

[Section XI.] (Section XI. P. L.) Be it further enacted by the authority aforesaid, That the annual sum of five thousand pounds arising from the interest accruing to the state on the three per cent. stock of the United States, the property of this state, shall be appropriated to the improvement of roads, as soon as the engagements of the state, now charged on said fund, shall have been fulfilled.

Passed April 13, 1791. Recorded L. B. No. 4, p. 188, etc. See the Acts of Assembly passed April 10, 1792, Chapter 1645; April 10, 1793, Chapter 1630; April 11, 1793, Chapter 1694; April 4, 1796, Chapter 1900.

CHAPTER MDLXX.

AN ACT TO ERECT THE TOWN OF HARRISBURG, IN THE COUNTY OF • DAUPHIN, INTO A BOROUGH.

Whereas the inhabitants of the town of Harrisburg, in the county of Dauphin, have by their petition prayed to be incorporated, and that the said town and its vicinity, as hereafter described, should be erected into a borough; And whereas it may contribute to the advantage of the inhabitants of the said town, as also to those who trade and resort there, and be of public utility, that nuisances, encroachments of all sorts, contentions, annoyances and inconveniences, in the said town and in its vicinity, should be prevented, and for the promoting of rule order, and the good government of said town.

[Section I.] (Section I. P. L.) 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 said town of Harrisburg, shall be, and the same is hereby, erected into a borough, which shall be called the borough of Harrisburg, forever, the extent of which said borough is and shall be comprised within the following boundries, to-wit: Beginning at low water mark

on the eastern shore of the Susquehanna river; thence, by the pineapple tree, north sixty and one-quarter degrees, east seventy-nine perches to an ash tree, on the west bank of Paxton creek; thence, by the several courses thereof, three hundred and twenty-three perches to a white hickory, in William Maclay's line; thence, by the same, south sixty-seven and three-quarters degrees west, two hundred and twelve perches to a marked chestnut oak, on the eastern bank of the Susquehanna; thence, by the same course, to low water mark; and from thence, by the low water mark, to the place of beginning.

[Section II.] (Section II. P. L.) And be it further enacted by the authority aforesaid, That the freeholders and inhabitants of the borough of Harrisburg shall have power, on the first Monday in May in every year, to elect two fit persons to be burgesses of the said borough, and that the person having the greatest number of votes shall be styled the chief burgess; and also to elect four suitable persons assistants, for advising, aiding and assisting the said burgesses in the execution of the powers and authorities hereby given them; and also to elect a high constable and town clerk, all and every of which persons shall be residents in the said borough of Harrisburg.

[Section III.] (Section III. P. L.) And be it enacted by the authority aforesaid, that the said burgesses and freeholders, inhabitants within the said borough, and their successors, forever hereafter, shall be one body corporate and politic, in deed and name, and by the name of "The burgesses and freeholders, inhabitants of the borough of Harrisburg, in the county of Dauphin," shall have a perpetual succession, and they, and their successors by the name of, "The burgesses and freeholders, inhabitants of the borough of Harrisburg," shall, at all times hereafter, be persons able and capable in law to have, get, receive and possess lands, tenements, rents, liberties, jurisdiction, franchises and hereditaments, to them, and their successors, in fee simple or for term of life, lives, years or otherwise; and also goods and chattels, and other things of what nature or kind soever; and also to give, grant, let, sell and assign the same lands, tenements, hereditaments, goods and chattels, and

to do and execute all other things about the same, by the name aforesaid, and they shall forever hereafter be persons able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all or any of the courts within this commonwealth, in all manner of actions, suits, complaints, pleas, causes and matters whatsoever, and that it shall and may be lawful to and for the said burgesses and freeholders inhabitants of the borough of Harrisburg aforesaid, and their successors, forever, hereafter to have and use one common seal, for sealing of all business whatsoever touching the said corporation, and the same, from time to time at their will to change and alter.

[Section IV.] (Section IV. P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for such of the burgesses, constables, assistants and freeholders, as shall have resided within the said borough for at least one whole year next preceding any such election as are hereinafter directed, on the first Monday in May in the year of our Lord, one thousand seven hundred and ninety-one, and on that day yearly thereafter, forever, publicly to meet at the market house within the said borough and then there to nominate, elect and choose by ballot, two able freemen of the inhabitants of the said borough, having an estate in freehold therein, to be burgesses, one to be constable, and one to be town clerk, and four freeholders as aforesaid to be assistants within the same, for assisting the said burgesses in managing the affairs of the borough and in keeping the peace and good order therein, which election shall be taken from time to time by the high constable of the year proceeding, and the names of the persons so elected shall be certified under his seal to the governor of the commonwealth for the time being, within fifteen days next after such election; and the burgess who shall have the majority of votes shall be called the chief burgess of the said borough, but if the votes should be equal, the governor shall determine which shall be chief burgess; and in case it should so happen that the said freeholders shall neglect or refuse to choose burgesses and the said other officers in manner aforesaid, that then it shall and may be lawful for the governor

to nominate, appoint and commissionate burgesses, constables, town clerks, and assistants for that year, to hold and continue in their respective offices until the next time at annual election, appointed as aforesaid, and so often as occasion shall require.

[Section V.] (Section V. P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the burgesses and freeholders, inhabitants of said borough and their successors, to have, hold and keep, at the place erected for that purpose within the said borough, two markets in each week; that it to say, one market on Wednesday and one market on Saturday, in every week of the year, forever; and two fairs in the year, the first to begin on the first day of June, in the year of our Lord, one thousand seven hundred and ninety-one, and the other of the said fairs to begin on the tenth day of November following, and on the same days annually forever thereafter, each fair to continue two days, and when either of those days shall happen to fall on Sunday, then the said fairs to be kept the next day, or two days following, together with free liberties, customs, profits and emoluments to the said market and fairs belonging, or in anywise appertaining for ever; and there shall be a clerk of the market within the said borough, who shall have the assize of bread, wine, beer, wood, hay, corn and other provisions, brought for the use of the inhabitants, and who shall and may perform all things belonging to the office of the clerk of the market within the said borough, and shall be removable by the burgesses and assistants aforesaid, and another from time to time appointed and removed, as they shall find necessary.

[Section VI.] (Section VI. P. L.) And be it further enacted by the authorities aforesaid, That the burgesses and freeholders, inhabitants of the borough of Harrisburg, respectively, forever, shall enjoy all the powers, jurisdictions, exclusions, authorities and privileges and be subject to the same qualifications, restrictions, penalties, fines and forfeitures, within the said borough, as are enjoyed by and limited to the burgesses and inhabitants of the borough of Reading, in the county of Berks.

Passed April 13, 1791. Recorded L. B. No. 4, p. 192, etc.