

No. 92.

A Supplement

To the act entitled "An act to erect Shirleysburg in the county of Huntingdon, New Hope in the county of Bucks, and Hamburg in the county of Berks, into boroughs, and for other purposes."

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 election held by the inhabitants of the borough of Hamburg, in the county of Berks, for the several borough officers, on the first Saturday of May last, instead of the Saturday preceding the first Saturday of May last, as is provided in the act to which this is a supplement, be and the same is hereby rendered valid and made effectual, as fully as if the same had been held agreeably to the provisions of the act to which this is a supplement.

Rendering
valid the
election held
in May 1837

SECTION 2. That so much of the township of Windsor in the county of Berks, beginning at a post at Schuylkill street, thence along said street, south seventy-six and a half degrees west five and a half perches to a post, thence by town lots south fourteen and a half degrees east forty perches to a post at Pine street, thence along said Pine street, north seventy-six and a half degrees east twenty perches to a post, thence through land of George Miller, north one degree west twenty perches and three-fourths of a perch to a post, a corner of said George Miller and William Shomo's land, thence along the division line of said George Miller and William Shomo's land, north fifty-seven degrees west sixteen perches and seven-tenths of a perch to a post, a corner of said George Miller and Adolf Hartzfield's land, thence through said Adolf Hartzfield's lands, north sixty and a half degrees west eleven perches and four-tenths of a perch to a post, a corner of Schuylkill street, to the place of beginning; also so much of the township aforesaid, beginning at a post on the bank of the river Schuylkill, thence down said river, south six degrees east six perches to a post, south twenty-two and three-quarter degrees east twenty-six perches to a post, a corner of Joseph Miller's land, thence along the division line of the same, north eighty-seven and a half degrees east one hundred and ninety-two perches to a post, north eleven and a half degrees west sixteen and a half perches to a post, a corner of said Joseph Miller and William Bell's

Annexing
part of Wind-
sor township
to the bor-
ough of Ham-
burg.

land, thence along the division of the same, north forty-six degrees east fifty-four perches to a chesnut, thence north twenty-three and a half degrees west one perch to a stone, a corner of Israel Derr and said Joseph Miller's land, thence along the division line of the same, north sixty-eight degrees east thirty-five and a half perches to a willow, thence along the division line of the said Israel Derr and Jacob Stitzell's heir's land, north three and a half degrees west nineteen perches to a post at a public road, thence along said road, south seventy-six and a half degrees west nineteen and one half perches to a post, thence by out lots of the said borough, south fourteen and one half degrees east twelve perches to a post, south seventy-six and one half degrees west fifty-three perches to a post, thence by town lots of the said borough, south fourteen and a half degrees east twenty-five and one quarter perches to a post, thence partly by town lots and partly by out lots of the said borough, south eighty-six degrees west two hundred and eight perches to the post, on the bank of the river Schuylkill and place of beginning, is hereby annexed to the borough of Hamburg in the county of Berks, and included within the bounds of the same.

SECTION 3. The inhabitants of said borough, entitled to vote for members of the general assembly, having resided within said borough at least six months immediately preceding the election, and within that time paid a borough tax, (if such tax shall have been assessed,) shall have power, on the third Saturday of March, to meet at the house of William Shomo, in said borough, and annually thereafter, and then and there between the hours of one and six o'clock in the afternoon, elect by ballot one reputable citizen who is to be styled the chief burgess, one other citizen who is to be styled the assistant burgess, seven citizens to be a town council, and two citizens for the office of constable, and return the two citizens chosen for the office of constable to the next court of Quarter Sessions of the said county, one of whom shall be appointed constable of said borough, who shall also perform the duties of high constable of said borough, and so much of the act to which this is a supplement as is hereby altered or supplied is hereby repealed.

SECTION 4. That from and after the passage of this act, the qualified citizens of said borough shall, on the same day that the several townships in the several counties of this commonwealth hold their township elections, elect one inspector, one assessor and two assistant assessors, and the commissioners of said county shall hereafter appoint a collector for said borough, separate and distinct from the township of Windsor, to collect their county taxes, as all other townships

Annual
election.

Inspectors &
assessors.

Collector.

Windsor t^p in this commonwealth; and that the township of Windsor to be disconnected from all their township business of every description whatever; the borough of the present year the election for borough officers shall be held Time of holding borough election the present year. The borough of Hamburg made a separate election district.

SECTION 5. The borough of Hamburg in the county of Berks, shall hereafter be a separate election district, and the electors thereof shall hold their general elections at the public house of Joseph Shomo in the said borough.

SECTION 6. That the village of New Brighton, in the county of Beaver, shall be and the same is hereby erected into a borough, which shall be called the borough of New Brighton, and shall be bounded and limited as follows, to wit: beginning at the east bank of the Big Beaver river on the south line of tract number ninety-one in Daniel Leet's district of depreciation lands, thence, along said line, north eighty-seven and a half degrees east seventy-seven perches to a post, thence, across tracts number ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, north eight and a half degrees west five hundred and forty-six perches to a white oak, on the line between tracts number ninety-five and ninety-six, thence south eighty-seven and a half degrees west one hundred and fifty-three perches to Big Beaver river, thence, down said river, south twenty and one fourth degrees west fifty-seven perches, thence south thirty-eight degrees west ninety-one perches, thence south four degrees west thirty-eight perches, thence south twenty-one and a half degrees east thirty-seven and a half perches, thence south forty-one degrees east one hundred and thirty-seven perches, thence south forty-three degrees west eighty-two perches, thence south twenty-four degrees east one hundred and five perches, thence south twenty-one degrees east ninety-eight perches, following the meandering of the Big Beaver river, to the place of beginning.

SECTION 7. That the inhabitants of the said borough, 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 that time paid a borough tax, (if such tax shall have been assessed,) shall have power, on the second Tuesday of May next, to meet at the brick school house in the said borough, and annually thereafter, at such convenient place in the said borough as shall have been fixed on by the by-laws of the corporation for that purpose, and then and there, between the hours of one and six in the afternoon, elect, by ballot, one respectable

citizen residing therein who shall be styled the chief bur-
 gess, one other citizen who shall be styled the assistant bur-
 gess, and seven citizens to be a town council, and shall
 also elect, as aforesaid, one citizen as high constable, all of
 whom shall be residents of said borough; but previous to the
 opening of said election such of the inhabitants as are pre- Mode of con-
 sent at the said place of election shall elect two citizens as ducting the
 judges, one as inspector and two as clerks of the said elec- election.
 tion, which shall be regulated and conducted throughout ac-
 cording to the general election laws of this commonwealth,
 and who shall be subject to the same penalties as for mal-prac-
 tices as by the said laws are imposed; and the said judges,
 inspector and clerks, before they enter on the duties of their
 respective offices, shall take an oath or affirmation before
 any 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 case any two or more candi-
 dates should have an equal number of votes, the preference
 shall be determined by lot, to be drawn by the two judges in
 the presence of the inspector and clerks, whereupon dupli-
 cate certificates of said election shall be signed by the said
 judges, one of which shall be transmitted to the person elect-
 ed chief burress, and the other filed among the records of
 the corporation; and it shall be the duty of the high consta-
 ble for the preceding year, to give notice in writing to each
 of the persons so elected as aforesaid, and in case of the death,
 resignation, removal or refusal to accept of any of the said
 offices, or if it should at any time happen that no election
 should be holden on the day and in the manner aforesaid, the
 corporation shall not on that account be dissolved, but the
 chief burress, or in his absence or inability to act, the assis-
 tant burress, shall issue his precept, directed to the high con-
 stable, to hold an election, in the manner aforesaid, to supply
 such vacancy, giving at least eight days notice by six ad-
 vertisements set up in the most public places in said borough:
Provided, That the citizens of said borough shall be entitled Proviso.
 to vote at the first election, although they shall have paid no
 borough tax.

Neglect to
 hold election
 not to dis-
 solve the
 corporation:

SECTION 8. That from and after the second Tuesday in Name, style
 May next, the chief burress, assistant burress and town and title.
 council, duly elected as aforesaid, and their successors, shall
 be one body politic and corporate, by the name and style of
 the Chief Burress, Assistant Burress and Town Council of Powers.
 the borough of New Brighton, and shall have perpetual suc-
 cession, and the said chief burress and town council, and
 their successors, shall be capable in law to have, get,

receive, hold and possess goods and chattels, lands and tenements, in fee simple or otherwise, not exceeding the yearly value of five thousand dollars, and also to grant, sell, let and assign the same goods and chattels, lands and tenements, 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 of 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, until it be otherwise directed by law.

Penalty for neglecting or refusing to perform official duties.

SECTION 9. That if any person duly elected chief burgess, assistant burgess, member of the town council or high constable, as aforesaid, and having received notice thereof as directed by this act, shall refuse or neglect to take upon himself the execution of the said office to which he shall have been elected, or having taken upon himself the duties of said office shall neglect to discharge the same according to law, every person so refusing or neglecting shall, for every such offence, forfeit and pay the sum of twenty dollars, which fine, and all fines and forfeitures incurred and made payable in pursuance of this act, or any of the by-laws and ordinances of the town council, shall be for the use of said corporation, and shall be recoverable before any justice of the peace, in the same manner as debts not exceeding one hundred dollars are recoverable by the laws of the commonwealth, and shall be forthwith paid to the treasurer of the borough, and it shall be the duty of the officers of said borough, on receiving the money belonging to the corporation, to pay the same to the treasurer forthwith: *Provided*, That no person elected, as aforesaid, shall be liable to a fine for refusing or neglecting to serve more than once in five years.

Proviso.

Meetings of the town council.

Quorum.

Powers of the town council.

SECTION 10. That the town council shall meet on the first Saturday next after their election in each year, at such place as a majority of them shall agree upon, and choose one of their number president, who shall preside at all their meetings, and it shall be the duty of said council, five of whom shall be a quorum, to hold quarterly meetings on the third Saturday in April, July, October and January in each year, and oftener if occasion requires, at which meetings they may enact, alter, 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 the said borough, particularly of providing for the regulation of markets, improving, repairing and keeping in order the streets, lanes, alleys and highways, digging of public wells, ascertaining the depth of vaults, sinks and pits for necessary houses, and

making permanent rules relative to the foundations of buildings, party walls and fences; they shall 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 be exonerated from the payment of all taxes that may be assessed by the township of New Sewickley for property within the borough limits, and also to appoint a town clerk, treasurer, street commissioner, clerk of the market, 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 for misdemeanor in office: *Provided*, That no by-laws, rules or ordinances of the 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 breach of a by-law or ordinance of the said corporation until ten days shall have expired after the promulgation thereof, by at least three advertisements set up in the most public places in the 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, so that the said tax shall not in any one year exceed one cent in the dollar of such valuation, unless some object of general utility shall be thought necessary, in which case three fourths of the taxable inhabitants of said borough shall approve and certify the same in writing, under their hands and seals, to the town council, who shall proceed to assess the same accordingly: *And provided further*, That before the chief burgess, assistant burgess, members of the town council and high constable shall enter on the duties of their respective offices, shall take and subscribe an oath or affirmation, before any justice of the peace of said county, to support the constitution of the United States and of this state, and to perform the duties of their respective offices with fidelity, which certificates of said oaths and affirmations shall be filed among the records of the said corporation.

SECTION 11. That the chief burgess elected and qualified agreeably to this act, or in his absence or inability to act, the assistant burgess, is hereby authorized to issue his precept as often as occasion may require, directed to the collector, commanding him to collect all taxes so assessed, and the same to pay over to the treasurer, and the said chief burgess, or in his absence or inability to act, the assistant burgess, is hereby authorized to carry into effect all by-laws and ordinances enacted by the town council, and whatever else shall be enjoined on him or them for the well ordering

Appointm't
of officers.

Proviso.

2d Proviso.

3d Proviso.

Collection of
taxes.

and governing the said borough, and shall also have power to mitigate or remit fines and forfeitures, in all cases when it shall appear that the person or persons so fined did not offend intentionally, or on their having some other just and reasonable excuse to plead in his or their behalf.

Remission of fines and forfeitures. SECTION 12. That it shall be the duty of the town clerk to attend all meetings of the town council, when assembled upon business of the corporation, and perform the duties of clerk thereto, and to keep and preserve the common seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of the duties which may be enjoined upon him by virtue of this act or by the by-laws and ordinances of the corporation, and his attestation, with the seal of the corporation, shall be good evidence of the act or thing so certified.

Duties of town clerk. SECTION 13. That the treasurer shall give sufficient security for the faithful performance of the duties of his office, and for the delivery of all monies, books and accounts appertaining thereto, into the hands of his successor, upon demand made for that purpose.

Treasurer to give security &c. SECTION 14. That the street commissioner, treasurer, high constable, clerk of the market and collector, as well as other officers that may be appointed by the corporation or council, shall, in the month of May, yearly, render their accounts to the said council for settlement, and the said accounts being so adjusted and settled shall be forthwith published by the council, showing particularly the amount of taxes laid and collected, and all monies paid into the treasury, and the amount of expenditures.

Accounts to be settled annually. SECTION 15. That the chief burgess, assistant burgess and president of the council, or any two of them, 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 nevertheless,* That the said court of appeal shall have no power, as such, than to determine the justness of the apportionment of said tax, but may remedy any grievance that may occur in imposing the same.

Court of appeal. SECTION 16. That it shall be the duty of the high constable to give notice of the annual election of the said borough, to be held in pursuance of this act, by setting up five advertisements in the most public places in said borough, at least ten days previous thereto; he shall attend and see the election is opened in time and in the manner directed by this act: *Provided,* That the constable of the township of New Sewickley, for the time being, shall publish and superintend the election to be held on the second Tuesday in May next, as hereinbefore directed.

Proviso.

SECTION 17. That the town council shall, from time to time, fix the compensation of the high constable, town clerk, ^{Compensa-} treasurer, clerk of the market, and such other officers ^{tion of offi-} may be appointed under this act, which compensation shall ^{cers.} be paid out of the borough treasury, by orders drawn thereon, signed by the president of the council, and shall not be increased or diminished during the time which said officers were appointed respectively : *Provided*, That if any person appointed by the town council as aforesaid, shall neglect or ^{Proviso.} refuse to take upon himself the duties of the office to which he shall be so appointed, he shall, for the same, forfeit and pay for the use of the corporation the sum of ten dollars, unless he can render to the said council a satisfactory reason why he should be exonerated from such service : *And provided also*, That no person, appointed as aforesaid, shall be ^{2nd Proviso.} liable to a fine for refusing or neglecting to serve more than once in five years.

SECTION 18. That if any person or persons shall think him, her, or themselves aggrieved by any thing done in pur- ^{Right of ap-} suance of this act, except in what relates to the appointments ^{peal to the} made by the town council, he, she or they may appeal to the ^{court of} next court of Common Pleas, to be held for the said county, ^{Com. Pleas.} upon giving security according to law to prosecute his, her or their appeal with effect, and the said court, having taken such order therein as shall seem to them just and reasonable, the same shall be conclusive.

SECTION 19. That the said borough of New Brighton shall constitute a separate township, to all intents and purposes, ^{The borough} and it shall and may be lawful for the citizens thereof to ^{to be a sepa-} elect assessors, overseers of the poor, and all other officers ^{rate town-} to the assessing and collecting county rates and levies, and ^{ship, &c.} 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 do now by law : *Provided*, That nothing herein ^{Proviso.} contained shall be so construed as to alter or interfere with the mode of electing a constable for said borough, as hereinbefore provided.

SECTION 20. That the corporate title of the borough of ^{Name of the} Northampton, in the county of Lehigh, as established by the ^{borough of} act entitled An act to erect the town of Northampton, in the ^{Northampton} county of Northampton, into a borough, be and the same is ^{changed to} hereby changed to the borough of Allentown, by which name ^{Allentown.} it shall have, possess, hold, exercise and enjoy all the rights, privileges and immunities which it possesses, holds, exercises and enjoys under the corporate title by which it is designated in the original act, passed the eighteenth day of March, one thousand eight hundred and eleven.

SECTION 21. That it shall and may be lawful for the qualified voters of the said borough, at their next election for borough officers, to elect, in the same manner as is now provided for by this act, ten instead of five qualified citizens as members of the town council, five of whom shall serve until the first Monday in April, one thousand eight hundred and thirty-nine, five until the first Monday in April, one thousand eight hundred and forty, the time of service among whom shall be decided by lot; immediately after their election, and on the first Monday of April, one thousand eight hundred and thirty-nine, and annually thereafter, the qualified voters of the borough, aforesaid, shall elect, by ballot, five citizens qualified as aforesaid, to serve as members of the said council for the term of two years, and until others are duly elected, and it shall and may be lawful for the said citizens to elect two overseers of the poor, in like manner and at the same time and place as the other officers of the said borough are now elected, one of whom shall serve until the first Monday in April, eighteen hundred and thirty-nine, the others to serve until the first Monday in April, eighteen hundred and forty, and their time of service to be decided by lot, and one thereof to be elected annually thereafter.

SECTION 22. That the election for borough officers, in the said borough of Allentown, shall be holden, after the next annual election, on the first Monday in April, one thousand eight hundred and thirty-nine, instead of the first Monday in May as at present provided for, and annually thereafter, at such place as the council may direct, and until a town house shall be erected,

SECTION 23. The poor tax hereafter to be levied and assessed in said borough, shall be levied and assessed in the same manner as the borough tax is at present levied and assessed, and the high constable of the said borough of Allentown shall be, and he is hereby made the sole collector of all the borough taxes which may be levied and assessed at any time hereafter, and he is hereby required to give bail in such sum and to such amount as the town council shall require.

SECTION 24. All monies collected from taxes shall be paid into the hands of the treasurer, who shall give bail in such sums and to such amount as the town council may from time to time require, and all the provisions of any former act, inconsistent herewith, be and the same is hereby repealed.

SECTION 25. That the Board of Health of Philadelphia, be and they are hereby authorized, if under all the circumstances of the case they shall consider it equitable and proper, to refund to Tristram B. Freeman, the sum, without

interest, paid by him in the year eighteen hundred, for amount of security entered by James Philips for appearance of Robert Hardwick, forfeited.

SECTION 26. That no ship or vessel, arriving from any Relative to port in the United States at the port of Philadelphia, shall detention of be subject to detention at the Lazaretto, unless the Board of vessels from Health and Board of Wardens, in joint meeting, shall have any port in determined that the port or place is infected with malignant the U. S. contagious disease: *Provided further*, That the Board of *Proviso.* Wardens of the port of Philadelphia shall, from time to time, regulate the fees to be paid to the health office and harbor master: *Provided further*, That the boats and vessels pass-*2nd Proviso.* ing thro' the Raritan canal, and Delaware and Chesapeake canal, shall not be subjected to any fee whatever, any law to the contrary notwithstanding.

SECTION 27. That the act entitled An act to erect the Oxford vil- village of Oxford, in the county of Chester, into a borough, lage in Ches- passed the eighth day of April, Anno Domini eighteen hun- ter co. dred and thirty three, be and the same is hereby revived and Act erecting continued, and it shall be lawful for the citizens of the afore- it into a said village of Oxford, to meet at the public house of Wil- borough. liam Rutherford in said village, on the second Friday in May revived. next, and proceed to elect borough officers, and otherwise to organize said borough, under the provisions of the aforesaid act.

SECTION 28. That the town of Manheim, in the county of Manheim in Lancaster, shall be and the same is hereby erected into a Lancaster borough, which shall be called the borough of Manheim, and co. erected shall be bounded and limited as follows, to wit: beginning into a boro'. at a post on the bank of Samuel Lehman's tail race, south thirty-one degrees east twenty-four perches along said race to a locust tree on Bealer's land, south four degrees west to the end of said race where the same empties into Chiques creek, thence down said creek the several meanderings thereof, one hundred and fifty-two perches to a post near said creek, thence, by land of Daniel Well, north twenty-nine degrees west twenty-eight and eight-tenth perches to a post, thence, by land of Henry Hershey, north eight degrees west twenty-four perches to a hickory; by the same north twenty-four degrees west one hundred and thirty-seven and eight-tenth perches to High-street, and along said street, north sixty-three degrees east nineteen and four-tenth perches to out lot of Jonas White, thence, by land of Jacob Shoemaker, north thirty-eight degrees west forty-six perches to a post, thence, by land of John Lehman, north fifty-three degrees east twenty-one perches to a post, by the same, north thirty-eight degrees west sixty-eight perches to the public road

Bounds and limits.

leading from Manheim to Elizabethtown, along said road north fifty-three degrees east one hundred and fifty-seven perches to a post at Daniel Brand's land, thence, by the same, south thirty-eight degrees east twenty-four perches and four-tenths to a post on Long alley, thence, by lands of said Daniel Brandt, north fifty-three degrees east fifty-three and seven-tenth perches to a post and corner of lot of John Bealer, south thirty-six degrees east fourteen perches to a post near the bank of Hostetter's mill-race, thence, south eleven one-half degrees east thirty-four perches to a post on lot of Henry Eby, thence, along division line of out lots and said race, south thirty-four degrees east fifty-six perches to corner of S. Deyer's out-lot, thence, along lots of said Deyer, south fifty-three degrees west twenty-six perches to Long alley, along said alley south thirty-eight degrees east forty-five perches to a post and corner of Miller's lot, south twenty-four degrees west thirty-four perches to a post near the bank of Hostetter's tail race, south, along the bank of said race and crossing Lehman's tail race, fifty, nine perches to place of beginning.

SECTION 29. The inhabitants of said borough, entitled to vote for members of the general assembly, and who shall have resided within the same for six months immediately preceding the election hereinafter mentioned, shall, on the first Friday in May next, meet at the German school house in said borough, and then and there, between the hours of one and six o'clock in the afternoon, elect by ballot one citizen who shall be styled burgess, six citizens who shall be a council, all of whom shall be inhabitants of the said borough; but previously to opening the said election, or any subsequent election held in pursuance of the provisions of this act, such of the inhabitants who may be present at the said German school house shall elect two citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated 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 a 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, whereupon a certificate of the said election shall be signed by the said judges, a copy thereof transmitted by the clerk to each person elected, and the original recorded in the record books of the corporation, and in case of death, resignation

First election of bur-
gess and
council.
Time and
place.

Mode of con-
ducting the
election.

Vacancies.

removal or refusal to accept of any of the said offices, How sup-
 a new election shall be held for the purpose of supplying plied.
 such vacancy in the manner hereinafter provided.

SECTION 30. On the Tuesday next after the said election
 the members of the council, elected as aforesaid, shall be Council to
 convened at the said German school house in said borough, be divided
 by order of the burgess, and then and there shall, by lot, into three
 divide themselves into three classes, and the seats of mem- classes.
 bers of the council of the first class shall be vacated at the
 expiration of the first year, of the second class at the expi-
 ration of the second year, and of the third at the expiration
 of the third year, counting the year as commencing for cor-
 porate purposes on the second Tuesday in May.

SECTION 31. The inhabitants of said borough, entitled to Annual elec-
 vote as aforesaid, shall, on the third Saturday in March next tion.
 ensuing the election aforesaid, and on the same day in every
 year thereafter, meet at the German school house in said
 borough, or at other convenient place in said borough as
 shall have been fixed on by the by-laws of the corporation
 for that purpose, and elect, in the manner aforesaid, one
 burgess and two members of the council, to supply the place
 of the members of the council vacated in manner hereinbe-
 fore mentioned, and a certificate of such election shall be
 signed by the said judges, a copy thereof transmitted by the
 high constable of the preceding year to each person so
 elected, and the original recorded in the record books of the
 corporation, and in case of death, resignation, removal or
 refusal to accept of any of said offices, or if it should at any
 time happen that no election shall be holden on the day and
 in the manner aforesaid, the burgess, or in his absence or
 inability or refusal to act, any member of the council, shall
 issue his precept directed to the high constable to hold an Vacancies,
 election, in manner aforesaid, to supply such vacancy, how supplied
 giving at least ten days notice of such election by five adver-
 tisements set up in the most public places within the same,
 and in the meantime the officers of the said borough elected
 for the last year shall continue, to all intents and purposes,
 to hold their respective offices, and exercise all the powers
 appertaining thereto, as fully and effectually as if their term
 of office had not expired.

SECTION 32. From and after the Tuesday next after the Name, style,
 first Friday in May next, the burgess and council duly elect- and title of,
 ed, as aforesaid, and their successors, shall be one body the corpora-
 politic and corporate, by the name and style of the Burgess tion.
 and Town Council of the borough of Manheim, in the coun-
 ty of Lancaster, and shall have perpetual succession, and

Powers. shall be capable in law to have, require, receive, hold, purchase and possess goods, chattels, lands and tenements, rents, liberties, jurisdiction, franchises and 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 goods, chattels, 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 this commonwealth, in all manner of actions whatsoever, and to have and use one common seal, and the same, from time to time at their will to change and alter.

Seal.

Penalty for refusing to perform official duties. SECTION 33. If any person duly elected as burgess, member of the council as aforesaid, and having received notice thereof as is directed by this act, shall refuse or neglect to take upon himself the duties of the said office, or shall neglect to discharge the same according to law, every such person so refusing or neglecting, shall, for every such offence, forfeit and pay the sum of ten dollars, which fine, and all other fines and forfeitures incurred and made payable in pursuance of this act, or of any by-laws, ordinances, rules and regulations of the burgess and council, shall be for the use of the corporation, and shall be recoverable in the same manner as debts of equal amount are or shall be by law recoverable, unless herein otherwise provided for, and when so recovered shall be forthwith paid to the treasurer of the borough; and it shall be the duty of the officers of the borough, on receiving any money belonging to the corporation, to pay the same to the treasurer forthwith: *Provided further,* That no person, elected as aforesaid, be liable to a fine for refusing or neglecting to serve more than once in five years.

Proviso.

Officers to be sworn or affirmed.

SECTION 34. The burgess, members of council and high constable, and each of them, before entering on the duties of their respective offices, shall take and subscribe an oath or affirmation before a justice of the peace of said county, to support the constitution of the United States and of this commonwealth, and to perform the duties of their respective offices with fidelity, and the certificate of such oath or affirmation shall be recorded among the records of the corporation.

Meetings of the burgess and town council. Quorum.

SECTION 35. It shall be the duty of the burgess and town council to meet as often as occasion may require, at which meetings the burgess shall preside, and, in case of an equal division of the council, give the casting vote, and four members of the council shall constitute a quorum to transact business, and the said burgess and council shall have power, at such meetings, to ordain and enact, revise, repeal and

Powers.

amend all such ordinances, by-laws, rules and regulations as shall be deemed expedient, to promote the peace, good order, benefit and accommodation of the citizens of said borough, particularly of providing for the regulations of the markets, improving, repairing and keeping in good order the streets, lanes, alleys and highways, and removing nuisances and obstructions therefrom, to designate the width of side-walks, to regulate the depth of vaults, sinks, drains, pits for privies, make permanent rules for the foundations of buildings and party walls, regulate the fences, side posts and railings along the streets, to impose fines and penalties incurring partial or total forfeitures, and to require and compel the owners of houses, stores, work-shops, stables, buildings and lots, to pave the side-walks in front of their respective houses, stores, work-shops, stables, buildings and lots on such streets, and with such materials as shall, by the town council, be deemed necessary and expedient, and the same to keep in repair, and to prohibit the exhibition of plays, shows, mountebanks, jugglers and all and every other exhibition, under such restrictions, fines and penalties as the same burgess and council shall direct; and to require and compel the inhabitants of the said borough to clean the chimneys and stove pipes in the buildings used and occupied by them, in such manner and as often as the said burgess and council may regulate and direct; and also to require and compel the owners of all houses, stores, and work-shops, in the said borough, to provide and keep in good order such number of leather fire buckets, in proportion as the assessed value of the property owned, as the burgess and council may direct, and the burgess and council shall have power and authority, to form and organize as many fire companies of the citizens of said borough as there are or shall be engines belonging to said borough, of such of the citizens as will become voluntary members thereto, which fire companies shall be subject to rules and regulations of a written constitution, which shall be signed by the members of said company or companies, and approved of by the burgess and town council, and the said burgess and town council shall have power and authority to assess, apportion, raise and appropriate such taxes shall be by them deemed necessary for repairing the streets, lanes and alleys, and for carrying the by-laws, ordinances, rules and regulations, and object of general utility into complete effect; and all by-laws, ordinances, rules and regulations, shall be signed by the burgess and attested by the town clerk, and entered in the records of the corporation, and also to appoint, annually, one or more street supervisors, a town clerk, a treasurer, and such other officers as may

Regulations of markets, streets, &c.

Plays, shows, mountebanks, &c.

Chimneys & stove pipes.

Fire buckets

Fire Co's.

Taxes.

Supervisors, town clerk, treasurer, &c

- the time be deemed necessary, and the same officers from time to time remove: *Provided*, That no by-law, ordinance, rule or regulation of the said corporation, shall be repugnant to the constitution or laws of the United States nor of this state, and that no by-law, ordinance, rule or regulation shall be carried into operation, until ten days have elapsed after the publication thereof, by at least five advertisements set up in five public places in the said borough, which publication shall be certified at the time in the record books of the corporation, by the town clerk, at foot or margin of such by-laws, ordinances, rules and regulations, and such certificate shall be good evidence in all trials arising from or touching the said by-laws, rules and regulations: *And provided also*, That in laying and assessing such taxes, due regard should be had to the valuation of taxable property assessed, or hereafter to be assessed, for the purpose of raising county rates and levies, so that the tax shall not, in any one year, exceed one half cent in the dollar in such valuation, unless some object of general utility should require the same, in which case, the consent thereto of a majority of the taxable inhabitants of the said borough shall be previously obtained in writing to the town council, who shall proceed to assess the same accordingly: *And provided further*, That all out-lots, farming lots and lands included within the limits of the said borough, shall not be subject to higher taxation, in each and every year, than the ratio laid or assessed by the township of Raphoe for roads and public highways.
- Proviso.
- 2d Proviso.
- 3d Proviso.

Duty of supervisors.

SECTION 36. It shall be the duty of the street supervisors to open and repair the streets, lanes and alleys in the said borough, and to erect and repair the bridges and causeways in the same, under the direction and supervision of the said burgess and town council, excepting such alleys and bridges, as are or shall be considered private property and used as such.

Taxes to be collected & paid over to the treas'r., how and by whom.

SECTION 37. The burgess, elected and qualified agreeably to the provisions of this act, or in case of his absence or inability to act, the first named in the list of the council, is hereby authorized and empowered to issue his precept as often as occasion may require, directed to the high constable, or in case of his inability to act, to some other fit person, commanding him to collect all taxes assessed in pursuance of this act or by the by-laws, the ordinances, rules and regulations of the said corporation, and cause the same to be paid over to the treasurer, and the said constable or other fit person shall have the same power, in enforcing the collection of said tax, as the collectors of county tax in this commonwealth, and be subject to like rules for due payment and

exonerations of the same, and the said burgess is hereby authorized to carry into effect all by-laws, ordinances, rules and regulations enacted by the said burgess and council, and whatsoever else shall be enjoined upon him for the well ordering and governing of said borough, and the said burgess shall also have power to mitigate or remit fines and forfeitures, in cases where it shall appear that the person or persons so fined did not intentionally offend, or on their having some other just and reasonable excuse, which excuse shall be satisfactory proved to the said burgess.

SECTION 38. It shall be the duty of the town clerk to attend all sessions of the burgess and 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 on him by virtue of this act, and the acts of the corporation; and the attestation of the said town clerk, with the seal of the corporation, shall in all cases be good evidence of the act or thing so certified. Duties of the town clerk.

SECTION 39. The treasurer shall give sufficient security for the faithful discharge of the duties of his office, and for the safe delivery of all books, papers and accounts appertaining thereto, and all monies remaining in his hands into the hands of his successor, upon demand made for that purpose, and the high constable shall give sufficient security for the faithful discharge of the duties of his office, and the payment to the treasurer of all monies he may collect by virtue of said office, and also in pursuance of any precept that may be issued to him by the said burgess for the collection of any taxes, fines, penalties and forfeitures, and for his services the said high constable shall be allowed such fees and compensations as are by law allowed to township constables for similar services, to be paid and collected in such manner as is by law provided in case of township constables aforesaid: Treasurer & high constable to give security.
Provided, That this act shall not be so construed as to prevent the said burgess and council from allowing a reasonable compensation for his services, to be paid out of the treasury of the corporation. Proviso.

SECTION 40. It shall be the duty of the high constable to give notice of the annual elections in said borough, by setting up at least five advertisements in five of the most public places therein, at least ten days previous thereto, and he shall attend and see that the election is opened at the time and in the manner directed by this act. Notice of annual elections to be given.

SECTION 41. That the said burgess and town council shall,

Compensation of officers. from time to time, affix the compensation of the high constable, town clerk, treasurer and such other officers as may be appointed under this act, which compensation shall be paid either by money to be drawn from the borough treasury, or by fees of office for the services which may be rendered, as the said burgess and town council may from time to time provide for and direct.

How money is to be drawn from the treasury. Accounts to be settled & published annually. SECTION 42. That no money to be drawn from the treasury but by authority of the council, on orders signed by the burgess, and attested by the town clerk; it shall be the duty of the burgess and town council to settle the account of the several officers, and cause a fair statement to be made, showing the amount of receipts into the treasury and how the same has been expended, to be published every year, in the month of March, and before the annual elections, by setting up at least three copies thereof in the most public places within the borough.

Penalty for refusing to perform official duties. SECTION 43. That any person, appointed to any office by the burgess and town council, who shall refuse or neglect to take upon himself the duties of the office to which he may have been appointed, or having taken upon himself the same and shall neglect his duty, shall forfeit and pay for every such offence the sum of five dollars.

Court of appeal. Proviso. SECTION 44. The burgess, and first named on the list of council, and treasurer, or any two of them, 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 the time and place of appeal; *Provided nevertheless*, That the said court of appeal shall have no other as such than to determine the justness of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same.

Annual election of constable. SECTION 45. It shall be lawful for all persons entitled by law to vote for burgess and other officers of the borough of Manheim, at the time and place where they vote for said officers, and on third Saturday in March next, and annually thereafter, at the election for officers of said borough, to elect two reputable citizens of said borough and return the names of the persons so elected to the next court of Quarter Sessions of the peace of the said county, one of whom shall be appointed constable of said borough, in the same manner, with like powers and authority, and receive like fees, and be subject to the same regulations and penalties as are provided and contained in the law existing or may hereafter be passed concerning constables within this commonwealth, and shall serve and execute all manner of process which may by law be directed to the constable of said borough, and the

constable so appointed shall do and perform all the duties His duties. required to be done by the high constable of said borough, in pursuance of this act and by-laws and ordinances of said borough, notice of such election shall be given as is provided in this act.

SECTION 46. That nothing contained in this act shall in any manner interfere with the election, appointment or jurisdic- Not to inter- fere with school directors of Raphoe township, but the same shall certain offi- cers of Raphoe township, &c. remain in all and every respect as if this act had not been passed, nor shall it be construed to interfere in any manner with any election or school district, but the same shall be and remain as heretofore, nor shall it in any manner inter- fere with the assessment and collection of county rates and levies, and school tax, and the assessment and collection thereof, but the same shall be proceeded in as if this act had not been passed.

SECTION 47. That from and after the second Tuesday in Jurisdiction May, one thousand eight hundred and thirty-eight, the super- of super- visors of Raphoe township shall cease to have any jurisdic- visors to tion within the borough, except so far as to collect any taxes cease, &c. that may then be due and owing them from the inhabitants of the said borough.

SECTION 48. If any person shall think him, her or them- Right of ap- selves aggrieved by any thing done in pursuance of this act, peal to court of any by-law or ordinance made under the authority of the of Common Pleas. same, he, she or they may appeal to the next court of Common Pleas. Pleas to be held for the said county, upon giving surety according to law to prosecute his, her or their appeal with effect, and the said court having taken such order therein as shall seem to them just and reasonable, the same shall bind all parties.

SECTION 49. The inhabitants of said borough, and persons Who shall holding property therein, shall be competent witnesses in all be compe- actions arising under this act, or the by-laws and ordinances tent wit- of this corporation. nesses.

SECTION 50. From and after the passage of this act, the Part of the act of 27th Feb., 1822, repealed. act An act to provide for the election of constables in the borough of Strasburg and the village of Manheim, in the county of Lancaster, passed the twenty-seventh day of February, one thousand eight hundred and twenty-two, so far as the same relates to election of constable by the citi- zens of the village of Manheim, be and the same is hereby repealed.

SECTION 51. That Henry Shacpneck, of the county of Greene, be and he is hereby authorized to erect a mill dam

H. Shacp- in the Monongahela river, at his mill in Cumberland town-
neck autho- ship, in said county, of the same height, and in the same
rized to manner, and under the same terms as is required by the
erect a mill sixteenth section of the act of the thirty-first day of March,
dam in the one thousand eight hundred and thirty-six, entitled "An
Mononghela act to authorize the Governor to incorporate a company to
river. make a lock navigation on the river Monongahela.

DiligentFire SECTION 52. That the real estate of the Diligent Fire En-
Engine Co.; gine company of Philadelphia, situate at the south west cor-
real estate ner of Filbert and Tenth streets, in the city of Philadelphia,
exempt from be and the same is hereby exempted from county, poor and
taxation. corporation taxes for twenty years, and no longer: *Provi-
ded*, The same shall be so long owned by said company.

Phil. Society SECTION 53. That the real estate owned by the Philadel-
for Charity phia Society for the establishment and support of Charity
Schools— Schools, within the city and county of Philadelphia, be and
exempt from the same is hereby exempted from the payment of city,
taxation. county, poor, road and corporation taxes.

Act relative SECTION 54. That the twelfth section of the act entitled
to the boro' "A further supplement to the act entitled an act incorpo-
of Norrist'n, rating the Marietta, Bainbridge, Falmouth and Portsmouth
repealed. Turnpike Road company, passed the fourth day of April,
one thousand eight hundred and thirty-seven, be and the
same is hereby repealed.

New Bright- SECTION 55. That Abel W. Townsend, Benjamin Bedi-
ton Water son, James Erwin, Levi McConnel, Talbot Townsend,
comp'y in- Henry F. Slaymaker, Francis A. Houlette, Simon McNair,
corporated. and all such other persons as may be associated with them,
and their successors, be and they are hereby declared to be
a body politic and corporate, in law and in fact, by the name,
style and title of the New Brighton Water company, in the
county of Beaver, and by the name, style and title afore-
said, shall have power to have and enjoy all the usual and
necessary powers of bodies politic and corporate.

By and to SECTION 56. That each and every member of the com-
whom pro- pany, or their heirs and successors, shall pay to the trustees
portion of ex- or directors for the time being, his, her or their proportion
penses to be of all expenses incurred, or to be incurred by the trustees
paid. or directors hereinafter mentioned, in such manner as the
company at their annual meetings shall from time to time
direct; they shall also, at their own expense, keep the race
Water course to be or water course open through their respective lots, in such
kept open. manner as to give the greatest fall the ground will admit of.

Gen'l meet- SECTION 57. That the general meetings of the company
ings to be shall be held on the last Saturday in December, annually;
held annu'ly. of the time and place of holding said meetings it shall be the
duty of the trustees, or directors for the time being, to give

timely notice to each and every member, but in case it should happen, at any time, that an election of directors should not be made upon the day when, pursuant to this act, it should have been made, the corporation shall not on that account be deemed and taken to be dissolved, but it shall and may be lawful, on any day within thirty days thereafter, to hold and make an election of trustees or directors, in such manner as shall be regulated by the by-laws and ordinances of the corporation; and in case of death of any one of the trustees or directors, or of his resignation, his place may be filled, for the remainder of the year, in such manner as the ordinances of the said corporation shall for that purpose direct.

Relative to
election of
directors.

Vacancies. }

SECTION 58. The votes of the stockholders for trustees or directors shall be by ballot, and for the election of trustees or directors, and for the deciding of all questions in the general meetings of the stockholders the ratio of votes shall be as follows, to wit: a stockholder having three shares or less, one vote; four shares and not more than seven, two votes; eight and not more than twelve, three votes; thirteen and upwards, four votes; but no stockholder shall be entitled in his own right or as a proxy to a greater number than four votes, nor shall any stockholder vote at any election for directors or trustees, unless the share or shares on which he or she may claim to vote shall have been standing in his or her name, on the books of said corporation, for at least two months previous to said election.

Ratio of
votes.

SECTION 59. That at the said annual meeting the members present shall elect, by ballot, three of their number trustees or directors for one year, who shall examine the accounts of the trustees and directors of the preceding year, and allow such as to them shall appear just and reasonable, subject, nevertheless, in case of disagreement between the trustees or directors and the company, to the arbitration of disinterested persons, to be mutually agreed upon between the parties; but if the parties cannot agree in the choice of such arbitrator, they are to be nominated by the nearest justice of the peace, not interested, at the request of either party, and to make all such ordinances and by-laws for the regulation of the company as to them shall appear necessary: *Provided*, such rules, ordinances and by-laws shall not be repugnant to the constitution of the United States, or the constitution and laws of this commonwealth.

Annual elec-
tion.
Accounts—
how to be
examined &
allowed.

Proviso.

SECTION 60. That Abel W. Townsend, Francis Houlette, and Simon McNair, are hereby appointed trustees until the election in December next, who, and their successors duly elected according to this act, shall attend to the dam, race and

Trustees
appointed.

Their duties water course, and regulate the gates and sluices owned by said company, their successors or assigns, at the lower falls of Beaver river, in Beaver county, and keep them in repair; shall ascertain the expense and apportion the same among the members, and, until it shall be otherwise ordered and directed by the company, they shall call on each member to make out his or their portion of the expenses: *Provided*, The nature of the work and the urgency of the case will admit; and in case of the neglect or refusal of any member to remove obstructions and perform the work required, the trustees or directors aforesaid may sue for and recover the same, and all other monies which shall become due to the company, as other debts of the same amount are recoverable.

LEWIS DEWART,
Speaker of the House of Representatives.

CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and thirty-eight.

JOS. RITNER.

—•••••
No. 93.

An Act

To declare Wooden Bridge creek, in Bedford county, a public highway, and for other purposes.

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 from and after the passing of this act, Wooden Bridge creek, in the county of Bedford, from the mouth thereof and up the said stream as far as Huston's saw mill, Elk creek, in the county of Jefferson, from the mouth thereof up the said stream to the mills of Washburn and Clover, and Mill creek, in Jefferson county, from the mouth thereof to Burtoff road, and Turtle creek in Allegheny county from the mouth thereof up the said stream as far as Brush creek, in Westmoreland county, Little Clearfield creek in the county of Clearfield, commencing at its junction with Big Clearfield creek to the first fork of the said Little Clearfield creek, south west from William Dunlop's*

Wooden
Bridge Cr'k.
and certain
other str'ams
declared
public high-
ways.