LAWS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF PENNSYLVANIA,

PASSED AT THE

SESSION OF 1870,

In the Ninety-fourth year of Independence.

WITH AN APPENDIX.

BY AUTHORITY.

HARRISBURG:
B. SINGERLY, STATE PRINTER.
1870.

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No. 669.

An Act

To reduce the charter of the city of Allegheny and the several acts amendatory thereof into one act, and to revise the same.

CHAPTER FIRST—INCORPORATION.

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 city of Allegheny, in the county of Allegheny, as the same extends and is now incorporated, under the name and style of the mayor, aldermen and citizens of Allegheny, are hereby constituted a corporation and a body politic, under the name and style of the city of Allegheny, and by the same name shall have perpetual succession, and they and their successors, by such name, shall at all times forever be able and capable in law to have, purchase, receive, possess and enjoy lands, tenements and hereditaments, liberties, franchises and judicatories, goods, chattels and effects to them and their successors forever, or for any other or less estate, and the same lands, tenements, hereditaments, goods, chattels and effects, by such name to grant, bargain, sell, alien, convey, mortgage, pledge, encumber or dispose of at their will and pleasure, and by the same name shall be able and capable in law to sue and be sued, plead or be impleaded and defend in all courts of record and elsewhere, in all manner of suits, actions, causes, complaints, matters or things that to the said city, as a body politic and corporate in law and in fact, shall and may appertain, and for that purpose shall have and use a common seal, and the same from time to time may change, alter, deface and make anew.

Inhabitants constituted a body politic.

Name.

Powers and privileges.

SECTION 2. The corporate limits and jurisdiction of the city of Allegheny shall embrace and include all the territory being within the wards as they are now constituted and bounded and form the city of Allegheny as now incorporated, under the name of the mayor, aldermen and citizens of Allegheny.

Corporate limits and jurisdiction

CHAPTER SECOND—OFFICERS, THEIR ELECTION AND APPOINTMENT.

SECTION 1. The municipal government of the city shall be vested in one principal officer, to be styled the mayor, and two boards of councilmen, to be denominated the select and common councils, together with such other officers as are in this act named or may be created by councils under authority of this act; and said municipal government shall exercise such powers and privileges and be subject to such restrictions as are granted and prescribed in this act and such previous acts as are not re-enacted, repealed or supplied by this act.

Municipal government, in whom to be vested, &c.

SECTION 2. The wards of said city shall be respectively represented in select council by two representatives chosen to serve for the period of two years each.

Representation in select council

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Representation in common council.

SECTION 3. The several wards of said city shall be respectively entitled to one representative in common council for every five hundred and seventy-five resident taxables, to serve as common councilmen for the period of one year: *Provided*, That each ward shall have at least two members of common council: *And provided further*, That if in any ward there shall be an excess above two-thirds of the said number of taxables, such ward shall be entitled to a representative for such excess.

Mayor and presidents of councils to apportion representation of wards in common council.

SECTION 4. That the mayor and presidents of councils shall constitute a commission, whose duty it shall be prior to the first regular municipal election after the passage of this act, and tri-ennially thereafter, to apportion the representation of the several wards in common council, on the basis provided in section third, from the list of resident taxables of each ward returned by the assessors last previous to such meetings of said commission.

Present select councilmen to serve out terms for which elected.

SECTION 5. That the present representatives of the various wards in select council shall respectively serve out the term for which they were elected as fully, and with like effect, as if elected under the provisions of this act.

Terms of select councilmen regulated.

SECTION 6. When two select councilmen are to be chosen to represent any one ward at the same election, the one having the highest number of votes shall be entitled to the two year term, and the candidate having the next highest number of votes shall be entitled to the one year term.

Cases of tie votes in elections for councilmen.

SECTION 7. In case two or more candidates for either select or common council receive an equal number of votes, and in consequence there is no election, the respective councils shall determine by lot which of the candidates receiving an equal number of votes shall represent the ward, and in select council which candidate shall be entitled to the long term.

Qualifications of councilmen

SECTION 8. No one shall be entitled to represent a ward in select or common councils except a citizen of the ward he represents, and in case of removal from the ward, his seat shall be declared vacant and a new election ordered to fill the unexpired term; the qualification of a common councilman shall be that of a representative, and of select councilman that of a senator of the commonwealth.

Elections for municipal and ward officers, when to be held.

SECTION 9. The regular elections for mayor, councilmen, municipal and ward officers shall be held on the second Tuesday of December in each and every year: *Provided however*, That the next election for mayor shall occur on the second Tuesday of December, one thousand eight hundred and seventy-one, and thereafter every third year.

Elections, by whom to be held, &c.

SECTION 10. That all elections in said city shall be held in each ward by the judges, inspectors and clerks appointed to hold the general elections, who shall meet within their respective wards at the place designated by councils, and shall proceed to hold and conduct such elections according to act of assembly, approved July second, one thousand eight hundred and thirty-nine, and its supplements; that the qualified voters of said city shall meet together in their respective wards, at such time and places, to elect the officers authorized by this or other acts of assembly; and the manner of

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voting shall be by tickets printed or written, or partly printed or partly written, severally classified as follows, viz: One ticket shall embrace all city officers voted for, and labelled "city;" one ticket shall embrace the names of all candidates for city councils and be labelled "councils," and one ticket shall embrace the names of all candidates for school directors, and all ward officers to be voted for, and be labelled "ward;" each class of tickets shall be deposited in a separate ballot-box; when the election shall be closed, and the number of votes for each candidate voted for in the respective wards shall be counted and ascertained, the judges authorized to hold and conduct such elections shall within twenty-four hours thereafter meet together at the city hall of said city, and shall prepare, under their respective hands and seals, a return thereof, containing the names of persons voted for for mayor and other officers, with the number of votes for each of them, and designating who are elected, and shall forthwith give a notice in writing to the officers elect of their election, and shall file the original returns with the mayor of said city; and the said judges shall appoint one of their number whose duty it shall be to deliver a true copy of said return, under seal, to the mayor of said city within three days after said election, and by him be delivered to councils upon the day of their organization: *Provided however*, That the returns for councils shall be made separate, and endorsed "select council" or "common council;" and the select and common councils shall, on the date of their organization, and after the respective councils are organized, meet in joint session to examine the election returns for mayor or other city officers, and to hear all remonstrances and objections to the same, and judge and determine thereon, and to declare the person qualified having the greatest number of votes to be legally elected; and in cases where the election has been unfairly or illegally conducted, or the number of illegal votes given may render the result doubtful, shall have power to set the same aside and order a new election, giving notice thereof as in case of other elections; and the respective councils shall have full power to vacate the seat of any of their own members for misbehavior, neglect of duty or other misdemeanor, and to order new elections for the same, and so in like manner, as often as occasion may require, on the death, resignation or inability of a member or members of said councils or other officers; and it shall be the duty of the mayor of said city to give at least ten days' notice of the time and places of holding elections authorized by this act, by proclamation in the public papers or by handbills posted up at the most conspicuous places within the boundaries of said city.

Manner of voting.

How tickets to be classified and labelled.

Returns of elections.

Councils to meet and examine returns.

May set aside elections in certain cases.

May vacate seats of members for misbehavior, &c., and order new elections.

Mayor to give notice of elections.

SECTION 11. That the councilmen elect shall, on the first Tuesday following the first Monday of January in each year, assemble at their council rooms and shall organize their respective councils; each council shall separately determine and establish rules of their proceeding, and be the judge of the election returns and qualifications of its own members.

When councilmen elect to meet and organize.

Each council establish rules, &c.

SECTION 12. That all persons qualified to vote for state or county officers, and who shall have paid a city tax within a

Qualifications of voters.

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year previous, shall be entitled to vote at all elections held in and for said city; and it shall be the duty of the city treasurer to furnish election officers a printed list of persons who have not paid a tax within a year previous.

Duty of treasurer.

Councilmen to be sworn.

SECTION 13. On the day of organization the president of each council shall be sworn or affirmed, by a member thereof, to perform his duties with fidelity, and he shall immediately thereafter administer the same obligation to each member.

Officers to be chosen by councils, of whom to consist.

SECTION 14. The other officers of said city, to be elected by councils, shall consist of a treasurer, controller, engineer, solicitor, superintendent of water works, and such other officers as councils may from time to time deem necessary and by ordinance create.

Election of officers by councils, time of, &c.

SECTION 15. The election of officers by council shall be at a time fixed by ordinance, and shall be by a *viva voce* vote; and a concurrence of a majority of the whole number of members present shall be required, and the result shall be recorded in the journal of proceedings; the salaries of said officers, their duties and term of service, not less than one nor more than three years, to be fixed and designated by councils, by ordinance, except wherein the same are specially fixed and determined in this act; officers elected or appointed to fill vacancies shall respectively hold for the unexpired term only, and until the election or appointment and qualification of their successors: *Provided*, That ten days be allowed retiring officers to prepare papers and unfinished business, to be handed over to their successors in office.

Salaries, &c.

Terms of officers to fill vacancies.

Mayor to be sworn.

SECTION 16. That before entering upon the duties of his office the mayor elect shall be sworn or affirmed, in the presence of councils, by the chairman or any member of council, to support the constitution of the United States and the constitution of this commonwealth, and to use fidelity in the discharge of his duties as mayor.

Vacancy in office of mayor.

SECTION 17. That in case of a vacancy in the office of mayor, from any cause whatsoever, it shall be filled or supplied by a new election for the remainder of the term of office, to be held within thirty days thereafter, as councils shall designate, of which election the mayor for the time being shall give notice as in other elections; and until such vacancy is filled by a new election, councils shall appoint a mayor to act *pro tempore*.

Meetings of councils to be public, &c.

SECTION 18. The meetings of said councils for the transaction of business shall be public, and at such time and place as, by ordinance duly passed, shall be fixed for that purpose.

Aldermen, number of, &c.

SECTION 19. Two aldermen shall be elected for each ward, under the provisions and regulations of an act, entitled "An Act for the election of aldermen and justices of the peace," approved June twenty-first, one thousand eight hundred and thirty-nine, who shall hold their offices for the time inscribed by the constitution, and shall have respectively and severally all the powers, jurisdictions, authorities, fees and perquisites of justices of the peace of this commonwealth: *Provided*, That no election shall be held under this act for aldermen until a vacancy occur by death, removal, expiration of term of service or in other manner whatsoever it shall become necessary.

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Constables, election of.

SECTION 20. The citizens of each ward shall elect constables annually, according to the provisions of the various acts of assembly of the commonwealth relative to constables.

Officers to give security.

SECTION 21. That all the officers of the said city, whether created by this act or by ordinance, shall, before entering upon discharge of their duties, give bond with security approved by the president of select council, in such sum as may be fixed by council, conditioned for the faithful discharge of their duties; all officers shall render their accounts once a year to councils, and such accounts shall be published.

Councils may change boundaries of wards, and create new wards.

SECTION 22. That select and common councils shall have power from time to time to change the boundaries of wards and create new wards; that the wards of the said city as now created and bounded shall remain the same after the passage of this act and as if it had never been passed, and so remain until changed by councils by virtue of the authority herein granted; councils are authorized to fix the place of holding all general and city elections for said wards, and to divide any wards into election precincts and change the same as often as convenience may require; and it shall not be lawful for any citizen to vote at any of the said elections except within the ward wherein he resides.

May fix places for holding elections, &c.

Inspectors, judges and assessors, election of.

SECTION 23. That the qualified electors of each and every ward shall elect at the regular election, each and every year, two inspectors and one judge of elections and assessors, as prescribed by the several acts and supplements of this commonwealth in relation thereto.

Mayor, term of, &c.

SECTION 24. That the mayor shall be elected for a term of three years, and shall be ineligible to said office for three years next ensuing after expiration of term for which he was elected: *Provided however*, That the present incumbent shall not be ineligible after expiration of his present term of office for the term next following.

Removals from office.

SECTION 25. That any officer elected by the people or by councils, for whose removal from office no other provision has been specially provided, either in this or any other act of assembly, may be removed from such office by a vote of two-thirds of all the councilmen: *Provided*, That no officer be removed except for cause, nor unless furnished with the charges and heard in his defence; and councils shall have power to compel the attendance of councilmen and witnesses, and production of papers when necessary, for the purposes of either party or parties in such trial, and shall proceed to hear and determine upon the merits of the case; and if such officer neglect to appear and make answer to such charges, then councils may declare the office vacant.

Incompatibility

SECTION 26. That no alderman of said city, nor any person holding an office of trust or profit under the laws of this commonwealth, or the ordinances of the select and common councils, the emoluments whereof are paid out of the treasury of said city, shall be competent to serve as a member of councils.

CHAPTER THIRD—POWERS AND DUTIES OF COUNCILS.

Time and place of meeting of councils.

SECTION 1. That councils shall meet, after organization, at such time and place as they shall by resolution direct; a ma-

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Quorum.

jority of the members shall constitute a quorum in either branch for transaction of business.

Councilmen not to receive compensation, be interested in city contracts, &c.

SECTION 2. No member of select or common council shall, during the period for which he was elected, receive any compensation for his services, or be appointed to or competent to hold any office of which the emoluments are paid from the city treasury, or by fees directed to be paid by any act or ordinance, or be directly or indirectly interested in any contract, the expenses or consideration whereof are to be paid under or by authority of any law, ordinance or resolution of said city, or in any wise interested in the sale or furnishing any supplies or materials to and for the use of said city, or receive any reward or gratuity from any one interested in the sale or furnishing of any supplies or materials to and for the use of said city; and any member violating any of these provisions shall forfeit his membership, and shall be held guilty of a misdemeanor, and on conviction thereof be sentenced to pay a fine not exceeding five hundred dollars.

Stated and special meetings of councils.

SECTION 3. Councils shall hold stated meetings, and the president may call special meetings, by notice to the members of their respective councils.

Re-considering votes at special meetings, relative to.

SECTION 4. No vote of council shall be re-considered or rescinded at a special meeting, unless at such special meeting there be present as large a number of councilmen as were present when such vote was taken.

Authorized to make laws, &c.

SECTION 5. Said councils shall have full power and authority to make, ordain, constitute and establish such and so many laws, ordinances, regulations and constitutions, provided the rame shall not be repugnant to the laws and constitution of the United States or of this commonwealth, as shall be necessary or convenient for the government and welfare of said city, and for enforcing the powers conferred by this act; and all other acts not hereby repealed, re-enacted or enlarged, and the same to enforce by fines and penalties, and put into execution by constables and other proper officers, whom they shall have power to appoint, and at their pleasure to revoke, alter and make anew, as occasion may require.

Laws, ordinances, &c., to be published and recorded.

SECTION 6. That a knowledge of said laws, ordinances, regulations and constitutions may at all times be had and obtained, such and so many of them as shall not be published in one or more of the public newspapers, or in such other way as councils may direct, within fifteen days after their being severally passed, ordained or established, and also recorded in the office of recorder of deeds in and for the county of Allegheny, (who shall keep a separate book for the purpose, and shall be allowed and paid therefor at the same rate as are allowed by law for recording deeds,) within thirty days thereafter, shall be null and void; and before any of said laws, ordinances, regulations and constitutions shall be so recorded, the publication thereof respectively, with the times thereof, shall be proved by the oath or solemn affirmation of some credible person, which said oath or affirmation shall be recorded therewith, and at all times be deemed and taken as sufficient evidence of the time of such publication.

SECTION 7. The councils shall have power, within the city

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limits, to prevent injury and annoyance from any business, occupation or anything dangerous, offensive or unhealthy, and to cause any nuisance to be abated; to regulate the transportation, storage and keeping of gunpowder, or other dangerous combustibles, and to provide or license magazines for keeping the same; to prevent or punish fast or immoderate riding or driving of horses, or the sale of horses or domestic animals at public auction, on the public highways, or driving or propelling vehicles through the streets; to restrain or regulate the running at large of cattle, horses, swine, sheep or other animals, and to authorize the distraining, impounding and sale of the same, for the penalty imposed by any ordinance or regulation thereof, and the cost of proceedings to prevent the running at large of dogs, and injuries and annoyances therefrom, and to authorize the destruction of the same when at large contrary to any lawful prohibition; to regulate the transportation of articles through the streets, and to prevent injuries to streets and bridges from overloaded vehicles; to establish and regulate markets, and prevent forestalling and re-grating of the same; to provide for the measuring or weighing of hay, lumber, wood, coal, lime or any other article for sale; to prevent obstructions in streets or side-walks; to prevent any riots, noise, disturbance or disorderly assemblages, and to punish those engaging therein; to suppress and restrain disorderly houses, houses of ill fame, billiard tables, nine or ten-pin alleys, ball alleys and gambling houses and tables, and to authorize the destruction of all instruments or devices used for the purpose of gaming; and to protect the property of the corporation and its inhabitants, and to preserve the peace and good order therein; shall have power to assess, apportion, levy and collect, each year, such tax as may be necessary for the purposes of corporation, on all descriptions of property made taxable by laws of this commonwealth.

Power to prevent injuries, abate nuisances, &c.

SECTION 8. The corporation shall have power to provide for the safe and regular building of houses, stores, manufactures and other buildings within its limits, and to regulate and prevent the erection of any building that may be deemed unsafe or dangerous, or which may not be sufficiently guarded against damage by fire, or which may be for the purpose of maintaining and carrying on therein any business that may be obnoxious, dangerous, annoying or damaging to citizens or property, under such regulations as may be by ordinance directed.

Erection of buildings.

SECTION 9. Councils may regulate or prohibit the erection of wooden buildings.

Wooden buildings.

SECTION 10. Councils shall have power to provide for a supply of water by the construction and regulation of wells, pumps, cisterns, reservoirs or water-works; to prevent and punish injuries to the works, and the waste or pollution of the waters; and for the purpose of establishing water-works, or for supplying the same with pure water, the corporation may go beyond its territorial limits, and its jurisdiction; to prevent or punish any injury to the water-works or pollution to the stream or source of water shall extend beyond its corporate limits.

Supply of water.

Injuries to works, &c.

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Interments.

SECTION 11. Councils shall have power to prevent the burial of the dead within any or such part or districts of its territorial limits as it may deem necessary for the health of its inhabitants: *Provided*, That interments within the cemeteries heretofore incorporated may be continued in the manner now authorized by law; and to carry into effect any prohibition of interments, the corporation may not only impose proper fines and penalties, but shall have power to cause any body buried in any prohibited place to be taken up and buried elsewhere.

Theatrical exhibitions, &c.

SECTION 12. Councils shall have power to regulate, license or prohibit all theatrical exhibitions and public shows, and all exhibitions of whatever name or nature, for which money or any other reward is in any manner demanded or received: *Provided*, That lectures on historic, literary or scientific subjects shall not come within the provisions of this section.

May require draining of lots upon which water stagnates, and removal of putrid substances.

SECTION 13. Councils shall have power to cause any lot or lots of land within its limits on which water shall at any time become stagnant, to be raised, filled up or drained, and to cause all putrid substances, whether animal or vegetable, to be removed from any lot or lots, and may for such purposes, from time to time direct that such lot or lots be raised, filled up or drained, or that such putrid substances be removed from such lot or lots by the owner or owners thereof, respectively, in such reasonable time and in such manner as may be directed by a joint resolution of the select and common councils; and it shall be the duty of such owner or owners, his, her or their agent or attorney, after service of a copy of said resolution, or after publication of the same in some newspaper, to comply with the directions of such resolution within the time therein specified; and in case of failure or refusal to do so it may be done at the expense of the corporation, and the amount of money so expended shall be a debt due to the corporation from the owner or owners of such lot or lots, and shall be a lien on such lots, and shall be enforced and collected in same manner that liens for lateral sewers in city of Allegheny are entered upon and collected.

Power to prevent obstruction of streets, bathing in waters of city, &c.

SECTION 14. Councils shall have power to prevent the encumbering or obstruction, in any manner whatsoever, of the streets, side-walks, lanes, alleys, public grounds or wharfs of said city; to prevent or regulate bathing and swimming in the waters of said city, and to prevent any obscene or indecent exhibition, exposure or conduct; to restrain and punish vagrants, mendicants, street beggars and prostitutes; to prevent or regulate any amusement or practice having a tendency to annoy persons passing in the streets or on the side-walks, or to frighten teams or horses; to compel all persons to keep the snow, ice and dirt from the side-walks in front of the premises owned or occupied by them; to prevent or regulate all performances and devices tending to the collection of persons on the streets and side-walks or public ways, by auctioneers or others for purposes of business, amusement or otherwise; to abate and remove nuisances, and punish the authors thereof by penalties, fine and imprisonments, and to define and declare what shall be deemed nuisances, and authorize and di-

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rect the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of jurisdiction; to abate and remove nuisances in the streets or any other parts of said city or within its jurisdiction, by indictment or otherwise; to erect lamps and regulate the lighting thereof; to prohibit, require or regulate the use of locomotive engines within the city, the fuel used in propelling locomotives, the rate of speed and making up of trains, the blowing of locomotive whistles, erecting and maintaining gates and watchman at crossings of streets and public grounds of said city, and to exercise every other power in reference to the running of cars and use of locomotives and of railroad tracks necessary to secure the safety of citizens' lives and property, and the free and unobstructed use of the highways of said city; to regulate the running of horse railway cars, the laying down of tracks for the same, the transportation of passengers thereon and the kind of rail to be used; to do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease; to authorize the arrest, fine or imprisonment in the county jail or work-house, at discretion, of keepers, exhibitors or visitors at any gaming table, gambling house, house for fortune telling, houses of ill or bad repute, or other places of bad device, and all persons who go about for purpose of gaming, or who shall have in their possession any article or thing used for obtaining money under false pretensions, or by not rendering an equivalent for money paid, and all who shall disturb any place where public or private schools are held, either on week day or Sabbath, or places where religious worship is held.

Authorized to make, amend or repeal ordinances.

SECTION 15. Councils shall have power from time to time to make and publish, amend or repeal ordinances, not inconsistent with the laws of the commonwealth, for carrying into effect or discharging the powers or duties conferred or required under this or other acts, and every other power necessary for the good government of the city, the preservation of order therein and protection of the lives, health and property of the citizens, and enjoyment of the same.

Enforcement of ordinances.

SECTION 16. Ordinances of the corporation may be enforced by the imposition of fines, forfeitures and penalties on any person offending or violating such ordinance or any of them, and the fine, penalty or forfeiture may be prescribed in each particular ordinance, or by a general ordinance made for that purpose; and the corporation shall have power to provide for the prosecution, recovery and collection of such fines, forfeitures and penalties, and also to provide that all persons who shall refuse or neglect to pay the fine imposed on conviction of an offence, together with costs of prosecution, shall be imprisoned in the county jail or work-house, at the discretion of the mayor or aldermen before whom the conviction is had, not however exceeding ninety days.

Corporation may provide for recovery of fines, &c.

Additional mode of recovery of fines, &c.

SECTION 17. Fines, penalties and forfeitures and dues imposed by any ordinance may in all cases, in addition to any other mode provided, be recovered before any court of jurisdiction, mayor or aldermen, in the name of the corporation; and in any such suit or action, when pleading is necessary, it

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shall be sufficient to declare generally for the amount claimed to be due in respect of the violation of the ordinance, referring to its title and the date of its passage, and showing as near as may be the time of the alleged violation.

Mayor authorized to recover fines, &c., summarily or by penal action.

SECTION 18. The mayor of said city shall have jurisdiction, power and authority to recover, summarily or by penal action, as the case may be, any fines and forfeitures inflicted for the violation of the provisions of any ordinance which may be enacted and ordained by the said councils for the government of the said city.

Ordinances, by whom to be signed and countersigned.

SECTION 19. Any ordinance, when passed by the city councils, shall be signed by the president of each council and countersigned by the clerks.

Copies of ordinances published by authority, and transcripts properly certified, to be evidence.

SECTION 20. The printed copies of the ordinances of the corporation published under its authority, and transcripts of any ordinance, any act or proceeding of councils recorded in any book or entered in any journal kept under the direction of either of said councils, and certified by its clerk, shall be received in evidence for any purpose for which the original ordinance book or journal would be received, and with as much effect; it shall be the duty of the clerk of either of said councils to furnish such transcript, and he shall be entitled to charge therefor at the same rate the clerk of common pleas is entitled to charge for transcripts from the records of said court.

Clerk of councils to furnish transcripts.

Other powers of councils.

SECTION 21. The city councils shall possess all the legislative powers granted in this act, and other corporate powers of the city not herein, or by some ordinance, conferred, in pursuance of this act, on some officer of the corporation; they shall have the control and management of the finance, and of all the property, real and personal, belonging to the corporation.

Ordinances not to contain more than one subject matter, &c.

SECTION 22. No ordinance shall contain more than one subject, which shall be clearly expressed by its title; and no ordinance or section thereof shall be revived or amended unless the new ordinance contains the entire ordinance, or section so amended or revived, and the ordinance, section or sections so amended shall be repealed.

CHAPTER FOURTH—POWERS AND DUTIES OF THE MAYOR.

Mayor to be chief executive officer, to keep corporate seal, &c.

SECTION 1. The mayor of said city shall be its chief executive officer and the conservator of its peace; he shall have and exercise within the city limits the powers conferred on sheriffs of the county to keep the peace within the city limits and suppress disorder, to apprehend any person committing any offence against the laws of the state or the ordinances of the city, and all disorderly persons; he shall keep the corporate seal in his charge, and shall sign all commissions, licenses and permits authorized or granted by the city councils, and such other acts or papers as may require, by ordinance, his certificate; and it shall be his special duty to cause the ordinances of the city to be faithfully and constantly obeyed and observed.

To recover fines, &c.

SECTION 2. To recover summarily or by penal action, as the case may be, any fines or forfeitures inflicted for the violation of the provisions of any ordinances that may hereafter be

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ordained or enacted by council for the government of said city.

To issue subpœnas.

SECTION 3. To issue his subpœna in common form to any person or persons in this commonwealth, commanding him or them to appear and give evidence in any or all complaints, matters, indictment, plea or thing of a civil or criminal nature, within his jurisdiction made or depending; and persons thus subpœnaed shall attend accordingly, and give evidence under such pains and penalties as are by law incurred by any person or persons refusing to attend and give evidence when subpœnaed for that purpose.

May take acknowledgments

SECTION 4. May take acknowledgments of deeds and other written instruments and receive legal fees therefor.

To promulgate by-laws and ordinances, &c.

SECTION 5. To promulgate the by-laws and ordinances of the corporation and specially to attend to the due execution and fulfillment of the same; and he shall be entitled to receive, hold and enjoy all the emoluments which, by the by-laws and ordinances of the said corporation, are now or may be hereafter annexed or attached to said office of mayor; and for the purpose of enforcing the observance of said laws and ordinances, and preserving the peace and good order of the city, he shall have and exercise all the powers, jurisdictions, authorities, fees and perquisites now exercised and appertaining to an alderman or justice of the peace of Allegheny county: *Provided*, Nothing in this act shall be construed to give him jurisdiction or any authority in civil cases.

Declared official visitor to penitentiary.

SECTION 6. That he is hereby declared to be an official visitor to the penitentiary of the commonwealth, with the same powers and privileges which are conferred by law on other official visitors.

To give security.

SECTION 7. Before entering upon discharge of his duties he shall be required to give bond with good and sufficient securities, in same manner as other city officers, and in such sum and for such conditions as councils may require by resolution.

Other powers and duties.

SECTION 8. And in addition to the duties required by this act of assembly, and the powers prescribed therein, he shall have such other powers and perform such other duties, which may be compatible with the nature of his office, as are or shall be prescribed by said councils.

May appoint alderman to act in case of absence, &c.

SECTION 9. That the mayor of the city of Allegheny is hereby authorized, in case of necessary absence from the city, of his sickness or other temporary disability, to designate one of the aldermen of said city in such cases, who shall exercise all the powers and discharge all the duties of mayor of said city; and for all the official acts of said deputy the mayor shall be responsible.

THE CONTROLLER.

Controller to have supervision of fiscal affairs.

SECTION 1. He shall have the general supervision and control of all the fiscal affairs of the city, to be exercised in the manner which may be by ordinance prescribed; he shall keep a full and regular set of books, exhibiting accurate statements of all moneys received and expended for or on acccount of the city corporation, the directors of the poor or the park commission, and of all property owned by the city, and of

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the income derived therefrom; he shall examine all bills, claims and demands against the city, and shall countersign warrants on the city treasurer in payment thereof for such only as he may find to be lawful, just and due.

Authorized to administer oaths.

SECTION 2. He shall have authority to administer oaths or affirmations to any person engaged in receiving or disbursing the city moneys, and to all persons presenting claims or demands against said city.

Books, &c., to be open to inspection of councils.

SECTION 3. His books and papers shall at all times be open to inspection of any member or members of councils.

To report to councils.

SECTION 4. Shall report to councils at such times and in such manner as said councils may, by resolution or ordinance direct, all matters or things necessary to exhibit the true financial condition of the city or of any department of said corporation, or touching any subject upon which said councils may desire information which he can furnish.

TREASURER.

Treasurer to receive and keep moneys, &c.

SECTION 1. It shall be the duty of the treasurer to receive and safely keep all moneys accruing to the city corporation, and shall pay out the same on warrants drawn by the mayor and countersigned by the controller, and not otherwise; and he shall keep accurate accounts thereof, and make such reports in relation thereto as councils may by ordinance direct.

To give duplicate receipts.

SECTION 2. He shall give every person paying money into the city treasury a duplicate receipt therefor, specifying date of payment and upon what account paid.

To keep city funds separate from his own.

Prohibition.

SECTION 3. All moneys of the city shall be kept separate and distinct from his own moneys, and he is expressly prohibited from using, either directly or indirectly, the corporation money or warrants, or bonds, in his custody, for his own use or benefit or that of any other person or persons whatsoever.

ENGINEER.

Qualifications of engineer.

SECTION 1. The city engineer shall be well skilled in the sciences of civil engineering and building, and in the practical application thereof.

Plans of streets, &c., to be kept in his office.

SECTION 2. In his office shall be kept all plans, plots, records and papers pertaining to streets and public improvements of the city.

To have charge of improvements of streets, &c.

SECTION 3. He shall have charge of all improvements of streets, highways, sewers, wharves, landings and public grounds of said city, and shall perform such other engineering services as may be required by councils.

To have charge of plots of property.

SECTION 4. He shall have charge of all plots, books, et cetera, necessary to register and plot all property returned under the registry act of said city.

To appoint assistants, &c.

SECTION 5. He shall appoint such number of assistants and draughtsmen as may be authorized by councils.

CITY SOLICITOR.

Qualifications of solicitor.

SECTION 1. He shall be a regular licensed attorney-at-law, who shall, at the time of his election, reside and have been for two years next previous a *bona fide* resident of said city,

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and who shall have had a practice in his profession of at least two years.

SECTION 2. He shall act as attorney and counsel for said city in all suits and proceedings by, for or against the city, and in addition to the duties imposed by special acts of assembly, to perform such other in his department as may be required of him. Duties.

CHAPTER FIFTH—MISCELLANEOUS AND SUPPLEMENTAL.

SECTION 1. All ordinances, regulations, by-laws, rules and resolutions now in force in the city of Allegheny, and not inconsistent with this act, shall remain in force under this act, until altered, modified or repealed by councils, after this act shall take effect. Ordinances, &c., now in force, relative to.

SECTION 2. All actions, rights, penalties and forfeitures in suits or otherwise, which have accrued under the act consolidated herein, or other acts, parts of acts or supplements not repealed or changed by this act, and now in force in said city, shall be vested in and prosecuted by the corporation hereby created, as if no change had been made in said charter. Actions, rights, &c., which have accrued, to be vested in corporation hereby created.

SECTION 3. All property, real, personal or mixed, of any nature whatsoever, now belonging to the city of Allegheny, is hereby vested in the corporation created by this act, and their successors, to and for the use and benefit of said citizens forever; and the officers of said corporation, now in office, shall respectively continue in the same for the term of their election, but shall be governed by this act, which shall take effect from and after its passage. Property belonging to city vested in corporation hereby created.

SECTION 4. All acts, general or special, or parts of acts or supplements thereto, of the city of Allegheny, not repealed by this act, now in force and operation, or passed prior to the passage of this act, and which confer any rights, privileges or powers upon said city or its officers, citizens or any of its commissions, are hereby extended to the corporation created by this act; and all powers, privileges or rights now vested in the city of Allegheny, its officers, citizens or commissions, are hereby vested in the corporation created by this act; and all of said acts of the city of Allegheny shall continue in force and operation as fully and to like effect as if this act had never been passed, and in like manner all acts or parts of acts that have been extended to said city prior to the passage of this act. Acts now in force, relative to

SECTION 5. All officers of said city, who are conservators of the peace, by this act, or by authority or appointment of councils, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break or violate the peace, and if necessary, detain such persons in custody in watch house, or other safe place, until hearing or bail is given, and shall have and exercise such other powers as conservators of the peace as councils may prescribe. Powers of officers who are conservators of peace.

SECTION 6. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder of said city, in any action or proceeding in which the said city shall be a party in interest. Inhabitants or freeholders competent witnesses, &c., in actions by or against city.

SECTION 7. The said city shall not be required to furnish

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City not required to furnish bail on appeals, &c.

bail on any appeals, nor required to file any affidavits of claim or defence in any suit or proceedings in law to which it is a party.

Bonds to be exempt from taxation.

SECTION 8. That the bonds of the said city, known as renewal bonds of one thousand eight hundred and seventy, now issued, and all other bonds now authorized to be issued or to be issued aftre the passage of this act, for city purposes, shall be exempt from state and local taxation.

Councils to cause account of finances to be published.

SECTION 9. That the councils of said city shall, once in every year, cause to be published a just and true account of all moneys which shall have accrued to them in their corporate capacity, during the year preceding such publication, and also of the disposition thereof.

Constables authorized to make arrests.

SECTION 10. And to the intent and end that there may not be a failure of justice within said city, it shall be lawful for any constable or constables of the said city, to whom any warrant, under the hand and seal of any alderman, shall be delivered, commanding him or them to take any person or persons who shall have been charged with having committed any offence within said city, and to bring him, her or them before said alderman, or any of them; and he or they are hereby required to execute the same by making the arrest, if the same can be done, at any place within the county of Allegheny, and by bringing such offenders before said alderman, or some of them.

Aldermen authorized to issue subpœnas to witnesses.

SECTION 10. That it shall be lawful for said aldermen before whom any complaint, indictment, plea, matter or thing of a criminal or civil nature, within his or their jurisdiction, shall be made or depending, to issue their subpœna in common form, to any person or persons in this commonwealth, commanding him or them to appear and give evidence therein; and every person to whom the same shall be directed, and on whom service thereof shall be duly made, shall attend accordingly, and give evidence under such pains and penalties as are by law incurred by any person or persons refusing to attend and give evidence when duly subpœnaed for that purpose.

Councils authorized to levy tax on real and personal estate.

SECTION 11. That said councils shall have power to annually levy and collect taxes on the assessed value of all real and personal estate in the city, taxable by any law of the state, as now levied and collected in said city by existing laws; all laws of said city relative to general taxation to be continued in force and operation by the corporation created by this act, with like effect as if this act had never been passed.

Authorized to levy tax on venders of merchandise.

SECTION 12. Said councils shall have power to levy and assess upon all the goods, wares and merchandise, and upon all articles of trade and commerce sold in said city, including sales at auction or otherwise, an annual tax for the use of said city, to be levied and collected from the venders of said articles, in same manner as other city taxes are now levied and collected, and as they may think just and equitable.

Authorized to assess tax on deposits of banks and receipts of insurance companies.

SECTION 13. That councils of said city are hereby empowered to levy and collect, for the use of said city, an annual business tax, as they may deem just and equitable, on the average yearly deposits of all banks and banking institutions, and on the yearly receipts of insurance companies, and insu-

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rance agencies doing business in said city; and in case any cashier, treasurer, secretary or other officer of any corporation, association or company, the business thereof is made taxable under this act, shall feel aggrieved by any assessment made in pursuance of this act, that the treasurer of said city, with the approbation of a majority of the finance committee, shall have power to reduce the said assessment upon such cashier or other officer filing his or their affidavit in the office of the treasurer of said city, stating the amount of business and the amount of the alleged over assessment; which affidavit may be made before the controller of the city. How assessment may be reduced.

SECTION 14. If said tax is not paid, then the property of any such corporations and companies shall be subject to levy and sale by any ward constable for payment thereof, upon a warrant to be issued by the city treasurer in same manner as in other city taxes. Property of corporations to be subject to levy and sale for taxes.

SECTION 15. That it shall be lawful for any collector or any constable, upon warrant of collector, to arrest and imprison, in the county jail, any one refusing to pay any personal tax assessed upon him, her or them for city purposes; such imprisonment not to exceed sixty days. Imprisonment for non-payment of personal taxes authorized.

SECTION 16. All acts or parts of acts inconsistent with this act are hereby repealed. Repeal.

BUTLER B. STRANG,
Speaker of the House of Representatives.

CHARLES H. STINSON,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini one thousand eight hundred and seventy.

JNO. W. GEARY.

No. 670.

An Act

Relating to the election of city and ward officers in the city of Pittsburg.

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 hereafter the annual election for members of the city councils, school directors and ward officers, and the tri-ennial election for mayor, treasurer and controller within said city, shall be held on the first Tuesday of December and not on the second Tuesday of October, as provided for in the existing laws; and the present officers of said city shall continue

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