

Proviso.

or shall neglect to keep the said bridge in good repair, he, she or they so offending, shall for every such offence forfeit and pay the sum of ten dollars, one moiety thereof for the poor of the townships of Dunstable and Bald Eagle, and the other moiety for the use of the person who may sue for the same : *Provided*, That no suit or action shall be brought, unless within thirty days after such offence shall have been committed.

To keep true accounts.

Dividends.

Annual statement to be transmitted to Auditor General.

Tax.

SECTION 11. The president, managers and company, shall keep a just and true account of all money received by the several collectors of tolls for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof amongst all the stockholders, deducting therefrom all contingent costs and charges, and such proportions of the said income as may be deemed necessary for a growing fund, to provide against the decay and for rebuilding and repairing the said bridge, and shall, on the first Monday in April and October, in every year, publish the dividend to be made of the said clear profits thereof among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly. That the president and managers of the aforesaid company, shall annually, on the first Monday in December, transmit to the Auditor General a full statement of their affairs under oath, and shall pay annually into the state treasury of this commonwealth, a tax of eight per cent. on all dividends which may exceed six per cent. on the capital stock paid in.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The eleventh day of June, A. D., one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 235.]

A N A C T

To incorporate the Town of Schuylkill Haven, in the county of Schuylkill, into a borough.

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 town of Schuylkill Haven, in

the county of Schuylkill, and territory included within the following boundaries, to wit: beginning at the state road leading to Harrisburg, at a point where the state road leading to Rohresburg intersects the same, thence North fifteen degrees, West two hundred and twenty-four perches, along Fitches land, to a Poplar; thence North seven degrees, East nearly seven perches, to a Walnut; thence North sixty-nine degrees, East fifty-six perches, along H. Enon's land; South seventy-nine degrees, East one hundred and ten perches, to Centre Turnpike; thence South fourteen degrees, East one hundred and sixty-one perches, along land belonging to the Schuylkill county Alms House, to widow Heyson's; thence South forty-two degrees, West eighteen perches; thence South forty-two degrees, West thirty-one perches, South forty-eight degrees East thirty-four perches; North forty-two degrees, East twenty-three perches; South twenty degrees, East twenty-six perches; South eighty degrees, West ten perches; South forty-two degrees, West ten perches; South forty-eight degrees, East eighteen perches, to the Reading rail road; thence South eighty-three degrees, West twenty-four perches; South forty-two degrees, West thirty-two perches; South forty-eight, East thirty-four perches; North forty-two degrees twenty-three perches; South twenty degrees, East twenty-six perches; South eighty degrees, West ten perches; South forty-two degrees, West ten perches; South forty-eight degrees eighteen perches; South eighty-three degrees, West twenty-four perches; South forty-two degrees, West fourteen perches; South forty-eight degrees, East eighteen perches; South eighty-three degrees, West twenty-four perches; South forty-two degrees, West fourteen perches; South forty-eight degrees, East forty perches; South sixty degrees, West twenty-four perches; North forty-eight degrees, West thirty-six perches; South forty-two degrees, West thirty-two perches; South forty-eight degrees, East twenty perches; South twenty-three, West seventy perches, to the Schuylkill; thence North eighty-seven degrees, West twenty perches; North fifty-six, West fourteen perches, along the Schuylkill; North forty-four, West sixty-eight, North twenty-eight, West thirty-two perches, the state road leading to Harrisburg, the place of beginning; are hereby erected into a borough, which shall be called and styled the borough of Schuylkill Haven.

Election of borough officers.

SECTION 2. That the inhabitants of said borough, entitled to vote for members of the General Assembly, having resided therein one month immediately preceeding the election, shall on the second Tuesday of July, next, and annually thereafter, on the same day, meet at the house of Philip Boyer, and on the second Tuesday of June next, thereafter, then and there, elect by ballot, between the hours of twelve and six o'clock of the same day, one reputable citizen residing therein, who shall be styled the burgess of said borough, and five citizens

residing therein, who shall be a town council, one person for high constable, and one for constable, one supervisor, one assessor, and two assistants; but previously to such election, the inhabitants shall elect two reputable citizens as judges, one as inspector, and two as clerks, of the said election, which shall be regulated and conducted according to the general election laws of this commonwealth, so far as relates to receiving and counting of votes, and who shall be subject to the same penalties for malpractices, as by the said law is imposed; and the said judges, inspectors, and clerks, before they enter upon the duties of their offices, shall each take an oath or affirmation, before any justice of the peace of said county, to perform the same with fidelity: and after the greatest number of votes to be duly elected, and in case any two candidates shall have an equal number of votes, the preference shall be determined by lot, to be drawn by the judges and inspectors; whereupon, duplicate returns thereof, shall be signed by the said judges, one of which shall be transmitted to each of the persons elected; and the other filed among the records of the corporation; and in case of death, resignation, removal, or refusal to act, after acceptance of any of the said offices, the burgess, or in case of his death, absence, or inability to act, or when he neglects or refuses to act, the first named of the town council shall issue his precept, directed to the high constable, or when there is no high constable, or where he refuses or neglects to act, then any of the members of the town council, shall advertise and hold an election in the manner aforesaid, to supply such vacancy, giving at least ten days notice thereof, by advertisements set up at four of the most public places in the said borough.

Vacancies;
how filled.

Burgess on re-
fusing to act
to forfeit \$10-

Other officers
refusing to act
to forfeit \$10-
each.

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SECTION 3. That if any person, an inhabitant of said borough, and duly qualified, to elect as aforesaid, shall be elected to the office of burgess, and having notice of his election, shall refuse to undertake and execute that office, every person so refusing, shall forfeit and pay a fine of ten dollars, and if any other person duly qualified as aforesaid, shall be duly elected to any other office in the said borough, enacted by this act, and having notice of his election, shall refuse to undertake and execute the duties of that office, every person so refusing, shall forfeit and pay a fine of ten dollars, which fines, forfeitures and all others, in pursuance of this act, or of the by-laws of the said council, shall be recoverable before any justice of the peace of said county, for the use of said corporation: *Provided*, That no person shall be compelled to serve more than one year in any term of four years, and that if any person or persons, shall conceive himself or themselves, aggrieved by the judgment of any justice of the peace, by virtue of this act, he or they may appeal to the next county court of common pleas, upon giving security according to law, to prosecute his or their appeal to effect,

who shall on the petition of the party, take such order therein, as to them shall appear just and reasonable, and the same shall be conclusive to all parties.

SECTION 4. That the burgess, shall take and subscribe an oath or affirmation, before one of the associate judges, or a justice of the peace, for the county of Schuylkill, to support the Constitution of the United States, and of this State; and an oath or affirmation, well and truly, to execute the office of burgess of the borough of Schuylkill Haven, and when so qualified, he shall administer an oath or affirmation to the council, high constable, and town clerk, in manner and form aforesaid, before they shall enter on the duties of their respective offices, the certificate of which oaths or affirmations, shall be filed among the records of the said corporation.

Oath of burgess, town council and clerk.

SECTION 5. That the town council so chosen, or a majority of them, shall have full power and authority to make and enact such ordinances, rules and regulations as may be necessary for improving and keeping in order the streets, alleys, public squares and common grounds belonging to said town within the said borough, and removing nuisances or obstructions therefrom, and the same to annul, alter or make anew, as occasion may require; and also to assess, levy and collect a tax for said purposes, and also, annually, to appoint a town clerk, treasurer, and such other officers as may be deemed necessary, and shall have all other power necessary for the well-ordering and better government of the said borough; *Provided*, That the said ordinances, rules or regulations shall not be repugnant to the constitution and laws of the United States or of this commonwealth; *And provided, also*, That no tax shall be laid by them in any one year to exceed one half of a cent in the dollar on the valuation of taxable property taken from the last assessment, unless some object of general utility thought necessary, in which case a majority of the taxable inhabitants of said borough by writing under their hands shall approve and certify the same to the town council, who shall proceed to assess the same accordingly; and all taxes which may be assessed or laid within the said borough shall as nearly as the same is practicable be assessed and collected conformably to the laws for raising county rates and levies; *Provided*, That from and after the present year the citizens of the borough, aforesaid, shall be exempted from the assessment and payment of road taxes to the township of Manheim.

Power of the town council.

Taxes.

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SECTION 6. That it shall be the duty of the town clerk to attend all meetings of the town council when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal and records of the corporation and be answerable for the same; and also for the faithful discharge of all the duties which may be enjoined upon him by virtue of this act, or of the acts of the

Duty of town clerk.

- Seal. corporation, and his attestation with the seal of the corporation shall be good evidence of the thing or act so certified.
- Treasurer to give security. SECTION 7. That the treasurer shall give security for the faithful discharge of the duties of his office, and for the safe delivery into the hands of his successor of all moneys, books and accounts appertaining thereto, upon demand being made by the burgess and a majority of the council for the purpose.
- Accounts to be published annually. SECTION 8. That the street commissioners, treasurer, constable, and clerk of the market, as well as all other officers who may be appointed by the corporation or council, shall render their accounts to the council once in every year for settlement, and the said accounts being adjusted and settled accordingly, shall be forthwith published by the said council, showing particularly the amount of taxes laid and collected, and of the expenditures on behalf of said borough.
- Notice of elections. SECTION 9. That it shall be the duty of the high constable to give notice of the elections, by setting up advertisements in four public places in the said borough, six days previously thereto, and shall attend and see that the same is opened at the time and in the manner directed by this act.
- Election of constables. SECTION 10. That it shall and may be lawful for all persons entitled by law to vote for burgess and other officers of the borough of Schuylkill Haven, at the same time and place where they vote for said officers, to elect two reputable citizens of the said borough, and return the names of the persons so elected to the next court of Quarter Sessions of the said county, one of whom shall be appointed constable of said borough, in the same manner with like power and authority, and subject to the same regulations and penalties as are provided and contained in the laws now existing, or that may be hereafter passed, concerning constables within this commonwealth; and all manner of process which may by law be directed to the constable of any township in the said county, may in the same manner be directed to the constable of the said borough, whose duty it shall be to execute the same according to law, and the constable so appointed shall do and perform all the duties required to be done by the high constable of said borough, in pursuance of this act, and by the by-laws and ordinances of said borough.
- Duties. SECTION 11. The borough aforesaid shall form a separate school district, subject to the same provisions and restrictions contained in the act, entitled "an act to establish a general system of education by common schools, passed April first, one thousand eight hundred and thirty-four, and its supplements." The first election for school directors to be held at the same time and place, and by the same persons who are required to hold the election for borough officers.
- To be a separate school district. SECTION 12. That from and after the second Tuesday of July next, the burgess and town council duly elected as afore-

said, and their successors, shall be one body politic and corporate in law, by the name and style of the Burgess and Council of Schuylkill Haven, and shall have perpetual succession. And the said burgess and council aforesaid, and their successors, shall be capable in law to receive, hold and possess goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments to them and their successors, in fee simple or otherwise, and not exceeding the yearly value of ten thousand dollars; and also to give, grant, sell, let and assign the same lands, tenements, hereditaments, rents, and by the name and style aforesaid they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law in this commonwealth, in all manner of actions whatsoever, and to have and to use one common seal, and the same from time to time at their will to change and alter.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The eleventh day of June, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 236.]

AN ACT

To incorporate the President and Managers of the Rimersburg and Mahoning Turnpike Road Company.

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 John Rimer, Daniel Stop, Oliver Gray, Robert D. Lawson, and John P. Brown, of the county of Armstrong, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say, they shall on or before the first day of September next, procure two books, and in each of them enter as