

with the provisions of this act, be and the same is hereby repealed.

JOHN LAPORTE,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The third day of April, A. D. one thousand eight hundred and thirty-two.

GEO. WOLF.

No. 112.

AN ACT

To erect the town of Warren, in the county of Warren, into a borough, and for other purposes.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of Warren, in the county of Warren, shall be, and the same is hereby erected into a borough, which shall be called the borough of Warren, which borough shall be comprised within the following boundaries, to wit: Beginning on the Conewango creek, at the north east corner of said town, as laid out by commissioners appointed for that purpose, in pursuance of an act of assembly, passed eighteenth April, seventeen hundred and ninety-five; thence down and by said Conewango creek to its junction with the Allegheny river; thence down and by said Allegheny river as far as the south west corner of said town, as laid out by the commissioners aforesaid; thence by the various courses and distances of the survey, comprising a tract of three hundred acres, reserved for the purpose of in-lots in said town by said act of assembly, passed the eighteenth April, seventeen hundred and ninety-five, and upon which the said town was laid out by said commissioners, to the place of beginning.

Boundaries of
the borough of
Warren.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be lawful for all persons entitled to vote

Annual election of officers.

for members of the legislature, who have resided within the bounds of said borough twelve months previous to any election of borough officers, to meet at the court house in said borough, on the first Monday in May in each and every year, and then and there elect by ballot, between the hours of one and seven o'clock of the same day, one reputable citizen residing therein, who shall be the burgess of said borough, and five reputable citizens residing therein, to be a town council, and one reputable citizen as high constable, but on the Friday preceding said election, the inhabitants shall elect two reputable citizens as judges, and one as inspector of said election, and the judges shall appoint two persons as clerks of said election, which shall be regulated and conducted according to the general election law of this commonwealth, so far as relates to receiving and counting votes, and who shall be liable to the same penalties for malpractices, as by the said law is imposed, and the said judges, inspector and clerks, before they enter upon the duties of their respective offices, shall take an oath or affirmation, before any judge or justice of the peace of the said county, to perform the same with fidelity, and after the said election shall be closed, shall declare the persons having the greatest number of votes to be duly elected, and in the case that any two or more candidates should have an equal number of votes, the preference shall be determined by lot, to be drawn by the judges and inspector, whereupon, duplicate returns thereof shall be signed by 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 in case of death, resignation, refusal to accept, or neglect, or refusal to act after acceptance of any of said offices, the burgess, or in case of his death, absence or inability to act, or when he neglects or refuses to act, the first named of the town council shall issue his precept, directed to the high constable, or when there is no high constable, or when he neglects or refuses to act, then to the constable of Conewango township, requiring him to hold an election in manner aforesaid, to supply such vacancy, giving at least ten days notice thereof, by advertisements set up at four of the most public places in the said borough.

Mode of conducting election pointed out.

SEC. 3. *And be it further enacted by the authority aforesaid,* That after the first election held in pursuance of this act, the burgess and town council duly elected as before directed, and their successors, shall be one body politic and corporate in law, by the name and style of "The burgess and town council of the borough of Warren," and shall have perpetual succession, and the said burgess and town council aforesaid, and their successors, shall be capable in law to have, receive, hold and possess goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises and

Style. Privileges and liabilities of the corporation.

hereditaments, to them and their successors, in fee simple or otherwise, not exceeding the yearly value of five thousand dollars, and also to give, grant, sell, let and assign the same lands, tenements, hereditaments and rents, and by the name and style aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded, in any of the courts of law in this commonwealth, in all manner of actions whatsoever, and to have and to use one common seal, and the same from time to time, at their will, to change and alter.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person duly elected as burgess, or a member of the town council or constable as aforesaid, and having received notice thereof as aforesaid, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, every person so refusing or neglecting, shall forfeit and pay the sum of twenty dollars, which fine and all other fines and forfeitures incurred and made payable by this act, or of the by-laws and ordinances of the town council, shall be for the use of the corporation.

Persons elected to office liable to a fine for refusal to serve.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the burgess, town council and high constable, and each of them, before entering on the duties of their respective offices, shall take an oath or affirmation before any judge or justice of the peace of said county, to support the constitution of the United States and of this state, and to execute the duties of their respective offices with fidelity; and the certificates of such oaths and affirmations shall be filed among the records of the said corporation.

Oaths of office.

SECT. 6. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the town council to meet as often as occasion may require, and enact such by-laws and make such rules, regulations and ordinances, as shall be determined by a majority of them, necessary to promote the peace, good order, benefit and advantages of said borough, particularly of providing for the regulation of the markets, streets, alleys, highways and water courses therein; they shall have power to assess, apportion and appropriate such taxes as shall be determined necessary by a majority of them to carry the said by-laws, rules and regulations into complete effect; and also to appoint a clerk, treasurer, one person to act as street commissioner and a clerk of the market annually, and such other officers as may be deemed necessary from time to time: *Provided,* That no by-law, rule or ordinance of the 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 a breach of any by-law or ordinance made as aforesaid, until the same has been published at least three times in one or more of the newspapers printed in the said borough; and that where any buildings have heretofore been erected within the boundaries of said borough, and shall

General powers of the town council.

Proviso. Of the by-laws.

Location of
the buildings.

happen to encroach on any of the streets, alleys, squares or public commons thereof, the same shall not be deemed or taken for nuisances or abateable as such in any indictment now pending or that may hereafter be brought; but no person shall rebuild on any street, alley, lane, square or public common so encroached on, and in case any person or persons shall rebuild on such street, alley, square or public common so encroached on, the same shall be deemed, taken and adjudged a public nuisance, and shall be abateable and punishable as such: *And provided also*, That no tax shall be laid in any one year exceeding one half cent on the dollar on the valuation of taxable property as per the last assessment, unless a majority of the freeholders of said borough shall approve and certify the same to the town council by writing, under their hands, whereupon the said town council shall proceed to assess the same accordingly.

2d proviso.

Rate of taxation.

SECT. 7. And be it further enacted by the authority aforesaid,

Powers of the
burgess.

That the burgess, elected and qualified agreeably to this act, is hereby authorized and empowered to issue his precept as often as occasion may require, directed to the high constable, commanding him to collect all taxes assessed and fines and forfeitures imposed by this act or by the ordinances or regulations of the corporation, and the same to pay over to the treasurer; and the said burgess is hereby authorized to carry into effect all by-laws enacted by the town council, and whatever else may be enjoined upon him, for the well ordering and governing of the said borough: he shall have jurisdiction to hear and determine in all disputes between the corporation and individuals, arising under the by-laws, regulations and ordinances.

Duties of the
town clerk.

SECT. 8. And be it further enacted by the authority aforesaid, That it shall be the duty of the town clerk to attend at all the meetings of the town council when assembled upon business of the corporation, and perform the duty of clerk thereto, to keep and preserve the common seal and records thereof, and be answerable for the same, and also for the faithful discharge of all the duties enjoined upon him by this act or the acts of the corporation, whose attestation with the seal of the corporation, shall be good evidence of the act or thing so certified.

Security of the
treasurer.

SECT. 9. And be it further enacted by the authority aforesaid, That the treasurer shall give security for the faithful discharge of the duties of the office, and for the safe delivery of all monies, books and accounts appertaining thereto, into the hands of his successor in office, upon demand made by the burgess for that purpose.

Annual settle-
ment, adjust-
ment and pub-
lication of
accounts.

SECT. 10. And be it further enacted by the authority aforesaid, That the street commissioners, treasurer, constable and clerk of the market, as well as all other officers who may be appointed by the corporation or council, shall render their accounts to the council once in every year for settlements

and the said accounts being settled and adjusted accordingly, shall forthwith be published by the council in at least one of the newspapers printed in said borough, showing particularly the amount of the taxes laid and collected, and of the expenditures.

SECT. 11. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the high constable to give notice of the annual elections of the said borough, by setting up notice thereof in at least four of the most public places within said borough, at least ten days previous thereto; he shall attend and see that the same is opened at the time and in the manner directed by this act: *Provided*, That it shall be the duty of the constable of the township of Conewango, to publish and superintend the election to be held on the first Monday of April next, as herein before directed.

High const. to give notice of the elections.

Proviso. Township const. of the first.

SECT. 12. *And be it further enacted by the authority aforesaid*, That if any person or persons shall conceive him or themselves aggrieved by any decision of the burgess, or any thing done in pursuance of this act, he or they may appeal to the next court of Common Pleas for the proper county, upon giving security in the nature of special bail, according to the terms and provisions of the act of the twentieth of March, eighteen hundred and ten, providing the mode of entering appeals from the judgments of justices of the peace, 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 final and conclusive to all parties.

Appeal of persons aggrieved.

SECT. 13. *And be it further enacted by the authority aforesaid*, That the burgess, or in his absence the member of the town council present having the highest number of votes in the election return, shall preside at all meetings of the town council held under this act, or which may be held in pursuance of the by-laws of said corporation; and at all meetings of the burgess and town council, it shall require at least four to form a quorum to do business.

President of town council.

3 a quorum.

SECT. 14. *And be it further enacted by the authority aforesaid*, That the said borough of Warren shall constitute a separate township, to all intents and purposes, and it shall and may be lawful for the citizens thereof to elect assessors, overseers of the poor, and all other officers, to the assessing and collecting county rates and levies, and the collection and application of road taxes and otherwise incident to a separate township, as fully and effectually as the citizens of any of the townships of this commonwealth may or can now do by law: *Provided*, That nothing herein contained, shall be so construed as to alter or interfere with the mode of electing a constable for said borough, as herein before provided.

Borough constituted a separate township.

Proviso.

SECT. 15. *And be it further enacted by the authority aforesaid*, That the town of Frankstown, in the county of Hun-

Frankstown
erected into
borough.

Boundaries.

Time and
place of an-
nual election
for borough
officers.

Manner of
conducting
election.

tingdon, shall be and the same is hereby erected into a borough, which shall be called Frankstown, and shall be comprised within the following boundaries, to wit: beginning at Lowrey's spring; thence in a straight line along the lane to the river; thence along the several courses of the river to the Frankstown dam; thence in a straight line to the old stone mill, so as to include said mill; thence in a straight line to the place of beginning.

SECT. 16. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for all persons entitled to vote for members of the legislature, who have resided in the said borough three months previously to such election, to meet at the house now occupied by Henry Denlinger, on the third Friday of May in every year, and then and there elect by ballot, between the hours of twelve and six o'clock of the same day, one respectable citizen residing therein, who shall be styled the burgess of said borough, and five citizens residing therein, who shall be a town council; but previously to such election, the inhabitants present shall elect two respectable citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated and conducted according to the general election law of this commonwealth, so far as relates to receiving and counting votes, and who shall be subject to the same penalties for mal practices, as by the said law is imposed; and the said judges, inspector and clerks, before they enter upon the duties of their offices, shall each take an oath or affirmation, before any justice of the peace of said county, but if no justice of the peace be present at the election, one of the judges, after first having the oath or affirmation required by the aforesaid act administered to him by one of the other judges, shall administer the oaths or affirmations to the other judges, and to the inspectors and clerks, to perform the same with fidelity, and after the said election shall be closed, shall declare the person having the greatest number of votes to be duly elected; 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 judges and inspector, whereupon duplicate returns thereof 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 in case of death, resignation, removal, or refusal to accept, or neglect or refusal to act after acceptance, of any of the said officers, the burgess, or in case of his death, absence, or inability to act, or when he neglects or refuses to act, the first named of the town council shall issue his precept directed to the high constable, or when there is no high constable, or when he refuses or neglects to act, then any of the members of the town council shall advertise and hold an election in the

manner aforesaid, to supply such vacancy, giving at least ten days notice thereof by advertisements set up at four of the most public places in the said borough.

SECT. 17. *And be it further enacted by the authority aforesaid,* That from and after the third Friday of May next, the burgess and town council duly elected as aforesaid, and their successors, shall be one body politic and corporate in law, by the name and style of the burgess and council of Frankstown, and shall have perpetual succession; and the said burgess and council aforesaid, and their successors, shall be capable in law to receive, hold and possess, goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and to their successors, in fee simple or otherwise, not exceeding the yearly value of one thousand dollars, and also to give, grant, sell, let and assign the same, lands, tenements, hereditaments, rents; and by the name and style aforesaid they shall be capable in law to sue and be sued, plead and be impleaded, in any of the courts of law in this commonwealth, in all manner of actions whatsoever, and to have and to use one common seal, and the same from time to time at their will to change and alter.

SECT. 18. *And be it further enacted by the authority aforesaid,* That if any person, an inhabitant of the said borough, 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 that office, every person so refusing, shall forfeit and pay a fine of ten dollars, and if any other person duly qualified as aforesaid, shall be duly elected to any other office in said borough, enacted by this 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 a fine of five dollars, which fines, forfeitures, and all others in pursuance of this act, or of the by laws of the said council, shall be recoverable before any justice of the peace of said county, for the use of said corporation: *Provided,* That no person shall be compelled to serve more than one year in any term of three years, and that if any person or persons shall conceive himself or themselves aggrieved by the judgment of any justice of the peace by virtue of this act, he or they may appeal to the next county court of Common Pleas, upon giving security according to law, to prosecute his or their appeal with effect, 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.

SECT. 19. *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 justices of the peace for the county of Huntingdon, to support the

Style, immunities and liabilities.

Fine imposed on persons elected to office, refusing to serve.

Proviso.

Term of service.

Appeal, &c.

Oaths of borough officers.

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 Frankstown, and when so qualified, he shall administer an oath or affirmation to the council, high constable or town clerk, in manner and form aforesaid, before they shall enter on the duties of their respective offices, the certificates of which oaths and affirmations shall be filed among the records of the said corporation.

SECT. 20. *And be it further enacted by the authority aforesaid,* That the town council may meet by their own authority, as occasion may require, or upon the summons of the burgess, they shall have power to enact by laws, and to make such rules, regulations and ordinances, as shall be determined on by a majority of the whole council, necessary to promote the peace, good order, and general welfare of the inhabitants of the said borough, and for the purpose of improving and keeping in order the streets, lanes, alleys, public squares and common ground belonging to said town, within the said borough, for removing nuisances and obstructions therefrom, and the same to annul, alter or make anew, as the occasion may require, and also to assess, levy and collect a tax for said purposes, and also annually to appoint a town clerk, treasurer, street commissioner, overseer of the poor, and such other officers as may be deemed necessary, with all other powers required for the well ordering and better government of said borough: *Provided,* That the said ordinances, rules and regulations, shall not be repugnant to the constitution or laws of the United States, or of this commonwealth: *And provided also,* That no tax shall be laid by them in any one year to exceed one half of a cent in the dollar, on the valuation of taxable property taken from the last assessment, unless some object of general utility shall be thought necessary, in which case a majority of the freeholders of said borough, by writing under their hands, shall approve and certify the same to the town council, who shall proceed to assess the same accordingly, and all taxes which may be assessed and laid in the said borough, shall, as nearly as the same is practicable, be assessed and collected, conformably to the laws for raising county rates and levies.

SECT. 21. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the town clerk, to attend all meetings of the town council, when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties which may be enjoined upon him by virtue of this act, or of the acts of the corporation, and his attestation with the seal of the

General powers granted to the town council.

Proviso.
Of the rules, by-laws, &c.

2d proviso.
Rate of taxation.

Duties of the town clerk.

corporation shall be good evidence of the thing or act so certified.

SECT. 22. *And be it further enacted by the authority afore-said,* That the treasurer, shall give security for the faithful discharge of the duties of his office, and for the safe delivery into the hands of his successor, of all monies, books and accounts appertaining thereto, upon demand being made by the burgess for that purpose. Of the treasurer.

SECT. 23. *And be it further enacted by the authority afore-said,* That the street commissioners, treasurer, constable and overseer of the poor, as well as all other officers, who may be appointed by the corporation or council, shall render their accounts to the council once in every year for settlement, and the said accounts being adjusted and settled accordingly, shall be forthwith published by the said council, showing particularly the amount of taxes laid and collected, and of the expenditures. Annual statement and publication of accounts.

SECT. 24. *And be it further enacted by the authority afore-said,* That it shall be the duty of the high constable to give notice of the election by setting up advertisements in three public places in the said borough, ten days previously thereto, and shall attend and see that the same is opened at the time and in the manner directed by this act. High const. to give notice of elections.

SECT. 25. *And be it further enacted by the authority afore-said,* That it shall and may be lawful for all persons entitled by law to vote for burgesses and other officers of the borough of Frankstown, at the same time and place where they vote for said officers, to elect two reputable citizens of the said borough, and return the names of the persons so elected to the next court of Quarter Sessions of the said county, one of whom shall be appointed constable of said borough, in the same manner, with like power and authority, and subject to the same regulations and penalties as are provided and contained in the laws now existing, or that may be hereafter passed, concerning constables within this commonwealth, and all manner of process which may by law be directed to the constable of said borough, whose duty it shall be to execute the same according to law, and the constable so appointed, shall do and perform all the duties required to be done by the high constable of said borough, in pursuance of this act, and of the by-laws and ordinances of said borough. Election of constable authorized.

SECT. 26. *And be it further enacted by the authority afore-said,* That the burgess, president of the council and treasurer, or any two of them, shall constitute a court of appeal, and prior to the collection of any borough tax, they shall appoint a day for the hearing of appeals, of which, and of the amount of his or her tax, and the place where the appeal will be held, the collector shall notify each taxable by a written notice in the usual manner, at least ten days before the day of appeal, and where the said tax shall have been Court of appeal.

Collection of taxes. properly adjusted, it shall be the duty of the burgess, or in case of his absence or inability to act, of the treasurer, and he is hereby authorized to issue his precept, directed to the collector, commanding him to collect all taxes so assessed, and vesting him with like powers and authorities given to the collectors of county rates and levies by the laws of this commonwealth, and the amount so collected, shall be paid into the treasury for the use of the corporation.

Provision for absence of burgess. **SECT. 27.** *And be it further enacted by the authority aforesaid,* That in the absence from the borough, or inability of the burgess, it shall be the duty of the first named of the town council who may be present, to perform the duties which are enjoined on the burgess by this act, or which may be enjoined by the by-laws which may be passed in pursuance of the same.

In the council 3 a quorum. **SECT. 28.** *And be it further enacted by the authority aforesaid,* That in any meeting of the burgess and town council, it shall require at least three to form a quorum to transact business.

Persons appointed to hold first election. **SECT. 29.** *And be it further enacted by the authority aforesaid,* That Henry Denlinger and Thomas Johnston, of said town, or either of them, shall publish and superintend the first election for borough officers, on the third Friday of May next, after the passing of this act, at the place appointed by law for holding the elections for said borough, and they are hereby directed to give five days notice by advertisements, as before directed, in other cases of election, of the time and place of holding the same.

Alteration of the bounds of the borough of Williamsburg. **SECT. 30.** *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, the northern boundary of the borough of Williamsburg, running from the eastern to the western boundaries thereof, shall be deemed, construed and taken, to extend to the line between the townships of Woodberry and Morris in said county.

Election of constable, &c. in the borough of Shippensburg authorized. **SECT. 31.** *And be it further enacted by the authority aforesaid,* That the borough of Shippensburg, in the county of Cumberland, is hereby separated and detached from the township of Shippensburg, for all township purposes, and the inhabitants of the said borough are hereby authorized to elect two constables, one of whom shall be appointed by the proper court; also, an assessor and two assistant assessors of the county taxes, at the same times and in the same manner that the inhabitants of the respective townships within the commonwealth elect similar officers; and the persons so elected and appointed shall perform the same duties, and be subject to the same fines and penalties, of like officers within the same, and the said elections shall be held at such house within the said borough as the town council may designate and appoint: *Provided,* That nothing herein contained shall interfere in any manner with the present election

Provido. district, or the holding of the general elections.

SECT. 32. *And be it further enacted by the authority aforesaid,* That when any vacancy shall occur in the office of constable for the borough of Carlisle, the court of Quarter Sessions of Cumberland county shall appoint some suitable person to fill said office until the next regular election for constable shall take place; and in case of such person's refusal or failure to accept said office, or of his death, removal, or other inability to perform its duties, the said court shall proceed to appoint another person to said office, in like manner, and so from time to time, until some person shall have been appointed, who will accept of said office.

Vacancies in the office of constable in the borough of Carlisle, how filled.

SECT. 33. *And be it further enacted by the authority aforesaid,* That if any person elected or appointed to said office, shall, at the time of his election or appointment thereto, under the provisions of any act of assembly, be the owner of a freehold estate in said county, then worth one thousand dollars over and above incumbrances against the same, and shall refuse to accept said office, he shall be adjudged by said court to pay a fine of forty dollars, which shall be levied and collected as other fines in like cases are levied and collected, and shall be paid over to the treasurer of said borough for the use of the corporation.

Certain persons in Carlisle liable to a fine for refusal to serve as constable.

SECT. 34. *And be it further enacted by the authority aforesaid,* That so much of any act of assembly as is hereby altered or supplied, be and the same is hereby repealed, so far as relates to said borough of Carlisle.

Repealing clause.

SECT. 35. *And be it further enacted by the authority aforesaid,* That all persons entitled to vote according to the provisions of the second section of the act to incorporate the towns of Lawrenceville and Covington, in Tioga county, passed twenty-first March, eighteen hundred and thirty-one, may meet on the third Monday in May, eighteen hundred and thirty-two, and elect, agreeably to the provisions of the said act, one citizen for a burgess, and four citizens to be a town council for the borough of Lawrenceville; and so much of the second section of the said act as is hereby altered or supplied, is hereby repealed.

Relative to the election of borough officers in Lawrenceville.

SECT. 36. *And be it further enacted by the authority aforesaid,* That the inhabitants of said borough, entitled to vote as aforesaid, shall meet on the third Monday in May next ensuing the aforesaid election and on the same day in every year thereafter, at the place appointed, and elect in manner aforesaid, one burgess, one town constable, one overseer of the poor, one supervisor and two members of council to supply the places of the members of the council, vacated in manner aforesaid, which election shall be held and conducted as required by the act to which this is a supplement.

Time of annual election in said borough.

SECT. 37. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, it shall not be lawful for any horses, cattle, sheep or swine to run at large

Cattle, &c.
prohibited
from running
at large.

within the incorporated bounds of said borough of Lawrenceville, except by an ordinance of the corporation especially for that purpose; the right to pass or enact which, shall be vested in the burgess and town council, any law to the contrary notwithstanding.

Power grant-
ed for im-
provement of
borough.

SECT. 38. *And be it further enacted by the authority afore-* said, That the burgess and town council, by the consent and agreement of a majority of the taxable inhabitants of said borough, shall have the power to lay out, open and repair new streets and alleys in the said borough, and vacate the same, paying in such cases to the owners of the lands through which such new streets or alleys may be laid out or opened, a reasonable compensation therefor; and in case the owner of such land and the burgess and town council cannot agree upon the price or value of such lands, the court of Quarter Sessions of Tioga county shall appoint five reputable persons, not inhabitants of the said borough, to view and assess the damages sustained by the owner of any such land, and their decision upon the amount of damages filed in the office of the prothonotary of Tioga county, shall have the force and effect of a judgment in the court of Common Pleas of said county; and if either the owner of said land or the corporation shall consider him, her or themselves aggrieved by the decision of the referees appointed as aforesaid, he, she or they or the said corporation may appeal to the next court of Common Pleas of said county, upon giving security according to law to prosecute such appeal with effect.

Arrangement
for assessment
of damages.

Annual elect-
ion of officers
in the borough
of Covington.

SECT. 39. *And be it further enacted by the authority afore-* said, That the inhabitants of the borough of Covington, entitled to vote at their general election, shall meet on the second Monday of April next, and on the same day in every year thereafter, at the place appointed, and elect in manner aforesaid, the several borough officers mentioned in the act incorporating the said borough.

Supervisor of
the borough
of Mount
Pleasant.

SECT. 40. *And be it further enacted by the authority afore-* said, That the qualified inhabitants of the borough of Mount Pleasant, in the county of Westmoreland, at their annual election for borough officers, shall elect but one street supervisor, whose duty shall be to expend the amount of his duplicate taxes and all monies placed in his hands as supervisor of said borough, upon such pavements or side walks, streets, alleys or lanes as the council at their session may direct.

Curb stones,
side walks,
&c.

SECT. 41. *And be it further enacted by the authority afore-* said, That from and after the passage of this act, that the setting of the curb-stones, grading and digging the side-walks for pavements, shall be done under the direction and management of the burgess and council as they may direct by any ordinance passed at their sessions for such purpose, the expense whereof shall be paid out of the borough treasury.

SECT. 42. *And be it further enacted by the authority aforesaid,* That it shall be the duty of every lot owner to pave his or their pavements with good stone or brick, within one year after the curb-stone shall have been set, in the manner set forth in the former section, and in case of a failure on the part of the lot owner so to do, then it shall be the duty of the council to cause such pavement to be made and the cost thereof to be assessed and recovered off such lot owner for the use of the borough, in the same like manner as all other debts are by law recoverable. Duty of lot owners to make pavements.

SECT. 43. *And be it further enacted by the authority aforesaid,* That all vacant lots within said borough, shall only be liable to a side pavement of four feet wide from the curb-stone. Of vacant lots

SECT. 44. *And be it further enacted by the authority aforesaid,* That the eleventh section of the act incorporating said borough, passed seventh February, eighteen hundred and twenty-eight, and so much of the fifth section as relates to the election of two street supervisors or any other part of said act as is supplied by this act, be and the same is hereby repealed. Part of former act repealed.

SECT. 45. *And be it further enacted by the authority aforesaid,* That the eastern boundary of the borough of Mount Pleasant, in the county of Westmoreland, shall hereafter be as follows, to wit: beginning at a post on the south east corner of the lot now owned by Doctor Doey; thence north fifty-seven and a half degrees, west two hundred eighty and a half feet to the south east corner of the lot now owned by Samuel Shupe; thence by a line running at right angles therefrom to the line running down Back street, which bears south fifty-seven and a half degrees east, to exclude eight lots from the said borough, viz: four lots on either side of Main street. Boundaries of Mt. Pleasant changed.

JOHN LAPORTE,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The third day of April, A. D. one thousand eight hundred and thirty-two.

GEO. WOLF.

No. 113.

AN ACT

To incorporate the Girard Bank, in the city of Philadelphia.

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 Joseph Burden, Thomas C. Rockhill, William