

**BOROUGHS, INCORPORATION OF**  
**Act of Apr. 1, 1834, P.L. 163, No. 98**  
An Act

Cl. 25

To provide for the Incorporation of Boroughs.

**Compiler's Note:** Section 701 of Act 396 of 1937 provided that Act 98 is repealed insofar as it relates to overseers of the poor.

Section 1. (1 repealed May 14, 1915, P.L.312, No.192)

Section 2. (2 repealed May 14, 1915, P.L.312, No.192)

Section 3. (3 repealed May 14, 1915, P.L.312, No.192)

Section 4. (4 repealed May 14, 1915, P.L.312, No.192)

Section 5. The inhabitants of every borough hereafter incorporated, entitled to vote for members of the General Assembly, having resided within the said borough at least six months immediately preceding the election, and within one year paid a borough tax, shall have power on the days, and at the places directed by the courts of Quarter Sessions of the proper county to meet, and then and there, between the hours of one and six in the afternoon, to elect by ballot one citizen residing therein, who shall be styled the burgess, and five citizens to be a town council, and shall also elect as aforesaid two citizens, who shall be overseers of the poor if necessary, and one citizen as town constable, all of whom shall be resident in said borough; but previous to the opening of said election, such of the inhabitants as are present at the place of election, shall elect two citizens as judges, one as inspector, and two as clerks of said election, which shall be regulated and conducted throughout, according to the general election laws of this Commonwealth, and who shall be subject to the same penalties for mal-practices as by the said laws are imposed; and the said judges, inspectors, and clerks, before they enter on the duties of their respective offices, shall take an oath or affirmation before some justice of the peace to perform the same with fidelity, and after the said election shall be closed, shall declare the person and persons having the greatest number of votes to be duly elected to their respective offices, and in case any two or more candidates shall have an equal number of votes the preference shall be determined by lot, to be drawn by the inspector in the presence of the judges and clerks, whereupon duplicate certificates of said election shall be signed by the said judges, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation; and it shall be the duty of the constable for the preceding year, to give notice in writing to each of the persons so elected, and in case of the death, resignation, removal, or refusal of any person so elected, or if it should at any time happen, that no election should be holden on the day and in the manner aforesaid, the burgess shall issue his precept directed to the high constable, to hold an election in manner aforesaid to supply such vacancy, giving at least eight days notice, by six advertisements set up in the most public places in said borough: Provided, That the citizens of said borough shall be entitled to vote at the first election, although they have not paid a borough tax.

**Compiler's Note:** Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

**Compiler's Note:** Section 1301(b) of Act 192 of 1915 provided that section five is repealed except in so far as it relates to assessors, constables, elections, justices of the peace, overseers of the poor, school directors, or taxation.

Section 6. (6 repealed May 14, 1915, P.L.312, No.192)

Section 7. (7 repealed May 14, 1915, P.L.312, No.192)

Section 8. It shall be the duty of the town council of each borough hereafter incorporated, four of whom including the burgess, if present, shall be a quorum, to meet at such times and places as by the by-laws and ordinances of said borough shall be appointed; at which meetings they may enact, revise, repeal and amend all such by-laws, rules, regulations and ordinances as shall be determined by a majority of them necessary to promote the peace, good order, benefit and advantage of said borough; they shall also have power to regulate, improve, repair and keep in order the roads, streets, lanes, alleys and other public grounds, wharves or landings within said borough; but nothing herein contained shall be construed to give to the town council aforesaid authority to lay out any road, street, lane or alley within the borough limits; but such authority shall be vested in the court of Quarter Sessions of the proper county, under the general road laws of the Commonwealth. They shall also have power to assess, apportion and appropriate such taxes as shall be determined by a majority of them necessary for carrying the said rules and ordinances from time to time into complete effect; and also to appoint a town clerk, treasurer, two persons to act as street commissioners and a collector annually, and such other officers as may be deemed necessary from time to time, and the same officers from time to time to remove; and the meetings of said town council shall be held at such times and places as the majority of them may appoint, and the burgess shall be president of the town council and shall have and exercise all the rights and privileges of a member thereof; but in the case of the absence of the burgess, the members present may elect one of their number to preside for the time being: Provided, That no bylaw, rule or ordinance of said corporation shall be repugnant to the constitution or laws of the United States or of this Commonwealth, and that no person shall be punished for the violation of a by-law or ordinance made as aforesaid, until ten days have expired after the promulgation thereof by at least four advertisements set up in the most public places in said borough: And provided also, That in assessing such tax, due regard shall be had to the valuation of taxable property taken for the purpose of raising county rates and levies, and that the said tax shall not in any year exceed one half cent in the dollar of such valuation, unless some object of general utility shall be thought necessary, in which case a majority of the taxable inhabitants of said borough shall approve of and certify the same in writing under their hands to the town council, who shall proceed to assess the same accordingly.

**Compiler's Note:** Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

**Compiler's Note:** Section 1301(b) of Act 192 of 1915 provided that section eight is repealed except in so far as it relates to assessors, constables, elections, justices of the peace, overseers of the poor, school directors, or taxation.

Section 9. Every burgess hereafter elected and qualified agreeably to this act, is hereby authorized to issue his precepts as often as occasion may require to the collector of the proper borough, commanding him to collect all taxes so assessed for the use of said borough and the same to pay over to the treasurer thereof, which collector shall have the same power that collectors now have in collecting county rates and levies; and the burgess is hereby authorized to carry into effect all by-laws and ordinances enacted by the town council. He is also required to cause to be opened all roads, streets, lanes or alleys that may be laid out by order of the proper court within the limits of the borough, and for neglect or refusal to do so, shall be liable to like penalties as are incurred by supervisors of the highways for a similar offence. And the town council shall have power to mitigate or remit fines and forfeitures in all cases where it shall appear that the person or persons so fined did not offend intentionally, or on having some other just and reasonable excuse to plead in his, her or their behalf.

**Compiler's Note:** Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

**Compiler's Note:** Section 1301(b) of Act 192 of 1915 provided that section nine is repealed except in so far as it relates to assessors, constables, elections, justices of the peace, overseers of the poor, school directors, or taxation.

Section 10. (10 repealed May 14, 1915, P.L.312, No.192)

Section 11. (11 repealed May 14, 1915, P.L.312, No.192)

Section 12. The town clerk, treasurer, street commissioner and collector, as well as all other officers who may be appointed by the town council of every borough hereafter incorporated, shall at such time and times as the town council may direct render their accounts respectively to the said town council for settlement.

**Compiler's Note:** Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

**Compiler's Note:** Section 1301(b) of Act 192 of 1915 provided that section twelve is repealed except in so far as it relates to assessors, constables, elections, justices of the peace, overseers of the poor, school directors, or taxation.

Section 13. Council to be court of appeal in certain cases

The town council of every borough hereafter incorporated, shall constitute a court of appeal, and prior to the collection of any borough tax, the collector shall inform each inhabitant of the amount of his tax and of the time and place of appeal: Provided, That the court of appeal shall have no other power, as such, than to determine the apportionment of said taxes, and to remedy any grievance that may occur. 1834, April 1, P.L. 163, Sec. 13.

**Compiler's Note:** Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

**Compiler's Note:** Section 1301(b) of Act 192 of 1915 provided that section thirteen is repealed except in so far as it relates to assessors, constables, elections, justices of the peace, overseers of the poor, school directors, or taxation.

Section 14. (14 repealed May 14, 1915, P.L.312, No.192)

Section 15. (15 repealed May 14, 1915, P.L.312, No.192)

**Compiler's Note:** Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

**Compiler's Note:** Section 1301(b) of Act 192 of 1915 provided that section fifteen is repealed except in so far as it relates to assessors, constables, elections, justices of the peace, overseers of the poor, school directors, or taxation.

Section 16. (16 repealed May 14, 1915, P.L.312, No.192)