

No. 316.

A N A C T

To incorporate the town of Port Clinton, in the county of Schuylkill, into a borough; to ascertain and fix the dividing line between the counties of Berks and Schuylkill; to a state road from Reading to Waynesburg; and to change the place of holding the general election in Douglass township, Berks county.

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 Port Clinton, in the county of Schuylkill, shall be and the Name. same is hereby erected into a borough, which shall be called the borough of Port Clinton, and shall be bounded and limited as follows: beginning at a corner of John Moyer's land on the Centre turnpike; thence west up said turnpike about fifty perches to lands of James Gaver; thence north about sixty perches to lands of the Little Schuylkill navigation and railroad and coal company; thence along said line north to a lot of William Moyer; thence east one hundred and sixty feet; thence north fifty feet; thence west one hundred and sixty feet to lands of the said Little Schuylkill navigation, railroad and coal company; thence north about fifty perches to a line of John Schall's land; thence along said line west about three hundred and fifty perches to a corner; thence south to the river Schuylkill; thence down said river to lands of the said John Moyer; thence north to the place of beginning. Boundaries.

SECTION 2. That the inhabitants of said borough entitled to vote for members of the general assembly, having resided within the bounds of said borough at least six months immediately preceding the election, shall have power on the second Saturday of May next, to meet at the public school house, and on the said day annually thereafter, at the place aforesaid, and shall then between the hours of one and six in the afternoon of said day elect by ballot, one respectable citizen residing therein, who shall be styled the burgess, and five citizens of said borough to be town council, and shall elect also as aforesaid, one citizen as high constable; but previous to said election the citizens qualified as aforesaid, shall choose one citizen to act as judge, and two citizens to act as inspectors, one of whom shall act as clerk of said election, and the election to be conducted through according to the general election laws of this commonwealth; and the officers of the same shall be subject to the same penalties for mal-practices as by the said election laws are imposed; and the said judges and inspectors before they enter upon the duties of their respective offices, shall take the same oaths or affirmations before any justice of the peace of the same county, as are prescribed by the laws of this commonwealth; and after the election shall be closed the person having the highest number of votes to be duly elected, and the certificates required by the general election law shall be duly made out and signed by them, and filed away amongst the records of said borough. Annual election of burgess, town council, &c.

SECTION 3. That from and after the first Saturday of April next, the burgess and town council, and their successors in office, shall be one body politic and corporate, by the name and style of "The burgess Style. and town council of the borough of Port Clinton," and shall have per-

- Privileges.** petual succession, and shall be able and capable in law to sue and be sued, plead and be impleaded in any court of law in this commonwealth, in all manner of actions whatsoever, and to have and use a common seal.
- Penalty for refusing to serve.** SECTION 4. That if any person duly elected to the office of burgess, member of town council or high constable as aforesaid, shall refuse or neglect to take upon himself the duties of said offices, he shall forfeit and pay for the use of said borough the sum of ten dollars, to be collected in like manner as sums of like amount are now recoverable by law.
- Officers to take oath.** SECTION 5. That all officers of said borough, before entering upon the duties of their respective offices, shall take and subscribe an oath or affirmation before any judge or justice of the peace of said county, to support the constitution of the United States and of the state of Pennsylvania, and to perform the duties of his office with fidelity, the certificates of the same shall be filed among the records of said corporation.
- Clerk, duties of.** SECTION 6. That the said burgess and town council shall meet on the first Monday after their election in each year, and appoint a clerk of said borough, whose duty it shall be to take charge of all papers and records, and common seal of said borough, and be responsible for the same; and shall keep a fair record of all proceedings, resolutions, by-laws and ordinances of said council; and the said burgess and town council shall have power to make, erect, alter, revise, repeal or amend all by-laws, rules, regulations and ordinances as shall be determined by a majority of them, necessary to promote the peace, good order and benefit and advantage of the said borough, and particularly providing for the regulations, improving, repairing and keeping in order, the streets and alleys: they shall have power to assess and apportion such tax as shall be determined by a majority of them; and also, to appoint a street supervisor, treasurer and such other officers as may be deemed necessary from time to time: *Provided*, That in the assessment of taxes such tax shall not exceed two mills in the dollar on the valuation made by the assessor of the year one thousand eight hundred and forty-nine, on the citizens of said borough.
- Precept to constable.** SECTION 7. That the burgess is hereby empowered to issue his precept to the high constable as often as occasion may require, commanding him forthwith to collect all taxes so assessed, and the same to pay over to the treasurer.
- Treasurer, &c., to give bond.** SECTION 8. That the treasurer, street supervisor and constable shall, before entering upon the duties of their respective offices, enter into a bond with sufficient security, to be approved by the burgess, conditioned for the faithful performance of their duties.
- High constable.** SECTION 9. That the high constable of said borough shall, on giving security and being qualified in the court of quarter sessions of said county, have and exercise all the powers appertaining to the offices of town and high constable.
- Separate school district.** SECTION 10. That the borough of Port Clinton, in the county of Schuylkill, from and after the passage of this act, shall be a separate school district, and the first election under this act shall be at such time and place as the constituted authorities of said borough shall direct: *Provided*, That at least thirty days' notice of the time and place of holding said election shall be given.
- Commissioners to mark the dividing line between the counties of** SECTION 11. That Matthias S. Richards of the county of Berks, George D. Boyer, of the county of Schuylkill, and Samuel Brenizer, of the county of Dauphin, or any two of them, be and they are hereby appointed commissioners, with authority to survey, ascertain, determine

upon and mark the dividing line between the counties of Berks and Schuylkill, where the same crosses the river Schuylkill, and so much thereof on the eastern and western sides of said river as has heretofore remained undetermined. Berks and Schuylkill.

SECTION 12. That it shall be the duty of said commissioners, after having first taken and subscribed an oath or affirmation before a justice of the peace, to perform the duties enjoined on them by this act with impartiality and fidelity, to go upon the ground and carefully survey, ascertain and determine upon the dividing line between the counties of Berks and Schuylkill, from the nearest settled and well known point in said line on the eastern side of the river Schuylkill to the intersection of the line dividing the townships of Upper Bern and Tulpehocken, in Berks county, or to any nearer known point in said county line on the western side of said river. Commissioners, duties of.

SECTION 13. That it shall be the duty of said commissioners to finally locate the said line dividing the counties aforesaid, so far as the same shall be surveyed and ascertained by them, and to mark the same upon the ground by distinct and permanent marks, and the line so ascertained and marked shall be and remain the dividing line between the counties of Berks and Schuylkill. Further duties.

SECTION 14. It shall be the duty of said commissioners to make out drafts of said survey, certified under their hands, with the courses and distances plainly laid down, together with reports of their proceedings, and to file a copy of such draft and report in the office of the clerk of the court of quarter sessions in each of the counties of Berks and Schuylkill, within one year from the date of the passage of this act. Drafts to be filed.

SECTION 15. The said commissioners shall receive as a compensation for their services the sum of three dollars per day each, while actually engaged in the discharge of their duties, each bearing his personal expenses out of the same, and shall have authority to employ the necessary assistants, and to incur any other expenses that may be necessary to carry out the intentions of this act, all of which shall be divided equally between and paid by the counties of Berks and Schuylkill; and if any vacancy or vacancies shall occur in said board of commissioners, the governor is hereby authorized to fill the same, on such vacancy being made known to him by the remaining commissioner or commissioners. Pay of commissioners.

SECTION 16. That Rees Welsh, of Chester, John Long, of Berks, and Samuel Lincoln, of Lancaster county, be and are hereby appointed commissioners to view and lay out and mark a state road, beginning at or near the western boundary of Honeybrook township, Chester county; thence over the Welsh mountain at a gap west of Waynesburg; thence north-east towards the Berks county line, (so as to make the grade as easy as possible on said mountain for heavy burdened wagons,) to Reading. Commissioners.
State road.
Location.

SECTION 17. That it shall be the duty of said commissioners, or a majority of them, after having been duly sworn or affirmed before a justice of the peace, who shall file and preserve the same in his office, to perform all the duties enjoined by this act with impartiality, carefully to view the ground over which the road to be laid out by them may pass, having due regard to a straight and easy road for the public, and that they shall clearly and distinctly mark the road in such a manner as shall render the route agreed upon readily found by the supervisors; and for fulfilling the duties enjoined by this act, the commissioners shall be allowed the sum of one dollar and fifty cents per day, for every day they shall be necessarily employed in performing the duties assigned by this act; and the said commissioners are hereby authorized to employ Commissioners, duties of.

one surveyor at one dollar and fifty cents per diem, two chain-bearers and one axeman at a sum not exceeding for each one dollar per diem.

Drafts to be filed. SECTION 18. That said commissioners shall make out a fair and accurate draft of the location of the road, noting thereon courses and distances, and the places, waters, county and township lines, with such other matter as may serve for explanation; one copy whereof shall be deposited in the office of the secretary of the commonwealth on or before the first day of November next, and one copy in the office of the clerks of the courts of quarter sessions of the respective counties through which the said road may pass, on the time aforesaid, or as much sooner as practicable, and from thenceforth said road shall be a public highway, and shall be opened and repaired as all other roads laid out by the courts are made and repaired.

Accounts. SECTION 19. The commissioners shall draw on the commissioners of the counties through which said road shall pass, who shall adjust the account of the commissioners, surveyor, chain-bearers and axeman, and pay them as other accounts, by orders on the treasurer of the county are paid.

Meeting of, said commissioners. SECTION 20. The said commissioners shall meet on before the first Monday of May next, or as soon thereafter as a majority of them shall agree, and complete the location of said road as soon as practicable; and if any vacancy shall occur by resignation or otherwise, it shall be filled by the majority of said commissioners, or the appointment of the judges of the court of quarter sessions of the county in which said person or persons so resigning shall have resided.

Vacancies, how filled. SECTION 21. And it shall be the duty of the supervisors of the several townships through which said road shall pass, upon notice given, to proceed at once and make and open the said road as other roads are made, and on failing to comply, the said supervisors, or any of them, shall forfeit and pay a fine not less than sixty-five dollars, to be collected as other fines are collected, and *and* said fine shall be appropriated for the use of said road: the justice of the peace before whom information is lodged, shall have power to appoint another person in place of the supervisor refusing to perform the duties of this act, who shall be paid out of the funds set apart for the laying out and repairing of roads in the township through which said person so refusing may reside, and that said commissioners shall have power to vacate any road or part thereof as may be rendered useless by this act, or shall have power to change and re-locate any part of such roads between the points mentioned by this act, as may be rendered necessary.

Douglass township, Berks county, place of holding elections in. SECTION 22. That the general and township elections of the township of Douglass, in the county of Berks, shall hereafter be held at the public house of George Hatfield in said township.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.