

or alley, or other passage, to be opened, widened or extended, agreeably to the directions of the said court.

SECTION 6. That the town council of the said borough of Chester, shall be authorized and empowered to lay down, or <sup>Power of council to lay track or tracks of</sup> cause to be so laid down, a track or tracks of rail road, on any <sup>rail road.</sup> street, lane or alley of the said borough, from the piers or wharfs on the river Delaware to connect with the Philadelphia, Wilmington, and Baltimore rail road company, at the said borough, whenever they deem it expedient.

WM. HOPKINS,

*Speaker of the House of Representatives.*

W. T. ROGERS,

*Speaker of the Senate.*

APPROVED—The seventh day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 28.]

## A N A C T

Erecting the borough of West Greenville and the township of West Salem into separate election districts, 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 passage of this act, the borough of West Greenville, in the county of Mercer, as bounded and described according to the town plot of West Greenville, incorporated by the court of quarter sessions for Mercer county, March term, one thousand eight hundred and thirty-seven, shall be and the same is hereby declared a separate election district: The qualified voters of said borough shall proceed in like manner as the general election laws require, in the several election districts of this commonwealth, to elect their inspectors, and do all and other things in conducting and holding the general elections in such cases, as though they had never been connected with said township: The general election in pursuance of this act, shall be held in the public house of Samuel S. Spier, in said borough.

<sup>West Greenville borough declared a separate election district.</sup>

<sup>Elections how held.</sup>

Declared a separate school district, with power to elect school directors and other township officers.

**SECTION 2.** That the territory within the incorporated limits of the borough of West Greenville aforesaid, be and the same hereby is erected into a separate school district, and as such shall have power to elect all the officers necessary to carry on the common school system; and it is hereby declared a separate township, with power to elect the usual township officers, levy and collect taxes, and such other matters and things

**Proviso.**

**Duty of constable.**

as are lawful and proper for townships to do: *Provided,* That the borough constable now in office, shall have power to discharge all the duties that are proper for constables of the several townships within the said county, of Mercer, to discharge, until the next annual election, which shall hereafter be holden on the third Friday in March, or until his successor shall be duly qualified according to law.

**West Salem declared a separate election district.**

**Election of officers, &c.**

**SECTION 3.** That from and after the passage of this act, the township of West Salem, in Mercer county, shall be a separate election district, with all the privileges and immunities of the several election districts of this commonwealth; and the qualified voters thereof, shall proceed, in like manner; and to elect their inspectors of the general election, and to do and perform all other matters in reference to the manner of holding and conducting the said elections, as is required by the general election laws of this commonwealth: The elections for the said district shall be held at the school house near Samuel Tingley's dwelling house, in said township.

**Township and borough separate and distinct.**

**Proviso.**

**SECTION 4.** The said township and borough of West Greenville, are hereby declared to be separate and distinct in the assessment of taxes, and collection of county rates and levies, as well as any other assessments that have been heretofore jointly made; and for all common school purposes, either in regard to the election of directors or levying taxes, or any other provisions contained in the several laws in this commonwealth in that behalf: *Provided,* That nothing contained in this act shall in any manner affect the collection of any tax now levied and due, that have been assessed for county or school purposes, but that the laws heretofore in force shall in such cases prevail.

**SECTION 5.** That all that part of Pinegrove township, in the county of Schuylkill, lying within the bounds hereinafter mentioned, and bounded and described as follows: beginning at the northeast corner; thence, running southwesterly on the line separating the townships of Pinegrove and Lower Mahontongo, to the Dauphin and Schuylkill county line; thence, southeasterly on the line dividing the counties of Dauphin and Schuylkill, to the summit of the Second mountain; thence, northeasterly on the summit of the Second mountain, to a point in a direct line with the west line of the farm now owned by Christopher Shrafe; thence, southerly, to the northwest corner of said farm; thence, along the west lines of the farms of Chris-

topher Shrope, John Brown, Philip Zimmerman, and Jonathan Christ to the southwest corner of the farm of Jonathan Christ; thence, along the south lines of the farms of Jonathan Christ and William Miller, in an easterly direction to the west line of the borough of Pinegrove; thence, northerly along the west line of the borough of Pinegrove to the northwest corner of the said borough; thence, easterly along the north line of the said borough, to the Swatara creek; thence, across the Swatara creek and along the east line of the farm of George Berger, deceased, to the southeast corner of said farm; thence, along the east lines of the farms of George Berger, deceased, Michael Huber, Frederick Muth, and Nicholas Hirtzog; thence, in the same direction, to the summit of the Second mountain; thence, easterly along the summit of the Second mountain, to the east line of Pinegrove township; thence, northerly along the east line of Pinegrove township and the west line of Branch township, to the place of beginning, shall be and is hereby erected into a separate school district, under the name, style, and title of Strongsburg and North Pinegrove school district, with all powers, rights, and privileges of other incorporated districts within this commonwealth, and of separate townships for school purposes.

SECTION 6. And that Henry K. Strong, John Boanitz, and Henry Shrope, or any two of them, are empowered to conduct the election for directors for the first year, and to give notice to the citizens residing within the bounds of the district incorporated by this act, qualified to vote for township officers, by posting up in at least two public places within the district, ten days previous to the third Friday of March next to meet at the place of holding the township election, and at the same time elect six persons to serve as school directors: The directors thus elected shall meet on the first Monday of April, at the house of Henry Umbahacker, at four o'clock in the afternoon, at the place of holding the district election, and divide themselves by lot into three classes; one-third to serve one year, one-third two years, and one-third three years.

SECTION 7. And that it shall be the duty of the assessor of Pinegrove township, to make an enumeration of the taxable inhabitants within the district and make a return thereof in the month of April next, to the commissioners of the county; which enumeration shall be the basis of apportionment of the school fund, until the enumeration of taxables for the triennial assessment.

SECTION 8. That from and after the passage of this act, the qualified electors of Valley township, in the county of Columbia, shall hold their general and township elections at the public school house, near the public house of John M. Maus, in said township, which said township elections shall be held at said place, until otherwise directed by the provisions of the first

Boundaries of a new school district in Schuylkill co. to be called Strongsburg, and North Pinegrove school district.

Directors how chosen.

Elections how and when held.

Duty of assessor of Pinegrove township.

Elections in Valley township, Columbia county, when, where and how held.



ses, approved the tenth day of April, one thousand eight hundred and thirty-six, and all other laws repealed by the said eighty-second section are hereby revived.

SECTION 14. That the elections for the borough officers in the borough of Freeport, county of Armstrong, shall hereafter be held on the second Friday of March annually, and so much of any law relating to said elections as is inconsistent herewith, is hereby repealed. Election in the borough of Freeport, when and how held.

SECTION 15. That the qualified citizens of the several wards of the incorporated district of the Northern Liberties, shall at the general election on the second Tuesday in October next, and on the same day annually thereafter, elect by ballot a citizen of said district of the Northern Liberties, who shall be at least thirty years of age, and have resided at least five years next preceeding said election within this commonwealth, and the last two years thereof in said district, to serve as Mayor of said incorporated district for the term of one year, commencing with the Tuesday next succeeding such election. And the officers and clerks of said election shall perform the duties thereof, and be liable to the same penalties in relation thereto for Mayor, as are now or hereafter may be provided by law, in cases of election for members of the general assembly. Incorporated Northern Liberties authorized to elect a Mayor. Term.

SECTION 16. The judges of said election, within two days after the result shall have been ascertained, shall transmit to the person having the majority of the votes given for Mayor, a written or printed certificate of his election, they shall also make out in the usual form, duplicate copies of a full and true return of all the votes given for Mayor as aforesaid, designating the names of the persons voted for, and the number of votes for each, which said numbers shall be written in words at length, and at or before eleven o'clock in the forenoon of the Tuesday next succeeding such second Tuesday in October, shall deliver one copy of said return to the prothonotary of the court of common pleas of the city and county of Philadelphia, to be by him filed in his office, and the other copy enclosed in a sealed paper with the words return of the election for Mayor, and the date thereof endorsed thereon, together with their tickets, lists of tally papers, and the documents to the president of the board of commissioners of said district of the Northern Liberties, or to the person acting as such for the time being, at the place appointed for them to meet to receive the returns of election of district commissioners of the Northern Liberties. Certificate of election.

SECTION 17. The said president of the board of commissioners of the incorporated district of the Northern Liberties, or the person acting as such, shall at a meeting of the said board of commissioners on the said Tuesday, next succeeding said election on the second Tuesday in October, open and publish said return and cause the same to be entered on the How return to be made.

journal of the said board of commissioners: And the president of the said board of commissioners, or the person acting as such, or other person duly qualified, shall then and there administer the usual oath or affirmation to the person having a majority of the votes for Mayor as aforesaid, who shall thenceforth enter upon and perform all the duties, and possess and enjoy all the powers and privileges appertaining to the office of Mayor of said incorporated district of the Northern Liberties, by virtue of any law of this commonwealth, or any ordinance or regulation of said incorporated district for the term of one year as aforesaid, and until another shall have been duly elected and qualified. But if it shall appear at the opening and publishing of said returns that no person has been duly elected Mayor as aforesaid, or if the election shall be contested, and there shall be from the return received or other competent testimony, to be judged of by the members present at such meeting, a reasonable doubt whether either, and if either which of the persons voted for as Mayor has been duly elected, then the members of the said board of commissioners, at a meeting as aforesaid, shall forthwith proceed to elect viva voce, one of the two persons having the highest number of votes to serve as Mayor aforesaid: And whenever the office of Mayor shall become vacant by the refusal or omission to serve of any person elected as aforesaid, by death, resignation, or otherwise, it shall be the duty of said board of commissioners, at a meeting to be held as soon as conveniently may be after such vacancy shall happen, to elect a suitable person to serve as Mayor aforesaid, who shall continue in office until the third Tuesday of October next succeeding his election, or until another shall have been duly elected and qualified.

Contested elections.

Vacancy how filled.

SECTION 18. The Mayor of said incorporated district of the Northern Liberties, shall have power to try, hear, judge, and determine all actions for penalties, fines, or forfeitures imposed; and have the same powers within the said district, in all matters and things connected with the police, as largely and amply as is now exercised by the Mayor of the city of Philadelphia, the same rights of appeal or for debts under one hundred dollars, and all such actions shall be instituted in the corporate name of the incorporated district of the Northern Liberties. The said commissioners are hereby authorized to make all such police regulations, and to prescribe such duties, rules, and regulations for the Mayor of said district, as they may from time to time by ordinance declare.

SECTION 19. The Mayor so elected, shall receive a yearly salary of not less than five hundred dollars, payable quarterly, by an order drawn by the commissioners of the district on the treasurer thereof, and shall have power to appoint two high constables who shall receive a yearly salary of not less than

Salary of Mayor or.

three hundred dollars, each payable quarterly, by orders drawn by the commissioners in the manner aforesaid.

SECTION 20 That so much of the act of the general assembly of this commonwealth, entitled an act relative to the jurisdiction and powers of the courts, passed the sixteenth day of June, one thousand eight hundred and thirty-six, as provides for the election of Mayor by the board of commissioners of the incorporated district of the Northern Liberties, in the county of Philadelphia, and every other act or acts relative thereto, shall be and the same is hereby repealed from and after the third Tuesday of October, one thousand eight hundred and forty, Repeal of act of 1836.

SECTION 21. That all that part of Strasburg township, in the county of Lancaster, embraced within the following described boundaries, viz : Beginning in the centre of Piquea creek, opposite Michael Mussleman's still house ; thence, by the nearest straight line to the road leading along or through lands of Philip Forster, Esq., Joseph Lefever, and others, to the school house on the Gap and Strasburg road, about half a mile west of the Black horse tavern on the last mentioned road ; thence along the first mentioned road to the said school house : thence due south to the Bart township line ; thence along the line of Bart township, to the corner of Sadsbury and Salisbury townships ; thence along the line of Salisbury township to the centre of Piquea creek ; thence along the centre of said creek to the place of beginning, shall hereafter constitute and compose a new and separate election district, and the electors residing therein shall hold their general and township elections at the public house now occupied by James H. Slaymaker, in Williamstown in said district. Strasburg Lancaster co. erected into a separate election district.

SECTION 22. That from and after the passage of this act, the qualified voters of the township of Wheatfield, in the county of Perry, shall hold their general and township elections at Clay's school house in said township, and Elias Jackson, Robert S. King, and Benjamin Owen are hereby authorized to hold the first election under the general election law, for said township. Place of holding elections in Wheatfield township, Perry county.

WM. HOPKINS,

*Speaker of the House of Representatives.*

W. T. ROGERS,

*Speaker of the Senate.*

APPROVED—This seventh day of March, one thousand eight hundred and forty.

DAVID R. PORTER.