

ment so called for, pay at the rate of five per centum per month for every delay of such payment, and if the same and the said additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall have become equal to the sums before paid in part and on account of such share, the same may be forfeited by and to the said company at any public meeting of the managers thereof, and may be sold by them to any other person or persons willing to purchase for such price as can be obtained therefor, or in default of payment by any stockholder of any such instalment as aforesaid, the said president and managers may at their election, cause suit to be brought in any court having competent jurisdiction for the recovery of the same, together with the penalty aforesaid: *provided always*, that no stockholder whether original subscriber or assignee, shall be entitled to vote at any election or at any general or special meeting of said company, unless the whole sum due and payable as aforesaid on the share or shares by him held at the time of such election or general or special meetings of the said company shall have been fully paid and discharged as aforesaid.

SECT. v. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said company as soon as five miles of the said road shall be completed, and so in succession for every five miles to erect a gate thereon, and to receive toll according to the rate established in and by the said retited acts: *provided*, that if the company shall not proceed to carry on the said work within two years, and complete the road within seven years, according to the true intent and meaning of this act, then and in either of those cases all and singular the rights, liberties and franchises hereby granted to the said company shall revert to this commonwealth.

JOHN ST. CLAIR, *Speaker*  
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-eighth day of March, one thousand eight hundred and fourteen.

SIMON SNYDER.

CHAPTER CLII.

An ACT to erect the town of Mercer in the county of Mercer into a borough.

SECT. I. *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 town of Mercer in the county of Mercer, be and the same is hereby erected into a borough to be called "The Borough of Mercer according to its limits, viz. Beginning at a post thence south eighty-eight degrees, west one hundred and

Boundaries of. eighty-eight perches and five-tenths of a perch to a post, thence south two degrees east one hundred and eighty perches to a post, thence north eighty-eight degrees, east one hundred and eighty-eight perches and five-tenths of a perch to a post, thence north two degrees west one hundred and eighty perches to the place of beginning.

SECT. II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the citizens of said borough entitled to vote for members of the general assembly, on the first Monday of May in each and every year hereafter, between the hours of twelve and six o'clock in the evening, to elect by ballot one citizen, who shall be styled the burgess of the said borough, and five suitable persons assistants or common council men, for advising, aiding and assisting the said burgess in the execution of the powers and authorities hereby given, and also to elect a high constable and a town clerk: *Provided,* That no person shall be entitled to vote at the election, or to be elected to any of the said offices unless he shall have been a resident in the said borough of Mercer, at least six months next preceding such election.

SECT. III. *And be it further enacted by the authority aforesaid,* That the election for officers aforesaid, shall be holden at the court house in the said borough, in manner following, to wit: the constable of the township of Mercer, for the time being, and the high constable, so as aforesaid, elected or appointed in the manner hereinafter mentioned, in every succeeding year shall give notice of such election at least six days before the time appointed for holding the same, by advertisements set up in at least four of the most public places within the said borough, and at the election to be holden the present year, the constable of Mercer township and two citizens to be chosen by the electors of the said borough for that purpose, and at every succeeding election the burgess and assistants, or a majority of them, shall hold the said election, receive and count the ballots, and declare the persons duly elected; whereupon duplicate certificates of the persons so elected, shall be signed in the present year by the constable and two citizens chosen as aforesaid, and in every succeeding year by the burgess and assistants, holding the same, one whereof shall be transmitted to the clerk of the court of quarter sessions of the county, within ten days after the said election, and the other filed among the records of the corporation for safe keeping. And if it shall at any time happen that no election should be held on the day aforesaid in the mode hereinbefore prescribed, the burgess, or in his absence or inability to act, a majority of the assistants shall issue his or their precept, directed to the high constable, to hold an election in the manner hereinbefore directed.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the burgess and assistants so chosen, or a majority of them, shall have full power and authority to make such ordinances,

When burgesses and other officers shall be elected.

Proviso.

When and in what manner elections shall be held.

Duplicate certificates shall be made out.

In cases where elections are not held on the proper day.

rules and regulations, as may be necessary for improving and keeping in order the streets, lanes and alleys within the said borough, and removing nuisances or obstructions therefrom, and also to assess, levy, and collect a tax for the said purposes, and shall have all other powers necessary for the well ordering and better government of the said borough: *Provided*, That the said ordinances, rules or regulations shall not be repugnant to the constitution and laws of this commonwealth: *And provided also*, that no tax shall be laid by them in any one year to exceed one cent in the dollar on the valuation of taxable property, taken from the last assessment until the same is agreed to by a majority of the electors at a town meeting assembled for that purpose, called together by the said burgess and assistants, or by a request in writing of at least six of the inhabitants of said borough duly qualified to elect as aforesaid, to the burgess, who shall require the high constable to give six days notice of such intended town meeting by advertisements set up in not less than four of the most public places within the said borough, notifying the time, place and object of the said town meeting, and all taxes which may be assessed or laid within the said borough, shall as nearly as the same is practicable, be conformable to the laws for raising county rates and levies.

Burgesses, &c. may make rules and ordinances.

And levy taxes, &c.

Proviso.

Regulation of tax.

SECT. v. *And be it further enacted by the authority aforesaid*, That the said burgess and freemen duly qualified to elect as aforesaid and their successors shall be one body politic and corporate by the name of "The Burgess and inhabitants of the borough of Mercer, in the county of Mercer," shall have perpetual succession, and they and their successors by the name of the burgess and inhabitants of the borough of Mercer, shall at all times be able and capable in law to receive, hold and convey lands and tenements, goods and chattels, not exceeding the yearly value of three thousand dollars, and by the name aforesaid, to sue and be sued, plead and be impleaded, and answer and be answered, defend and be defended in all courts within this commonwealth, in all manner of actions, suits, complaints, pleas, causes and matters whatsoever, and that it shall and may be lawful to and for the said burgess and inhabitants aforesaid, and their successors to have and use one common seal, and the same from time to time, at their will to change and alter, and said burgess and assistants shall have full power to appoint such other officers within the said borough as shall be necessary to carry into complete effect the provisions of this act.

Name and style of the corporation.

Privileges of

And use a seal

SECT. VI. *And be it further enacted by the authority aforesaid*, That if any person an inhabitant of said borough, and duly qualified to elect as aforesaid, shall be elected to the office of burgess and having notice of his election, shall refuse to undertake and execute said office, every person so refusing shall forfeit and pay a fine of ten dollars, and if any person duly qualified as aforesaid, shall be duly elected to any other office in the said borough created by this

Penalty on an officer refusing to serve.

act, and having notice of his election, shall refuse to undertake and execute the duties of that office, every person so refusing, shall forfeit and pay the sum of five dollars, which fines and forfeitures and all others in pursuance of this act or of the by-laws of the said burgess and inhabitants shall be recovered before any justice of the peace of that county for the use of the said corporation, and in such case of refusal, the burgess, or in case of his refusal, a majority of the assistants shall issue his or their process to the high constable, requiring him to hold an election for the choice of some other person in the place of such as shall refuse : *Provided*, That no person shall be compelled to serve more than one in any term of five years, and any person or persons conceiving him, her, or themselves agrieved by the judgment of any justice of the peace, by virtue of this act, he, she or they may appeal to the next county court of common pleas, who shall on the petition of the party, take such order therein as to them shall appear just and reasonable, and the same shall be conclusive to all parties.

How recoverable.

Provide,

Burgess shall take an oath, &c.

And qualify other officers.

SECT. VII. *And be it further enacted by the authority aforesaid*, That the burgess shall take and subscribe an oath or affirmation before one of the associate judges or a justice of the peace for the county of Mercer, to support the constitution of the United States and of this state, and an oath or affirmation well and truly to execute the office of burgess of the borough of Mercer, and when so qualified he shall administer an oath or affirmation to the assistants, high constable and town clerk, in the manner and form aforesaid, before they shall enter upon the duties of their respective offices.

JOHN ST. CLAIR, *Speaker*  
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-eighth day of March, one thousand eight hundred and fourteen.

SIMON SNYDER.

CHAPTER CLIII.

An ACT confirming the official proceedings of Michael Lynch and Thomas Cannon, justices of the peace.

Proceedings of Michael Lynch confirmed.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same*, That all acknowledgements of deeds, powers of attorney, and other instruments of writing taken and executed before Michael Lynch a justice of the peace of Chester county, prior to the passing of this act, and all other his official acts be and they are hereby declared to be as valid and effectual in law to all intents and purpos-