

No. 98.

**An Act**

Authorizing the Governor to incorporate the Bristol Steam Tow-boat and Transportation company, 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 William T. Rogers, Samuel D. Ingham, Daniel Parry, Samuel Breck, James R. Scott, John Bessonet, John Phillips, Joseph M. Downing, William F. Swift, John W. Vandegrift, Morris Buckman, John Paxson, Lewis S. Coryell, Robert Lovett, Courtland Yardley, Daniel Y. Harman, John T. Neely, A. C. Brittain, Sandus Alcott, Joseph F. Warner, Stacey Brown, of the county Bucks, John Naglee, Isachar Pugh, Benjamin Duncan, Edmund B. Meixsell, Pierson A. Reading, Matthew C. Jenkins, Samuel Moore, Francis B. Nichols, Joseph H. Newbold, Richard R. Ipaïn, William O. Kline, Hugh Clark, Marshal Sprogel, Truman M. Hubbell, John Bender, Wm. Rheiner, Benjamin E. Carpenter, Philip Miller, sr., Samuel Butcher, (mason) Stratton Virdon, Daniel Bender, John White, John Andrews, Thomas Dunlop, Joseph White, Joslen Emlen and Frederick Brown, of the city and county of Philadelphia, and Peter S. Michler, Jacob Able, David Conner, Andrew H. Reeder, William L. Sebring, Charles W. Mixsell, of the county of Northampton, William Overfield, Morris D. Robeson, of Mouroe county, Oliver S. Dimmick of Pike county, Joseph B. Walton, George Bush, of Wayne county, Bird Patterson, John C. Offerman, of Schuylkill county, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they, or any three of them, shall on or before the first day of July next procure books, one of which shall be opened at Philadelphia, Bristol, New Hope, and Easton, in each of which they shall enter as follows, viz: We and each of us, whose names are hereunto subscribed do promise to pay to the directors of the Bristol Steam Tow boat and Transportation company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, and by us respectively subscribed, in such manner and proportion, and at such times and places as shall be determined and directed by the said directors, in pursuance of an act

Commissr's  
to sell the  
stock of the  
Bristol Tow  
boat and  
Transporta-  
tion Co.

When and  
where books  
shall be  
opened.

Form of sub-  
scription.

entitled An act authorizing the Governor to incorporate the Bristol Steam Tow-boat and Transportation company; Witness our hands in the year one thousand eight hundred and thirty-eight; and shall thereupon give at least ten days previous public notice, in two of the daily papers printed in the city of Philadelphia, and like notice in two of the papers printed in the county of Bucks, of the times when and the places where some one or more of the aforesaid commissioners will attend, and receive subscriptions from all persons of lawful age who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid at least six hours in every juridical day, for the space of three days, or until there shall be subscribed in the said books two thousand shares, and if at the expiration of three days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, then the said commissioners, at their discretion, may adjourn from time to time and transfer the books elsewhere, in Pennsylvania, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may seem to them to require, but no subscription shall be valid unless the person so subscribing shall pay to the said commissioners at the time of subscribing, the sum of five dollars on each share of stock for the use of the company: *Provided*, That no person or persons shall be permitted to subscribe more than five shares the first day, ten shares on the second day, after which any person may subscribe for any number of shares until the whole of the stock is taken.

SECTION 2. When one thousand shares shall be actually subscribed, the said company, or a majority of them, shall certify the same under oath or affirmation to the Governor of this Commonwealth, and on the receipt of such certificate the Governor shall, by letters patent under his hand and seal of the commonwealth, create and erect the subscribers into a body politic and corporate, in deed and in law, by the name, style and title of the Bristol Steam Tow-boat and Transportation company, and by the same name the subscribers shall have perpetual succession, and all the privileges, franchises and immunities incident to a corporation, may sue and be sued, plead and be impleaded in all courts of record and elsewhere, may purchase, receive, hold and enjoy to them and their successors and assigns, lands, tenements and hereditaments, goods, chattels and all estates, real and personal and mixed, of what kind and quality soever, and the same from time to time to sell, mortgage, grant, alien or dispose of, and make dividends of such portion of the profits as

Who may  
subscribe.

2000 shares.

\$5 to be paid  
on each  
share.

Proviso.

Letters pat-

Privileges  
and liabili-  
ties.

they may deem proper, and also may make and have a common seal, and the same alter and renew at pleasure, and generally may do all and singular the matters and things which to them it shall be lawfully appertained to do, for the well being of the said corporation and the due arrangement and ordering of the affairs and business of the same: *Provided*, That nothing herein contained shall be so considered and construed as giving to the said corporation any banking privileges, or any other liberties, privileges or franchise, but such as may be necessary or incident in conducting the business of the corporation.

**SECTION 3.** For the management of the affairs of the said corporation seven directors shall be elected, by ballot, annually, by the stockholders of the said company; the votes to be delivered in person or by proxy, duly authorized, which directors shall appoint one of their own number to be president, and shall, respectively, serve one year or until other directors be elected, and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the laws of the United States or of this commonwealth, as may be necessary for the well ordering of the said company: *Provided*, None but stockholders, citizens of Pennsylvania, shall be eligible to be elected directors, and that at every such election, and in all cases in which the stockholders shall be called upon to vote, each share of stock not exceeding five shares shall be entitled to one vote; every three shares above five and not exceeding twenty, one vote; every ten shares above twenty shares and not exceeding fifty, one vote; and no number of shares above fifty shall confer any additional right of voting; and also, that in all cases of elections for directors the seven stockholders having the greatest number of votes shall be declared duly elected: *And provided also*, That no share or shares of stock shall be entitled to vote at any election, or at any general or special meeting of the said company, on which any instalment or arrearages may have been due and payable more than twenty days previous to the said election or meeting, and that all votes by proxy be on such terms and conditions as are prescribed by the act, passed the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled An act to regulate proxies: *Provided*, That all proxies shall be dated within sixty days of the election at which the same shall be presented, except the first election.

**SECTION 4.** The aforesaid commissioners, or a majority of them, shall, as soon as practicable after the said letters patent shall have been obtained, give at least ten days previous public notice in the newspapers hereinbefore mentioned, of

the time and place by them appointed for the subscribers or stockholders to meet, for the purpose of electing seven directors, as provided for in the preceding section, and that annually thereafter, shall meet on the second Monday in January, for the purpose of electing directors as aforesaid, upon a like previous notice, to be given by the directors of the time being, in such newspapers as they may deem advisable: *Provided*, That if from any cause such election shall not be held at the time specified therefor, the same may be held at any other time on notice as aforesaid; that until such an election be held the directors of the preceding year shall continue to act, and this charter shall not be avoided by reason of the irregularity or want of such election: *And* provided also, That in case of vacancy from death or resignation of any director, his place shall be filled by the board of directors.

SECTION 5. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter agree upon; four directors shall be a quorum for the transaction of business, who, in the absence of the president, may appoint a president pro tempore; the said directors shall appoint a secretary, treasurer and such engineers and other officers as they may find necessary, and shall fix their compensation. and may demand adequate security for the performance of their respective trusts, they shall have full power to ascertain and decide the time, manner and proportions in which the stockholders shall pay the money on their respective shares, and to forfeit for the use of the company the share or shares of every person failing to pay any installment so required, to regulate freights and towing, to make such covenants, contracts and agreements with any person or body politic whatsoever, as to the execution and management of the work and the convenience and interest of the company may require, and in general, to superintend and direct all receipts and disbursements, and other affairs and proceedings of the company: *Provided*, Any boat, vessel or other craft navigating the Delaware division of the Pennsylvania canal or river, shall not be charged for towing between Bristol and Philadelphia, over eight cents per ton, between Bristol and Bordentown not over six cents per ton; boats returning empty or less than half loaded, from Philadelphia to Bristol, to be charged two dollars for the boat and not more than eight cents per ton on the cargo; from Bordentown to Bristol, one dollar and fifty cents for the boat, and not more than five cents per ton for the cargo; and five dollars for every single raft, and ten dollars for every double raft.

Annual elec-  
tion.

Proviso

2d Proviso.

Time and  
manner of  
meeting of  
directors.  
Quorum.

Powers.

Proviso.

**Certificates of stock.** SECTION 6. The directors first chosen, as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she shall subscribe for or hold in the said corporation, signed by the president and countersigned by the treasurer and sealed with the common seal, subject however to all the payments due and to grow due thereon, which stock shall be transferable in person or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided by the by-laws: *Provided*, that after any instalment shall have been directed to be paid, no share of said stock shall be transferable until the said instalment shall be paid.

**Directors annually to make a statement, &c.** SECTION 7. At each annual meeting of the stockholders the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year, and that special meetings of the stockholders may be called by order of the directors, or by the stockholders holding one fourth in amount of the capital stock, on like notice as that required for annual meetings, and specifying moreover the subject of the meeting, but no business shall be transacted at such special meetings unless a majority in value of the stockholders shall attend in person or by proxy.

**Special meetings may be called.** SECTION 8. That the Governor be and he is hereby authorized and required to subscribe, in behalf of the state, three hundred and twenty shares of twenty-five dollars each, to the stock of the Bristol Steam Tow-boat and Transportation company, and it shall be the duty of the Governor to draw his warrant in favor of the president and directors of said company, on the State Treasurer, for the amount of said subscription, to be paid at the same times and in the same proportions as by other stockholders, and that the second and third sections of the resolution authorizing superintendents of motive power on railways of the commonwealth to draw and disburse monies under certain conditions, and for certain purposes, passed the first April, one thousand eight hundred and thirty-six, is hereby repealed.

**325 shares to be subscribed by the Govern'r &c.** SECTION 9. The said company be and they are hereby authorized and required, as soon as they conveniently can, to procure steam tow-boat or boats, such as they may deem advisable to be employed exclusively for the transportation of coal and other merchandise, rafts and other craft, between Bristol and Philadelphia, and between Bristol and Bordentown.

**Repeal of 2d & 3d sections of resolution of 1st April 1836.** SECTION 10. Dividends of so much of the profits of the company as shall appear advisable to the directors, shall be declared at least twice a year, and paid to the stockholders

**Steam tow-boats to be procured.**

**Dividends.**

or their legal representatives, on demand, at any time after the expiration of ten days therefrom : *Provided*, That the said company shall make an annual statement to the legislature, and shall pay into the state treasury, annually, the dividends on the amount of the stock owned by the state, and eight per cent. on all dividends above six per cent. ; and if the said dividend shall amount to ten per cent. or upwards, then the said company shall reduce the charges for towage, so as to reduce the dividends to ten per cent. per annum.

Proviso.

SECTION 11. If the said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges hereby granted to the said company.

Legislature reserves the right to repeal.

SECTION 12. The provisions of this act shall not continue or remain in force for any greater length of time than until the first day of January, eighteen hundred and forty-six.

Continuance of act.

WHEREAS, The Governor is now authorized and required by law to subscribe stock in the Gettysburg and Hagerstown Turnpike Road company : *And whereas*, The necessity for said turnpike is in a great measure superseded by the location of the railroad from Wrightsville to Hagerstown : Therefore

Preamble.

SECTION 13. In lieu of the stock authorized to be subscribed in said Turnpike Road company, the Governor is hereby authorized and required to subscribe an equal amount, to wit : four hundred shares of fifty dollars each in the capital stock of the Wrightsville, York and Gettysburg Railroad company : *Provided*, A majority of the commissioners and stockholders of said turnpike road company consent thereto in writing, delivered to the Governor : *And provided further*, That the said money be expended (if all be necessary) in the payment of damages caused by the location of said road between Wrightsville and York : *And provided further*, That the said Wrightsville, York and Gettysburg Railroad company consent, in writing, delivered to the Governor on or before the first day of July next, that the damages caused or to be caused by the location of said road, not yet settled or assessed, shall be appraised by the State Appraisers, the cost to be paid by the company, and paid before any work shall be done on said road west of the borough of York, or secured to be paid within six months after said appraisement ; and all parts of the charter of said Wrightsville, York and Gettysburg Railroad, inconsistent with this act, are hereby repealed, if the above conditions be assented to by said company as aforesaid : *And provided*, That no stock shall be subscribed by the state to the Gettysburg and Hagerstown Turnpike Road company in case this act takes effect.

Governor authorized to subscribe stock to the Wrightsville York & Gettysburg Railroad comp'y.

2d Proviso.

3d Proviso.

State Appraisers to assess damages.

Repeal of part of the original charter.

Proviso.

Preamble  
relative to  
stock to be  
sub. by Bank  
U. S. to the  
Pine Grove  
R. R. Co.

WHEREAS, by the sixth section of the act entitled An ac-  
to repeal the State Tax on real and personal property, and  
to continue and extend the improvements of the state by rail-  
roads and canals, and to charter a State Bank to be called  
the United States Bank, the said bank was required to sub-  
scribe twenty thousand dollars to the Warren and Pine  
Grove Railroad company: *And whereas*, The said railroad  
company is willing to release their right to the said subscrip-  
tion: *Provided*, The same shall be subscribed to the Warren  
and Ridgeway Turnpike company and the Warren Bridge  
company in equal proportions: Therefore,

Bank U. S.  
may change  
sub. to War-  
ren & Ridg-  
way Turn-  
pike & War-  
ren Bridge  
Co.

SECTION 14. That the Bank of the United States be au-  
thorized to change the said subscription of stock from the  
Warren and Pine Grove Railroad company, to the Warren  
and Ridgeway Turnpike, and the Warren Bridge company,  
in equal proportions: *Provided*, That the commissioners of  
said Warren and Pine Grove Railroad company shall con-  
sent thereto: *Provided also*, That the Bank of the United  
States consent to the above transfer and subscription.

Doylestown,  
in Bucks Co.  
erected into  
a borough.

SECTION 15. That the village of Doylestown, in the coun-  
ty of Bucks, comprised within the following limits, viz:   
beginning at a stone on the middle of a public road, a cor-  
ner of lands of Josiah Y. Shaw and Abraham Garges, north  
forty-two and a half degrees east, one hundred and twenty-  
four perches, to a stake, in the line of land of Benjamin  
Morris, thence, on the line between lands of the said Benja-  
min Morris and Abraham Garges, south forty-nine and a  
half degrees east, eighty-one perches, to a marble stone, a  
corner of land of Sandham Stewart, thence, on the line be-  
tween said Benjamin Morris and Sandham Stewart, and  
through said Sandham Stewart's land, north forty-one de-  
grees east, ninety-five perches to a stake, in the middle of a  
public road sometimes called the Swamp road, and sometimes  
the New road, thence, by the middle of said road, north  
forty-eight and a half degrees west, two hundred and seven-  
ty-one perches, to a corner of Samuel A. Smith's land,  
thence, along the line of said Stewart and Smith, south forty-  
one and a half degrees west, nineteen perches and six tenths,  
to another corner of said land, thence, by the line of said  
Smith, north forty-eight and a half degrees west, twenty  
perches, to another corner of said Smith's land, thence,  
through the same, north seventy-three degrees west, sixty-  
one perches, to the north west side of the Easton road, thence,  
along the same, south three quarters west, eleven perches  
and six tenths, to a corner of James Kelly's land, thence,  
along the same and by lands of Abraham Chapman, north  
fifty-one degrees and a half west, forty seven perches and

Boundaries.

six tenths, to a corner of said Kelly and Chapman, thence, along the line between the same, south thirty-eight and a half degrees west, ninety-seven perches and two tenths to the dutch lane, thence, by land of Jacob Henry and Ann Preston, south forty-two and a half degrees west, twelve perches and three tenths, to a corner in the same, thence, south forty-seven and a half degrees east, twenty-seven perches and one tenth, by same to a corner in the land of Samuel Kachlin, thence south forty-two degrees and a half west, one hundred and forty-eight perches, on a line between the lands of said Kachline, Preston and Samuel Yardley, and through land of said Yardley and Richard Riale, to the Hilltown road, thence along the middle of the said road, and along the line between Timothy Smith and John Foulke's land, and through lands of said Smith and land late of Francis B. Shaw, deceased, south forty-eight degrees east, two hundred and forty perches to a stake, in land late of said Shaw, thence, through the same, north sixty-seven and a half degrees east, forty seven perches and three tenths, to a stake on the south west side of the Easton road, thence, across the same and through lands of Christian Clemens, north forty degrees and a half east, forty-five perches and eight tenths, to the place of beginning, shall be and the same is hereby erected into a borough, which shall be called "The Name. Borough of Doylestown."

SECTION 16. It shall and may be lawful for all persons entitled to vote for members of the State Legislature, and who have resided within the limits of the said borough for the space of one year, and who, after the first election, have paid a borough tax within two years, to meet at the place of holding the general election, in the town of Doylestown, on the third Monday of May in each and every year, or, after the first election, in such place as shall be directed by the council, and then and there between the hours of one and six in the afternoon, elect, by ballot, one citizen residing therein who shall be styled chief burgess of said borough, and one other citizen residing therein who shall be styled assistant burgess, and nine citizens residing therein to be a town council, and also shall elect, as aforesaid, a high constable, but previously to any such election the inhabitants, entitled to vote as aforesaid, shall elect two citizens who shall preside as judges, one to act as inspector and two to discharge the duties of clerks, according to the general election laws of this commonwealth, and subject to the same penalties for mal-practices as by the said election laws are now or hereafter may be imposed; and the said judges, inspectors and clerks, before they enter upon the duties of their

respective offices, shall take an oath or affirmation before any justice of the peace in the said county of Bucks, to perform the same with fidelity, and when the said election shall be closed, shall declare the person having the greatest number of votes to be duly elected, whereupon duplicate certificates thereof shall be signed by the said judges, inspectors and clerks, one of which shall be transmitted to each of the said persons elected, and the other filed among the records of the said corporation for safe keeping; and in case of vacancy, by death, resignation or otherwise of any of the said officers, the chief burgess, or in case of his absence or inability to act, the assistant burgess, shall issue his precept directed to the high constable, requiring him to hold an election to fill such vacancy, he giving at least ten days notice by advertisement set up at four of the most public places in said borough: *Provided*, That it shall be the duty of the constable of the township of Doylestown, for the time being, to superintend the first election, of which he shall give ten days notice as aforesaid: *Provided also*, That no judge of the court shall be eligible to hold any corporate office in said borough, that at least five of the town council selected shall be freeholders residing in said borough, and that no ticket shall be counted at any election that does not contain the names of at least five freeholders; and it shall be the duty of the chief burgess or assistant burgess, to have the names of all the freeholders each year recorded in the town books, and a certified copy to be set up at the place of holding said borough election, at least ten days before the election; the burgesses and town council, duly elected as aforesaid, and their successors, forever, shall be one body politic and corporate in law, by the name and style of the 'Chief Burgess, Assistant Burgess and Town Council of the borough of Doylestown, in the county of Bucks,' and shall have perpetual succession, and the said burgess and town council aforesaid, and their successors, forever, shall be capable in law, by the name and style aforesaid, to have, get, receive, hold and possess goods and chattels, lands and tenements, rents, liberties, jurisdictions 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 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 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

Vacancies,  
how filled.

Proviso.

2d Proviso.

Name and  
style.

Rights and  
privileges.

Liabilities.

Seal.

by law : *Provided*, No misnomer or failure of the election <sup>Proviso.</sup>  
of officers on the day appointed shall discontinue or dissolve  
the said corporation, but the officers, respectively, for the  
time being, shall continue in office until a new election  
shall be made at such time as the new council may direct :  
*And provided also*, That neither the chief burgess nor the <sup>2d Proviso.</sup>  
assistant burgess shall have any voice in the legislation for  
said borough, but that the same is vested in the council ex-  
clusively.

SECTION 17. If any person duly elected, whether chief  
burgess, assistant burgess, member of the town council or  
high constable, as aforesaid, having been notified as before  
directed, shall refuse to take upon himself the execution of  
the office to which he shall have been elected, every person <sup>Borough offi-</sup>  
so refusing or neglecting shall forfeit and pay the sum of <sup>cers refusing</sup>  
twenty dollars, which fine, and all other fines and forfeitures <sup>to act to tor-</sup>  
incurred and made payable in pursuance of this act, or of <sup>feit \$20.</sup>  
the by-laws and ordinances of the town council, shall be re-  
covered before the chief burgess or any justice of the peace,  
in the same manner that debts not exceeding one hundred  
dollars are by law recoverable, and when so recovered shall  
be forthwith paid to the treasurer of the said borough for  
the use of the said corporation : *Provided*, That no person <sup>Proviso.</sup>  
elected as aforesaid shall be required to serve in either of  
the said offices for a greater length of time than two years,  
in any one period of eight years.

SECTION 18. The chief burgess shall take an oath or affir- <sup>Borough offi-</sup>  
mation before any justice of the peace in the said county, to <sup>cers to take</sup>  
support the constitution of the United States and of this state, an oath or af-  
firmation.  
and well and truly to discharge the duties of his office before <sup>firmation.</sup>  
he enters on the execution thereof, and shall thereupon ad-  
minister a similar oath or affirmation to the assistant bur-  
gess, and each member of the said council and high constable,  
and to the town clerk that shall be appointed by the said  
town council, and the certificates of such oaths or affirma-  
tions shall be recorded in the books of the said corporation,  
and the said chief burgess shall further have power and au- <sup>Chiefburg'ss</sup>  
thority to administer oaths or affirmations, when the same <sup>to administer</sup>  
may be necessary, in the investigation of any matter within <sup>oaths or affir-</sup>  
the cognizance of the said corporation. <sup>mations.</sup>

SECTION 19. It shall and may be lawful for the said cor- <sup>Regulation</sup>  
poration to have and to keep, within the said borough, two <sup>of markets.</sup>  
markets in each week, to wit : one market on Wednesday  
and one market on Saturday, together with free liberties,  
customs, profits and emoluments to the said market belong-  
ing.

- SECTION 20.** It shall be the duty of the said town council, five of whom shall be a quorum, to hold quarterly meetings on the third Monday in May, August and November, and on the first Monday in February in each and every year, and oftener if occasion requires, at which meetings they may enterly meet- act, 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, within the said borough, and removing nuisances and obstructions therefrom, and also assess, apportion and appropriate such taxes, as shall be determined by a majority of the said town council necessary for carrying the said rules and ordinances, from time to time, into complete effect; and the said town council shall, at their first quarterly meeting, appoint a town clerk, treasurer, and one person to act as street commissioner, 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, and shall also at the said first quarterly meeting, annually, select one of their number as president of the council, and they shall hold their said quarterly meetings and all others, in the court house in said borough, until a town house shall be created: *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 fined or punished for the breach of any by-law or ordinance, made as aforesaid, until ten days have expired after the promulgation thereof, by an advertisement in each of the English newspapers printed in said borough, and at least four advertisements set up in the most public places in said borough: *And provided also*, That in assessing such tax, due regard shall be had to the valuation of taxable property taken for the purpose of raising county rates and levies, so that the said tax shall not, in any one year, exceed one half cent on the dollar of such valuation, unless some object of general utility shall be thought necessary, in which case a majority of two thirds of the taxable inhabitants of said borough shall approve of and certify the same in writing, under their hands, to the town council, who, if two thirds of the whole number approve thereof, may proceed to assess the same as aforesaid: *And provided also*, That no rule, ordinance or by law of the said corporation shall, under any pretext, compel any person to incur any expense beyond the amount of the tax herein expressly provided for: *And provided also*, That the
- Quorum.**
- The council to hold quarterly meetings.**
- Powers.**
- Proviso relative to by-laws.**
- 2d. Proviso relative to tax.**
- 3d Proviso.**
- 4th Proviso.**

said corporation shall not have power to interfere with any house, wall, or any other improvements now existing, or trees now growing within the streets of the said borough.

SECTION 21. All property, offices, professions and persons made taxable by the laws of this commonwealth, for county rates and levies, shall be taxable after the same manner by the said borough, and all taxes, rates and levies assessed, rated and levied therein, shall be recovered in the same manner as the county rates and levies in the county of Bucks are by law recoverable. Property, of- fices, profes- sions, &c. to be taxed by said borough.

SECTION 22. The said council shall have full power to pave or otherwise improve all or any of the foot ways and gutters within the borough, at the expense thereof: *Provided*, That every owner of property or ground shall have the privilege of paving the foot way on their own front, at their own expense: *Provided*, They have it completed within sixty days after due notice in writing, given for that purpose by the council or their agent: *And provided*, That nothing here- in contained shall be construed to give power to the council to compel any person to pave at his own expense. Footways & gutters to be paved and improved. Proviso. 2d. Proviso. 3d. Proviso.

SECTION 23. That the town council provide, by sufficient ordinances and penalties, that no cattle, sheep or swine shall be suffered to run at large in the said borough, and also shall make such regulations, with respect, to dogs as they may think necessary. Ordinances & penalties relative to cattle, &c.

SECTION 24. The chief burgess elected agreeable to this act, or in case of his absence or inability to act, the assis- tant burgess, is hereby authorized and empowered to issue his precept, directed to the high constable, commanding him to collect all taxes assessed from time to time, as aforesaid, and the same to pay over to the treasurer, and to carry into effect whatsoever is enjoined upon him, for the well ordering and governing the said borough. Chiefburg'ss to issue his precept for collecting tax.

SECTION 25. It shall be the duty of the high constable and all the officers appointed by the town council, to render their accounts to the said council once in every year, on the first Monday in May, which, being settled and adjusted by the said council, shall be published in all the English newspapers printed in said borough, showing particularly the amount of taxes levied, fines collected and all receipts and expendi- tures which shall have been made. Accounts to be settled once a year & published.

SECTION 26. The chief burgess, elected and qualified agreeable to this act, is hereby required to cause the by-laws rules and ordinances, made as aforesaid, to be recorded in a book to be kept for that purpose, and he shall cause the same to be carried into full execution without delay, after the pub- lication thereof, as is directed by this act, and shall also have Chiefburg'ss to have the by-laws re- corded & to have power to remit fines &c.

power, on the payment of costs which may have accrued, to 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, her or their behalf: *Provided*, That such remission be made before judgment rendered for such fine.

Proviso.

Duties and liabilities of town clerk.

SECTION 27. 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 duty of clerk thereto, and keep and preserve the common seal, records, books, papers and documents relating to the said corporation, and be answerable for the same, and also for the faithful discharge of all duties which may be enjoined upon him by virtue of 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; the treasurer to be

Treasurer & high constable to give security.

appointed pursuant to this act, shall give such security for the faithful discharge of the duties of his office as a majority of the said council shall deem reasonable and necessary, and the high constable shall give bond and security to the said corporation in such sum as the said council, or a majority thereof, shall deem necessary, conditioned for the faithful performance of all and singular the duties enjoined upon him, either by act, or by the by-laws and ordinances of the said council: *Provided however*, That if the said treasurer or high constable shall make default in performing the duties enjoined upon them, respectively, they or either of them may be removed from office by the chief burgess on complaint of a majority of the said council.

Proviso.

Court of appeal.

SECTION 28. The chief burgess, assistant burgess and president of the council, shall constitute a court of appeal, and, prior to the collection of any borough tax, the high constable 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 other power as such than to determine the justness of the apportionment of said tax, conformable to the county rates and levies, and to correct any mistake in that respect.

Proviso.

Compensation to judges, inspectors & clerks of elections. Town council to fix the salaries of borough officers

SECTION 29. The judges, inspectors and clerks of the elections aforesaid, shall be allowed, each, one dollar per day for their services in holding said elections, and the town council may from time to time, if they deem it necessary, affix the salaries of the town clerk, treasurer, street commissioner and such other officers as may be appointed under this act, which salaries shall be paid out of the borough treasury, by orders drawn thereon by the president of the council,

which salaries shall not be increased or diminished during the time for which the said officers were appointed.

SECTION 30. It shall not be lawful for the chief burgess, Burgess, assistant burgess, or either of the members of the town council, to receive any compensation for their services rendered in their respective offices, and the said high constable is hereby authorized and required to receive and execute all writs and process lawfully issued by the chief burgess or assistant burgess, within the limits of the said borough, and to do and perform all such other duties, in the same manner with the like power and authority, and subject to the same penalties and regulations, and shall receive the same fees as are provided and contained in the laws now existing or that may hereafter exist concerning constables of the several townships in the said county of Bucks; and further, the said high constable may and shall execute all process to him directed, by any judge or justice of the peace in the said county, in the same manner and for the same fees and to the same extent of territory as may or can be done by any of the said constables of the county aforesaid.

Burgess, assistant burgess and town council not to receive compensat'n for services.

Duties of town constable.

SECTION 31. The said town council shall, at their first quarterly meeting held under and pursuant to this act, cause the lines and boundaries of said borough to be accurately surveyed, ascertained, fixed and permanently marked out, and shall cause an accurate plot or draft thereof to be made and recorded in the record book of said corporation.

Town council to fix the boundaries.

SECTION 32. If any person or persons shall think him, her or themselves aggrieved by any thing done in pursuance of this act, except what relates to the imposing and collecting the borough tax, and the appointments made by the town council, he, she or they may appeal to the next court of Common Pleas, to be held for the said county, upon giving security, according to law, to prosecute his, her or their appeal with effect, and the said court, having taken such order thereon as shall seem just and reasonable, the same shall be conclusive.

Right of appeal.

SECTION 33. From and after the passage of this act, the citizens of the borough of Doylestown shall be exempted from paying road tax to the township of Doylestown.

Exemption from road tax

SECTION 34. The inhabitants of the said borough, aforesaid, shall elect one assessor and two assistant assessors of the county taxes, for the said borough, at such time, under like regulations and for the same purposes as are or shall be hereafter directed by law in the several townships within this commonwealth, which said assessors and assistant assessors, so elected, shall have, use and exercise all and every

Assessor and two assistant assessors to be elected.

Powers and duties.

the powers, rights and privileges, perform all and every the same duties, and be subject to all and every the same fines, penalties and forfeitures within the said borough, respectively, which are or hereafter shall lawfully be used, had and exercised, or which are or shall be suffered by or imposed upon like officers of the several townships of this commonwealth.

Separati'n of the borough from the t'p. of Doylestown

SECTION 35. From and after the passage of this act, the citizens and property in the borough of Doylestown, shall be and remain distinct and separate from the township of Doylestown, in the assessment and collection of all state and county taxes, rates and levies.

Election to be held for accepting or rejecting the act of incorporation.

SECTION 36. The citizens of said borough, qualified to vote as aforesaid, shall meet at the public house of William Field, on the third Thursday in May, eighteen hundred and thirty-eight, appoint five competent citizens, three to act as judges and two to officiate as clerks, whose duty it shall be, after being duly sworn and affirmed, to open, on said day, between the hours of two and six o'clock P. M., an election, and receive written or printed tickets labelled on the outside "borough," and on the inside "for the act of incorporation," or "against the act of incorporation," and after

Certified copies of election to be filed in Prothonotary's office.

closing said election and counting and adding up the whole number of votes given, if there shall be a majority of said votes given in favor of accepting this act, it shall be the duty of the said judges and clerks to make out two certified copies of said election, one of which shall be filed in the Prothonotary's office, and the other deposited with the Secretary of the Commonwealth, and the provisions of the aforesaid act of incorporation shall be in full force: *Provided*, the constable of Doylestown township, or any five citizens of said Doylestown residing within the proposed borough boundaries, shall give twenty-one days notice of said election, to be published in at least two newspapers; and the said constable of Doylestown township shall be eligible to the office of high constable of said borough.

Proviso relative to notice of election.

Village of Newtown, in Bucks co., erected into a borough.

SECTION 37. That the village of Newtown, in the county of Bucks, comprised within the following limits, viz: beginning at a point on the south side of Bridge street in the middle of Newtown creek, thence, along the south side of said street, south eighty-two and a half degrees east six perches, thence, by the dividing line of the double range of Newtown common lots, north eleven degrees east one hundred and seven perches, to the middle of Church street, thence, along the middle of said Church street and through the land of Samuel Phillips, south eighty-two and a half degrees east, eighty-nine perches, thence through the land of the said Phillips, and land late of the estate of Enos Morris,

Boundaries.

and land of Edward Hicks, south ten degrees west, one hundred and fifty seven perches, thence, through the land of the said Hicks and Phineas Jenks, south sixty-four degrees west, fifty-three perches and two tenths, to the middle of Bristol road, thence, continuing the same course six feet from the north side of Cologne street, twenty-eight perches and eight tenths, thence, by the said street, south fifty-one and a quarter degrees west, fourteen perches and a half, thence south seventy-five degrees west, nine perches, to the middle of the said Newtown creek, thence along the same by its several courses to the place of beginning, shall be and the same is hereby erected into a borough, which shall be called the Borough of Newtown.

SECTION 38. The sixteenth, seventeenth, eighteenth, nine- Certain  
teenth, twentieth, twenty-first, twenty-second, twenty-third, sections of  
twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, act incorpo-  
twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty- rating  
second, thirty-third, thirty-fourth and thirty-fifth sections of Doylestown  
the preceding act, incorporating the borough of Doylestown, enacted and  
are hereby enacted section by section, and extended to the the borough  
said borough of Newtown, with all the powers and immuni- of Newtown.  
ties, and subject to the same restrictions.

SECTION 39. The citizens of said borough, qualified to Election to  
vote as aforesaid, shall meet at the public house of Oliver be held for  
Cadwallader, on the third Thursday in May, eighteen hun- the accept-  
dred and thirty-eight, appoint five competent citizens, three ance or re-  
to act as judges and two to officiate as clerks, whose duty it jection of the  
shall be, after being duly sworn or affirmed, to open on said act of incor-  
day, between the hours of two and six o'clock P. M., an poration.  
election, and receive written or printed tickets labelled on  
the outside "borough," and on the inside "for the act of Certified co-  
incorporation," or "against the act of incorporation," and after pies of elec-  
closing said election and counting and adding up the whole tion to be  
number of votes given, if there shall be a majority of said filed in pro-  
votes given in favor of accepting this act, it shall be the thonotary's  
duty of the said judges and clerks to make out two certified office.  
copies of said election, one of which shall be filed in the  
prothonotary's office, and the other deposited with the Se- Proviso  
cretary of the Commonwealth, and the provisions of the relative to  
aforesaid act of incorporation shall be in full force: Provi- notice of  
ded, The constable of Newtown township, or any five citi- election.  
zens of said Newtown residing within the proposed borough  
boundaries, shall give twenty days notice of said election,  
to be published in at least two newspapers; and the said  
constable of Newtown township shall be eligible to the office  
of high constable of said borough, and the said councils  
shall hold their quarterly meetings, and all others, at such

place in said borough as may be agreed upon by said council.

**SECTION 40.** It shall be the duty of the chief burgess, or the assistant burgess, or either of them, immediately after their election and organization of the councils, to cause to be published in at least two English newspapers in said county of Bucks, an attested copy of the foregoing acts of incorporation, so far as they relate to the incorporation of Doylestown and Newtown, respectively, for at least three weeks, and it is further made their duty to publish all ordinances that may be enacted by the said councils, or either of them, for the government of said boroughs, for the same length of time and in not less than two English newspapers as aforesaid, before they can take effect.

**SECTION 41.** That the following boundaries are hereby extended to the borough of Newhope; beginning at a button-wood tree, on the borough line, at the head of a small island in the river Delaware, thence down and bounded by the said river about sixty-two perches, to a stone, thence, by land, formerly John Smith's, eighty-seven degrees south west, thirty-three perches to a stone, thence north thirty-five degrees west, twenty-one perches and two tenths, to a stone, thence, by land, late B. Parry's, twenty-two degrees east, forty-eight perches and six tenths to the said borough line.

**SECTION 42.** At the next election for directors in any of the banks of the city and county of Philadelphia, and of the city of Pittsburg, subject to the general bank law of Philadelphia and eighteen hundred and twenty-four, not more than one half of the present directors shall be eligible for re-election, nor shall any of them be eligible at the next, and two succeeding elections, who have been directors in any one of said banks for the preceding five years continuously; and at all future elections not more than two thirds of the directors shall be eligible for re-election, nor shall any director be eligible for more than two years out of every four, and the partners in business of directors shall be comprised in this restriction, nor shall more than one individual of a firm be a director at the same time: *Provided*, That the director who is president for the time being shall always be eligible for re-election.

**SECTION 43.** That the sum of seven hundred dollars be, and the same is hereby appropriated annually, for three years, to commence the first of April, eighteen hundred and thirty-eight, for clerk hire, in the office of the Secretary of the Land office.

**SECTION 44.** The Governor of this Commonwealth is hereby authorized to borrow, on a temporary loan, the sum of

two hundred thousand dollars, at any rate of interest not exceeding six per centum per annum, for the purpose of re-paying that sum borrowed from the President, Directors and Company of the Bank of the United States, pursuant to a resolution of the legislature, passed the sixteenth day of June, Anno Domini one thousand eight hundred and thirty-six; and if the same cannot be borrowed, then the Governor is hereby authorized to pay said loan out of any money in the treasury not otherwise appropriated by law.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

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

JOS. RITNER.