

No. 164.

A FURTHER SUPPLEMENT

To an act, entitled "An Act to erect the town plot of Wilkesbarre, and its vicinity, in the county of Luzerne, into a borough," passed the seventeenth day of March, Anno Domini one thousand eight hundred and six.

Preamble.

WHEREAS, On the first Tuesday of May, Anno Domini one thousand eight hundred and forty-five, there was a failure to elect the burgess, town council and high constable of the said borough of Wilkesbarre, the said first Tuesday in May, being the day directed for holding such election, by the act of assembly to which this is a supplement:

And whereas, By general request of the citizens of the said borough, the burgess and town council who were elected to serve from the first Tuesday in May, Anno Domini one thousand eight hundred and forty-five, continue to exercise the duties of their offices the same as if they had been duly re-elected; therefore,

Acts of council made valid.

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 all and every of the acts done and performed, and to be done and performed, until their successors are elected, by the said burgess and town council, acting as said officers, that they could of right do had they been duly elected, be and the same are hereby made legal.

Collector of taxes.

SECTION 2. The said town council are hereby invested with power to appoint from year to year, and at all times, when necessary, one person to collect all taxes that may be levied according to law for borough purposes.

Police officers.

SECTION 3. The said town council are hereby invested with power to appoint, at any time when expedient so to do, officers of police for the safety and peace of the said borough; and if any person hereafter elected to the office of high constable of the said borough, shall refuse or neglect to serve as said high constable, the said town council may appoint a proper person to the said office of high constable, and the person so appointed shall perform the duties and comply with the provisions of the said office, the same as if he had been duly elected thereto at the annual election of borough officers.

High constable.

Boundaries.

SECTION 4. The south-east and north-east lines of the said borough of Wilkesbarre, shall from and after the passage of this act, be as follows: commencing at the south-east corner of South and Wyoming back streets; running thence, south thirty-four degrees forty minutes east to the berm bank of the Wyoming division, Pennsylvania canal; thence along said berm bank, in a north-easterly direction, to the intersection of the old line of said borough.

Provision in case of failure to elect.

SECTION 5. If at any subsequent time there shall be a failure to elect the officers of the said borough of Wilkesbarre, the persons elected for the preceding year to the said offices, shall serve and exercise the said offices until their successors shall be elected according to law.

Public common.

SECTION 6. That all that certain tract of land, fronting the town lots in the borough of Wilkesbarre, on the bank of the Susquehanna river, extending from the north side of Union street, up the said river, about

sixty-three rods to the north side of North street, be and the same hereby is granted and set apart as a public common, and to be under the control and jurisdiction of the town council of said borough.

SECTION 7. That so much of any former law as is inconsistent with the provisions of this act, be and the same is hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 165.

A FURTHER SUPPLEMENT

To "An Act to incorporate the Howelton coal company," approved twenty-fourth of June, one thousand eight hundred and thirty-nine.

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 time for finishing the railroad provided for in said act, is hereby extended until the first day of January, eighteen hundred and forty-eight: *Time extended.* *Provided,* That the said company shall not charge a higher rate than two cents per ton per mile on coal and merchandize passing over said road; and that whenever the net revenue from tolls shall exceed twelve per cent. on the cost of the construction of said road and its necessary maintenance, that said toll shall be reduced so as not to exceed twelve per cent. as aforesaid: *Proviso.* *And provided further,* That nothing herein contained shall be so construed to revive any coal or mining privileges that may have been forfeited or lost by said company. *Proviso.*

SECTION 2. That said company may construct lateral road or roads not exceeding two miles in length, so as to approach any coal mines in the vicinity of the main road. *Lateral roads.*

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-six.

FRS. R. SHUNK.