

Proviso.

the office of the prothonotary of the court of common pleas of Lehigh county, and shall there be proceeded on and considered to all intents, as if it were a judgment of said court: *Provided*, That the expense of said transfer shall be borne and paid by the said plaintiff, and all the expenses of the daily pay of jurors, who may be empaneled to try the said case, shall be refundable to Berks county, by the commissioners of Lehigh county: *And provided, also*, That the said final judgment shall be subject to a writ of error to the supreme court as in other cases; and in case the same should be reversed, and a *venire facias de novo* awarded, the same shall be again transferred and re-tried in Berks county, in the same manner as is hereinbefore provided.

JAMES ROSS SNOWDEN,

Speaker of the House of Representatives.

WILLIAM BIGLER,

Speaker of the Senate.

APPROVED—The twenty-seventh day of April, one thousand eight hundred and forty-four.

DAVID R. PORTER.

No. 302.

A N A C T

To authorize the burgesses and assistant burgesses of the borough of West Chester, to levy and collect a protection tax, and for other purposes.

Preamble.

WHEREAS, The burgesses and inhabitants of the borough of West Chester, have, at large expense, introduced by means of iron pipes laid under ground along the principal streets of the town, a supply of wholesome water for the use of the citizens, and for the protection of their property from destruction by fire:

And whereas, Many of the citizens whose property is by this means protected, do not contribute their just proportion to the yearly expense of supporting the water works, and bringing in such supply:

Tax.

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 burgesses and assistant burgesses of said borough, in council assembled, shall be and are hereby authorized to lay and assess yearly, and every year, a tax to be called "a protection tax," upon the owners or occupiers of all houses, barns, stables, sheds, out-houses and other buildings within the said borough: *Provided*, That no tax shall be laid or assessed for any building situate more than six hundred feet from the nearest fire plug: *And provided also*, That each protection tax shall not exceed one-third of the county rates and levies for the time being.

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Discrimination.

SECTION 2. The said burgesses and assistant burgesses are hereby authorized to discriminate and distinguish, in the laying and assessing

of said tax, between the owners and occupiers who pay water rents for the use of the water introduced into the lots on which such houses, barns, stables, out-houses or other buildings may be erected, and those who pay no such water rents; and the said tax when so laid and assessed, shall be collected by the collector of the borough tax of the said borough, who shall have the same power and authority for the collection of the same, as are conferred by law on collectors of township rates and levies.

SECTION 3. The burgesses and assistant burgesses, on complaint to them made by any such owner or occupier, are hereby authorized to make any abatement from, or alteration in, said tax so to be laid and assessed as aforesaid, at any time prior to the payment of the same to the collector. Abatement.

SECTION 4. No person or persons whatever shall be permitted or allowed to erect, create or continue any nuisance or nuisances, injurious to the health or comfort of the inhabitants of the said borough, on any lot, or within any building, or in any street or alley within the limits of the same, under the penalty of any sum not exceeding twenty dollars for every such offence, to be sued for and collected for the use of said borough, before the chief burgess, or any justice of the peace residing therein: *Provided nevertheless*, That any person who may consider himself aggrieved by the judgment of such burgess or justice of the peace, shall be entitled to appeal therefrom, agreeably to the provisions of an act, entitled "A further supplement to an act, entitled 'An Act to incorporate the town of West Chester into a borough,' passed the eighteenth day of June, one thousand eight hundred and forty-two." Nuisances. Proviso.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

APPROVED—The twenty-seventh day of April, one thousand eight hundred and forty-four.

DAVID R. PORTER.

No. 303.

AN ACT

To authorize the governor to incorporate the president, managers and company of the Donegal and Hempfield 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 Clement Hubbs, John A. Hays, John Fashold, William Reynolds, Thomas Hurst, B. D. Marker, C. M. Walthour, Daniel Cortis and Gen. Jacob Gosser, of Westmoreland county, be and are hereby appointed commissioners to do and perform the several things hereinafter Commissioners.