

SECTION 42. That recovery may be had on claims for taxes, registered in pursuance of this act, and the laws, and ordinances, of said city, in the court of common pleas for the county of Berks, by action of debt to recover a general judgment against the debtor, or debtors, as is now provided by law, or proceedings thereon may be had by *scire facias*, as in the case of mechanics' claims; and the claims so registered shall be *prima facie* evidence of the amount thereof, and of the same being due, and owing; and judgment shall be entered, by default, therefor, unless the defendant, or defendants, shall file his, or their, affidavit of the nature of his, or their, defence, as required in other cases, where the plaintiff has filed his copy of the cause of action in such court; and the judgment, and process, thereon shall be with like effect as in other cases: *Provided*, that where any real estate, subject to such lien, shall have been conveyed, and deed recorded, after the assessment of the tax sued for, the then owner shall be in-

cluded in the process; and if there be several owners of distinct portions of the premises, recovery shall be had under the same writ against their respective shares, according to a just, rateable, proportion of the tax, cost, and expenses of collection; and if any such owner shall be omitted, he, or they, may be brought in by a rule of the court, on him, or them, to show cause why he, or they, shall not be made a party to such suit; and on proof of service thereof, judgment may be entered against his, or their, share, by default of appearance, or affidavit, as aforesaid: *And provided*, That no such apportionment shall affect the personal liability of the owner, at the time of the assessment, or register, for the whole amount of the tax, interest, and costs, including the five per centum commission to be paid for such collection.

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SECTION 43. That the councils of the city of Reading, at the first stated meeting, in the month of September, annually, shall elect a tax collector, or collectors, to collect the city taxes, which remain unpaid upon the first day of October following, who shall, on the delivery of the duplicate, or duplicates, to him, or them, respectively, proceed to collect the amount of such duplicate, or duplicates, from the persons therein respectively charged; for which purpose he, or they, shall have all the power, and authority, now provided, by law, for the collection of state and county taxes; and if any person shall neglect, or refuse, to make payment of the amount of tax due, by him, within twenty days from the time of demand made, it shall be the duty of the officer holding the duplicate, wherein such tax shall be charged, to levy such amount, by distress and sale of the goods, and chattels, of such delinquent, giving ten days' public notice of such sale, by written, or printed, advertisements; and in case goods, and chattels, sufficient to satisfy the same, with the costs, cannot be found, each officer shall be authorized to take such delinquent, and convey him to the prison of the county of Berks, there to remain until the amount of such tax, together with the costs, and charges, shall be paid, or secured to be paid, or until he shall be otherwise discharged by due course of law.

Councils to elect collectors of unpaid taxes.

Their duties and powers.

Levy.

Sale, notice of.

Imprisonment.

SECTION 44. That the councils of the city of Reading are hereby authorized, and required, to appoint a competent civil engineer, with such assistants, and with such compensation, for such engineer and his assistants, as they may deem proper; and, in case of vacancies in said appointments, the same shall be filled by the councils of said city. It shall be the duty of said civil engineer, as soon as the same can be done, to survey, and mark, the lines of all the streets, and highways, of the city, now opened, or intended to be opened, for public use, within the said city; and also, survey, and lay out, the width, and extension, of the same, and such new streets, avenues, and highways, within the said city, as the councils shall deem necessary for a regular, and convenient, town plan, and for the more equal distribution, and ready discharge, of the waters thereof, and to regulate the height, ascent, and descent, of said streets, avenues, and highways, and of the gutters, sidewalks, or footways, thereof; for said purposes, the said engineer shall have full power, and authority, with, or without, his assistant,

Civil engineer and assistants to be appointed.

Duties and powers of.

or assistants, to enter upon the lands of any person, or persons, within the said city; and when the said survey, and regulations, shall be completed, the said engineer shall make, or cause to be made, duplicate drafts, or plans, thereof, with every position, and explanation, necessary for a full understanding of the same, distinctly designating where the new streets, avenues, and highways, shall hereafter be opened; and one of the said drafts, or plans, shall be returned to the councils, who shall keep the same in such place as they shall fix upon, and the other of the said drafts, or plans, shall be delivered to the clerk of the court of quarter sessions of the county of Berks, to be, by him, filed in his office, for public inspection, and examination. It shall be the duty of the said councils to give at least thirty days' previous notice, in at least two of the public newspapers, published in the said city, that on a certain day, or days, to be appointed by the court, the said court will hear any objections that may be made to said draft, or plan, by any freeholder, or citizen, of the said city; and the said court shall, at the time appointed, adjudge, and determine, whether any, and what, alteration shall be made therein, and shall direct the draft, or plan, with such alterations as shall be made, to be recorded in the office of the clerk of said court; and, thenceforth, all the streets, avenues, and highways, as therein contained, shall be deemed, adjudged, and taken, to be public highways; and the survey, and regulations, of the said streets, avenues, and highways, so filed, and recorded, shall be deemed, and adjudged, established and fixed; and in case the city councils shall change, or alter, or should they, by themselves, or their officers, deviate from the regulations of the streets, avenues and highways, so, as aforesaid, established, and damages should accrue to the property of any person, or persons, in consequence thereof, the said city shall be liable for the payment of such damages, and, inasmuch as the public convenience will, for the present, be answered by a certain knowledge as to where, and in what manner, streets, avenues and highways, will, in future run; but, as it may not be necessary immediately to open the same, in order to provide for the opening, and widening, thereof, according to the draft, or plan, aforesaid, from time to time, as the increasing improvement of the city may require, it shall be lawful for the city councils, by joint resolution, or any six freeholders, by petition, to apply to the court of quarter sessions of the said county of Berks, who, after hearing the said application, and such of the freeholders through whose land such street, avenue, or highway, may pass, as shall offer objections thereto, shall determine whether it be proper, at the time, to direct the opening of the same; and, if the court shall be of opinion that the state of improvement, or other necessities, in the neighborhood, is such as to require the opening thereof, they shall issue their warrant, directed to the commissioners of highways of said city, enjoining, and requiring, them to open such street, avenue, or highway, according to the said draft or plan: *Provided*, That no such street, avenue, or highway, so laid out, shall be opened, or appropriated to public use, until the owner, or owners, of the ground through, and over, which the same may

Duplicate drafts of surveys, and regulations, to be made.

Councils to give notice when court will hear objections to same.

Alterations, relative to.

Liability, of city for damages.

Opening of streets, avenues, &c., relative to.

Proviso.

pass, shall have been paid the damage, which shall have been ascertained, as hereinafter provided. It shall not be lawful for the said court to direct the laying out, and opening, of any street, avenue, or highway, within said city, contrary to the provisions herein contained; and if any owner, or owners, of real estate, or his, or their, legal representatives, or assigns, shall build any house, or other building, within the line of any street, avenue, or highway, as surveyed, and marked, on the draft, or plan, aforesaid, after the approval, and recording, of the same, such owner, or owners, representatives, or assigns, shall not be entitled to any damage which may be caused by the removal of such house, or building, for the opening, or widening, of any such street, avenue, or highway; and the engineer aforesaid shall have power, and authority, to make such changes in the northern and eastern boundary lines, of the city of Reading, as may be deemed expedient, to have the same conform with the streets, avenues, and highways, surveyed, and laid out, as aforesaid, and make drafts of such lines, and of the changes made in the same, with the courses, and distances, as located by him, together with a report of his proceedings; and to file copies of such drafts, and reports, in the office of the clerk of the court of quarter sessions of the county of Berks; and the lines so located, and marked, shall be, and remain, the dividing lines between the city of Reading, and the townships of Alsace and Muhlenberg.

Engineer authorized to make changes in northern and eastern lines.

SECTION 45. That upon the said draft, or plan, being recorded, as provided aforesaid, it shall be the duty of the court of quarter sessions, of the county of Berks, to appoint six discreet and disinterested freeholders, none of whom shall reside, or own real estate, within the said city, who, being first sworn, or affirmed, to perform their duties, in the premises, with fidelity, shall inquire what damages the owner, or owners, of lands, house, or houses, or other property, shall, or may, sustain, by reason of the same being taken, used, and appropriated, for the use of public streets, avenues, or highways, according to the said draft, or plan; and it shall be the duty of the said freeholders, in assessing damages, to consider the advantages, which may accrue to the owner, or owners, of such lands, house, or houses, or other property, by reason of opening such street, avenue, or highway; upon the return of the valuation and assessment of damages, as aforesaid, and the approval of the same, by the said court, the same shall be the damages, that the owner, or owners, aforesaid, or his, or their, legal representatives, or assigns, shall be entitled to, for the taking of such grounds, or other property, and which shall be paid out of the treasury of the county of Berks: *Provided*, That no damage shall be paid, until it shall have been ordered, as hereinbefore provided, that said streets, avenues, or highways, or any thereof, shall be opened, and until which time the owner, or owners, of property shall enjoy the use of the same, subject to the provisions, and restrictions, contained in this act: *And provided also*, That if the damages shall not be paid within three months next from, and after, the time when any street, avenue, or highway, shall have been ordered to be opened by the court aforesaid, the owner, or

Assessment of damages, made of.

Payment of.

Proviso.

Proviso.

owners, may proceed to collect the same, as judgments are now collected, under the laws of this commonwealth, against the said county of Berks.

Councils to have control over private alleys.

To be kept in order at expense of property owners.

Width of sidewalks, footwalks, curbing, paving, and repairing the same, how regulated.

Expense of, to be paid by lot-owners, and be a lien.

How to be recovered.

Proviso.

Legal proceedings in cases of claims for taxes, or liens, filed.

SECTION 46. That the councils of the city of Reading shall have jurisdiction, and control, over private alleys, within the said city, so as to have the same cleansed, and kept in order, graded, and provided with gutters, or sewers, the expense whereof shall be re-imbursed, to the said city, by the owners of the property having the right of access to, or passage along, the same, in such proportions as may be directed by the said councils; the same, in case of non-payment, to be recoverable by the said corporation, by suit, before the mayor, or an alderman, as debts of a like amount are, by law, recoverable.

SECTION 47. That the councils of the city of Reading shall have power, by ordinance, to determine the width of the sidewalks, or footways, of the streets, avenues, and highways, within the limits of the said city, and to require, and direct, the curbing, and paving, re-curbing, and re-paving, and repairing, thereof, by the owner, or owners, of lots, or real estate, fronting, or abutting, thereon; and on the failure, or neglect, of any person, or persons, owning lots, or real estate, as aforesaid, to curb, and pave, re-curb, and re-pave, or repair, the sidewalks, or footways, in front of his, her, or their, lot, or lots, or real estate, agreeably to the requisition of such ordinance, or ordinances, or contrary to the regulations of the city, as the same may be established, the commissioners of highways of the said city shall cause the same to be curbed, and paved, re-curbed, and re-paved, or repaired, at the expense of the said city; and the owner, or owners, of the said lot, or lots, or real estate, shall be liable to re-pay the expenses thereof to the said city; and it shall be lawful for the said city, by its officers, to file its lien, for the same, in the court of common pleas for the county of Berks, which shall have priority to any mortgage, judgment, recognizance, or liability, to which the said lot, or lots, or real estate, may become liable, and the amount secured thereby may be recovered by *scire facias*, as debts are recoverable, under the mechanics' lien laws of this commonwealth, in the corporate name of the said city; and no defendant, or defendants, in any writ for the sale of such lot, or lots, or real estate, or other person, shall be entitled to claim any exemption against the allowance, or payment, of the amount of any such lien, and costs, thereon: *Provided*, That such lien shall be filed within sixty days after such expense is incurred by the said city, and shall recite the name, or names, of the owner, or owners, of such lot, or lots, or real estate, and the occupier, or occupiers, thereof, if there be any.

SECTION 48. That all writs of *scire facias*, on claims for taxes, or liens, filed for curbing, paving, re-curbing, re-paving, or repairing of the sidewalks, or footways, of the said city, as hereinbefore provided, shall be served by the sheriff, or coroner, of the county of Berks, by posting a true, and attested, copy of the writ on a conspicuous part of the premises therein described, and by publishing a brief notice thereof in two weekly newspapers in said city, for two weeks before the return day, on which, service being made, the plaintiff in such

suits may proceed to recover judgment, as aforesaid. For want of an affidavit of defence, or otherwise, such claims, and liens, may, in suits for the recovery thereof, be read in evidence of the facts therein set forth; and no plea alleging non-joinder, or mis-joinder, of the parties; no plea averring want of notice to curb, pave, re-curb, re-pave, or repair, any such side-walk, or footway; no plea touching the rates, or proportions, of contribution among parties jointly interested, nor any plea touching the question of ownership, shall be allowed in any such action.

SECTION 49. That it shall be lawful for the councils of the city of Reading, from time to time, by ordinance, to make, and establish, such, and so many, rules, and regulations, as to them may seem expedient, for the better-regulation of porches, porticoes, door steps, railings, bulk, or pit, windows, areas, cellar doors, and cellar windows, or other device, or thing, projecting over, into, or otherwise occupying, the sidewalks, or footways, or other portion of any of the streets, avenues, and highways, and for the regulation of the foundation, and front walls of buildings, party-walls, and partition fences, in said city.

SECTION 50. That the councils of said city shall provide for the erection of market houses, and places for markets, and the renting of the same; make such, and so many, laws, and regulations, as they may judge proper, for the regulation of the markets; provide for the regulation of weights, and measures, in accordance with the standard weights, and measures, of this commonwealth, within said city; provide for the licensing, regulating, and restraining, of auctions, brokers, pawn-brokers, and theatrical, or other public amusements, within the said city, under such pains, and penalties, as shall, from time to time, be ordained, and established; and shall, also, have power to provide for the taxing, or licensing, regulating, and restraining, of dogs from going at large, or loose, within the said city, and for destroying the same. All dogs for which a tax, or license, shall have been paid, shall be considered as personal property for the time such tax, or license, shall have been paid, and the owners thereof shall be entitled to all the rights, and privileges, in relation to the same, existing in other cases of personal property.

SECTION 51. That the councils, of the city of Reading, shall be and they are hereby authorized, and directed, to organize a police department, in, and for, the said city, and may organize a fire department, subordinate to, or independent of, that of police, and to make, ordain, and establish, all needful laws, and ordinances, for the regulation thereof, and for the preservation of the public peace, the suppression of riots, and disturbances, and for the extinguishment of fires, and the protection of property thereat; and for this purpose, the said councils shall be, and hereby are, vested with all power, and authority, necessary in the premises.

SECTION 52. That the councils, of the city of Reading, shall provide, and maintain, a suitable lock-up, or station house, in some convenient part of said city, and, at the expense thereof, to be used as a place of security, for confining, and detaining,

Councils may make regulations concerning porches, doors, windows, walls, &c.

Erection and regulation of market houses, relative to.

Auctions, brokers, public amusements, &c.

Taxing of dogs.

Police and fire departments, organization and regulation, of.

Lock-up house.

Purposes of.

of vagrants, and persons arrested by the police officers, and for the temporary detention of persons committed by the mayor, or any of the aldermen, on criminal charges, and for breaches of the peace, and violation of the ordinances, of said city, for which such person, or persons, can be lawfully committed to the prison of Berks county, until they shall be so committed, or discharged, according to law; but no person shall be detained in the said lock-up, or station house, for a longer time than twenty-four hours, except upon the order of the mayor, or an alderman, who may commit such persons, in pursuance of law: *Provided*, That the expenses of committing, and keeping, any person, or persons, in said lock-up, or station house, on charges of any indictable offence, shall be paid by the county of Berks, on the presentation of the accounts of the same to the commissioners of the said county.

Expenses, how to be paid.

Duty of keeper of county prison

Misbehavior towards prisoners, relative to.

Estimates of receipts, and expenditures, to be presented, annually, by the several departments.

Appropriations and disbursements.

Railroad companies subject to certain restrictions.

SECTION 53. That the sheriff, or keeper of the Berks county prison, or jail, is hereby enjoined, and required, to receive, and keep, in safe custody, in the prison, or jail, of said county, until legally discharged therefrom, any person, who may be committed, by virtue of lawful process, from the mayor, or any alderman of the said city, in the manner, and under the same penalties, as if such person had been committed by the court of quarter sessions, or any judge thereof; and any, and all, neglect of duty, or wilful misbehavior, in the said sheriff, or keeper, of the said prison, or jail, towards such prisoners, or any of them, shall be, and the same is hereby, made cognizable, and punishable, as a like neglect of duty, or a like wilful misbehavior, in the said sheriff, or keeper, of the said prison, or jail, towards prisoners committed by any judge, or justice of the peace, of said county, is, or would be, cognizable, and punishable.

SECTION 54. That the several departments, of the said city, shall, annually, on, or before, the last stated meeting, in the month of January, present estimates to councils, of the probable amount of receipts, and of the amount that, in their judgment, will be required during the current fiscal year, for the public service, in the several departments, respectively; and the said councils shall immediately, thereafter, proceed to appropriate the public moneys, by ordinance, to the several departments, for the current fiscal year, for the payment of loans, to meet the expenses of the city, and the making of such improvements as they may deem necessary; and the amount, so appropriated, shall be disbursed in such manner as councils may direct, from time to time, by joint resolution, during the year.

SECTION 55. That hereafter no railroad company, whose road does, or shall, terminate within, or pass through, the city of Reading, shall have the right, or power, to locate, or construct, that part of said road, which shall extend within the limits of said city, without first submitting the plans, and surveys, thereof, and exhibiting the grades, and routes, to the city councils, who shall have the power to conform the same, as far as may be practicable, to the general plan, and regulations, of the said city, as adopted at the time, and all charters, authorizing the construction of any railroad, within said city, shall be

taken to be subject to the above restrictions ; nor shall any such company occupy any street, avenue, or highway, within said city, without the permission of the said councils, first had and obtained : *Provided*, That this shall not be construed to apply to any railroad, already graded, or laid, with rails, in said city, or the West Reading railroad, unless the route, or grade, of said railroads, shall be altered.

SECTION 56. That the city of Reading shall constitute one school district, to be termed the Reading school district, and all the school property therein shall be the common property of said district ; and the members of the board of controllers, for the time being, shall have power to levy, and collect, taxes, and the same rights, and powers, in relation to real and personal property, as is now, by law, conferred upon the school directors of the several districts of this commonwealth ; and they shall govern, and manage, the public schools in the manner now provided by law, for the continuance of a system of education, by common schools ; the qualified voters of each ward, of the city of Reading, excepting wards, where the terms of the controllers have not expired, and in which elections shall only be held to fill vacancies, shall, on the second Friday in February, one thousand eight hundred and sixty-five, elect four members of the board of controllers, of said district, two to serve for the period of two years, and two to serve for the period of four years ; and every two years, thereafter, the qualified voters, of each of said wards, shall elect two persons, to serve for the term of four years ; and all vacancies, which may happen in the said board, as hereby constituted, shall be filled in the same manner as is now provided by law : *Provided*, That in all cases, where two members of said board are required to be elected, to serve for the same term, each of said qualified voters shall vote for one person, as a member of said board of controllers, for said term, and the two persons, having the highest number of votes, shall be declared to be elected : *And provided further*, That when a vacancy, or vacancies, shall occur, in the office of controller, by death, resignation, or in any other manner than by the expiration of the term, for which any controller shall be elected, so that more than two controllers must be elected on the second Friday in February, in any ward of said city, the qualified voters of such ward, in addition to the one controller, to be voted for by each elector, to serve for four years, shall vote for one person, to fill each of such unexpired terms, by designating upon the ticket, to be voted, the number of years for which such controller is elected, and each elector shall vote for but one person, to fill such unexpired term ; and if there be two vacancies, for the same term, then the two candidates, having the highest number of votes, shall be declared elected ; and if there should be but one vacancy, for any unexpired term, then the candidate, having the highest number of votes for said term, shall be declared elected.

SECTION 57. That the annual assessments, of school taxes, shall be completed on, or before, the fifteenth day of May, in each and every year ; and upon the duplicate, or duplicates, having been made, as directed by the said board of controllers,

Proviso.

To constitute one school district.

Controllers, powers of.

Election of.

Proviso.

Vacancies.

Assessment and collection of school taxes.

the same shall be placed in the possession of the treasurer of said school district, who shall collect, and receive, said taxes, at a place to be designated by said board of controllers, and after the first day of August, in each and every year, the additional sum of five per centum shall be added to all the taxes, then remaining unpaid, in the duplicates, and after the first day of October, in each and every year, an additional sum of five per centum shall be added to all the taxes, then remaining unpaid, in the duplicates; and said treasurer shall continue to receive, and collect, said taxes, until, and on, the first day of October, in each, and every, year; after which date, the duplicates shall be placed in the hands of a collector; or collectors, to be appointed by said board of controllers, and the said collector, or collectors, shall proceed to collect the taxes, therein levied, in the manner now provided by law, for the collection of taxes.

Salaries.

SECTION 58. That no salary, of any officer to be elected, according to the provisions of this act, shall be increased, by any act, or ordinance, to take effect during the term for which such officer shall have been elected, unless such act, or ordinance, shall have been proposed at a stated meeting of councils, and passed at the next, or a subsequent, stated meeting; and in all cases, where the salary of any officer shall not be fixed by law, it shall be fixed by ordinance of the city councils.

Fine in case of refusal to accept office.

SECTION 59. That if any person, elected to any office, herein provided, shall refuse to take upon himself the duties of such office, he shall forfeit, and pay, the sum of twenty-five dollars, to be recoverable before the mayor, or any alderman, and paid into the treasury of said city, unless the same be remitted by the city councils, who are authorized, upon sufficient cause shown, by joint resolution, to remit fines, and penalties, imposed on persons, by virtue of the laws, and ordinances, of said city; and no person shall be incapacitated from being a judge, juror, or witness, in any suit for, or against, the said city, in consequence of such person being a citizen, or officer, of the said city.

Fines may be remitted.

Suits for, or against, city, relative to.

SECTION 60. That all persons, now holding offices under the present charter, shall hold their offices as they now may, or can, do, by law, until the officers, provided for in this act, are duly elected, and qualified, under the provisions of the same.

Officers, under former charter, to continue until election.

Powers and authorities not to be affected by omissions, &c.

SECTION 61. That this act, and the powers, and authorities, herein vested in the said city, shall not be impaired, affected, defeated, or destroyed, by any neglect, or omission, to appoint all, or any, of its officers, at the time, or times, allotted for the same; and in case of any such neglect, or omission, the mayor of the said city shall forthwith take all necessary measures to cure, and supply, such defects, and omissions, giving due notice thereof.

Repeal. Proviso.

SECTION 62. That all acts, and parts of acts, inconsistent with this act, are hereby repealed: *Provided*, That the repeal of said acts, shall not affect any act done, or any right accruing, or accrued, or established, or any suit, or proceeding, had, or commenced, in any civil case, before the time of the repeal; and no offence committed, and no penalty, or forfeiture, incurred under the acts hereby repealed, shall be affected by

the repeal; and no suit, or prosecution, pending at the time of repeal, for any offence committed, or for the recovery of any penalty, or forfeiture, incurred, under the acts hereby repealed, shall be affected by such repeal: *And provided further*, That the ordinances now in force, in said city, shall continue in force, so far as the same are not inconsistent with this act, until the same shall be repealed, altered, or supplied, under the authority given to the councils of the said city. Proviso.

HENRY C. JOHNSON,

Speaker of the House of Representatives.

JOHN P. PENNEY,

Speaker of the Senate.

APPROVED—The twenty-sixth day of April, Anno Domini one thousand eight hundred and sixty-four.

A. G. CURTIN.

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No. 511.

## An Act

Relating to the Junction Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall be lawful for the Junction Railroad Company, with their road, to cross at grade, and connect with, the railroad of any other company, on their route, and at such angle of crossing, as may to them seem advisable.

HENRY C. JOHNSON,

Speaker of the House of Representatives.

JOHN P. PENNEY,

Speaker of the Senate.

APPROVED—The twenty-sixth day of April, Anno Domini one thousand eight hundred and sixty-four.

A. G. CURTIN.