

same, That the act to authorise the surveyor of the township of the Northern Liberties, in the county of Philadelphia, to re-survey, lay out and regulate Slessman's alley in the incorporated district of the Northern Liberties, passed the thirteenth day of March, one thousand eight hundred and sixteen, be, and the same is hereby repealed.

REES HILL, *Speaker of the
House of Representatives.*

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the seventeenth day of February, one thousand eight hundred and seventeen.

SIMON SNYDER.

CHAPTER LII.

AN ACT

To incorporate the town of Newville, in the county of Cumberland.

SECT. 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 Newville, in the county of Cumberland, shall be, and the same is hereby erected into a borough, which shall be called the "Borough of Newville," bounded and limited as followeth: Beginning on the bank of Big Spring at a stone heap adjoining land of the heirs of Gabriel Glenn; thence south sixty-one degrees west thirty perches to a white oak; thence north twenty-eight degrees west sixty-one perches and one-half perch to a post; thence south sixty-six degrees west forty perches and three-fourths of a perch, adjoining land formerly of Robert Walker, to a post; thence south sixty-three degrees west fifty-two perches, adjoining land formerly of Andrew Walker, to a white oak; thence south four degrees east one hundred and thirty-one perches and half a perch, adjoining land of the heirs of Jeremiah M'Kibben, to a stone heap; thence along land of said heirs north sixty-seven degrees east one hundred and two perches to a black oak on the bank of Big Spring; thence down the said spring along its several courses and distances one hundred and thirty-one perches and one-fourth of a perch to the place of beginning: *Provided always,* That there is hereby reserved out of the land contained within the aforesaid described limits, all that part

Bounds of
the borough.

viso ex-
iding pro-

thereof adjoining the said Big Spring, now owned and occupied by the trustees of the first Presbyterian church in New-town township, in the county of Cumberland, consisting of the lot of ground on which the church and school-house is erected, together with the grave-yard and land owned by the congregation adjoining thereto, which said lot and grave-yard shall be and remain under the direction and disposition of the aforesaid trustees and their successors in office, as if this law had not been passed.

erty belong-
ing to the
Presbyterian
church at Big
Spring.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said borough, entitled to vote for members of the General Assembly, having resided within the said borough at least six months immediately preceding the election, and within that time paid a borough tax, shall have power, on the first Tuesday of May next, and on the first Tuesday in May in every year thereafter, to meet at the school-house near the church adjoining said borough, (or at such other place as may hereafter be appointed) and then and there between the hours of one and six in the afternoon elect by ballot one citizen residing therein who shall be styled the "chief burghess," one other citizen who shall be styled the "assistant burghess," and seven citizens to be a town council, and shall also elect as aforesaid one citizen as high constable, all of whom shall be residents of said borough: but previous to the opening of said election, such of the inhabitants as are present at the said school-house, or at such other place as may hereafter be appointed, shall elect two citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated and conducted throughout according to the general election laws of this Commonwealth, 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 respective offices, shall take an oath or affirmation before any justice of the peace of said county, to perform the same with fidelity; and after the said election shall be closed, shall declare the persons having the greatest number of votes to be duly elected, and in case any two or more candidates should have an equal number of votes, the preference shall be determined by lot, to be drawn by the two judges in the presence of the inspector and clerks, whereupon duplicate certificates of said election 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 it shall be the duty of the high constable for the preceding year to give notice, in writing, to each of the persons so elected as aforesaid: and in case of the death, resignation, removal or refusal to accept of any of the said offices, or if it should at any time happen that no election should be holden on the day and in the manner aforesaid, the chief burghess, or in his absence or inability to act, the assistant burghess shall issue his precept directed to

Qualifica-
tions of elect-
ors.

Time & place
of holding
elections.

What officers
to be chosen.

Judges, in-
spectors and
clerks to be
chosen.

Manner of
conducting
elections.

Judges, &c.
to be sworn or
affirmed.

Provision in
case of an
equal vote.

Certificates
to be trans-
mitted to the

Vacancies
how to be
supplied.

Proviso.

the high constable to hold an election in manner aforesaid, to supply such vacancy, giving at least eight days notice by six advertisements set up in the most public places in said borough: *Provided*, That the citizens of the borough of Newville aforesaid shall be entitled to vote at the first election although they shall have paid no borough tax.

Style of the corporation.

Powers and privileges.

SECT. 3. *And be it further enacted by the authority aforesaid*, That from and after the first Tuesday in May next, the chief burgess, assistant burgess and town council duly elected as aforesaid, and their successors, shall be one body politic and corporate, by the name and style of "The Chief Burgess, Assistant Burgess and Town Council of the Borough of Newville," and shall have perpetual succession, and the said chief burgess, assistant burgess and town council, and their successors, shall be capable, in law, to have, get, receive, hold and possess goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises and hereditaments to them and their successors, in fee simple or otherwise, not exceeding the yearly value of five thousand dollars, and also to grant, sell, let and assign the same lands, tenements, hereditaments and 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 of 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, until it be otherwise directed by law.

Penalty on refusal to serve.

How recoverable, and how applied.

Proviso.

SECT. 4. *And be it further enacted by the authority aforesaid*, That if any person duly elected as chief burgess, assistant burgess, member of the town council or high constable as aforesaid, and having received notice thereof as directed by this act, shall refuse or neglect to take upon himself the execution of the said office to which he shall have been elected, or having taken upon himself the duties of said office, shall neglect to discharge the same according to law, every person so refusing or neglecting shall, for every such offence, forfeit and pay the sum of twenty dollars, which fine, and all other fines and forfeitures incurred and made payable in pursuance of this act, or any of the by-laws and ordinances of the town council, shall be for the use of the said corporation, and to be recoverable before a justice of the peace, and when so recovered shall be forthwith paid to the treasurer of the borough; and it shall be the duty of the officers of said borough, on receiving any money belonging to the corporation, to pay the same to the treasurer forthwith: *Provided*, That no person elected as aforesaid shall be liable to a fine for refusing or neglecting to serve more than once in four years.

Burgess and other officers to be sworn or affirmed.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the chief burgess, assistant burgess and town council, and high constable, and each of them, before entering upon the duties of their respective offices, shall take and subscribe an oath or affirmation before any justice of the

peace of said county, to support the constitution of the United States and of this state, and to perform the duties of their respective offices with fidelity; and the certificates of such oaths and affirmations shall be filed among the records of the said corporation.

SECT. 6. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said town council, five of whom shall be a quorum, to hold quarterly meetings on the third Saturday in April, July, October and January in each year, and oftener if occasion requires; at which meetings they may make, enact, revise, repeal and amend all such by-laws, rules, regulations and ordinances as shall be determined by a majority of them necessary to promote the peace, good order, benefit and advantages of the said borough, particularly of providing for the regulation of the markets, improving, repairing and keeping in order the streets, lanes, alleys and highways, ascertaining the depth of vaults, sinks, pits for necessary houses, and making permanent rules relative to the foundations of buildings, party walls and fences; they shall have power to assess, apportion and appropriate such taxes as shall be determined by a majority of them necessary for carrying the said rules and ordinances from time to time into complete effect; and also to appoint a town clerk, treasurer, two persons to act as street and road supervisors, a clerk of the market, and a collector, annually, and such other officers as may be deemed necessary from time to time, and the same officers from time to time to remove for misdemeanor in office; which meetings of the said town council shall be held at such convenient place as a majority of them shall think proper in said borough until a town house is erected: *Provided*, That no by-law, rule or ordinances of the said corporation shall be repugnant to the constitution or laws of the United States or of this Commonwealth, and that no person shall be punished for a breach of a by-law or ordinance made as aforesaid, until ten days have expired after the promulgation thereof by at least four advertisements set up in the most public places in said borough: *And provided also*, That in assessing such tax due regard shall be had to the valuation of taxable property taken for the purpose of raising county rates and levies, so that the said tax shall not in any one year exceed one half cent in the dollar of such valuation, unless some object of general utility shall be thought necessary, in which case a majority of the taxable inhabitants of said borough shall approve of and certify the same in writing, under their hands, to the town council, who shall proceed to assess the same accordingly.

SECT. 7. *And be it further enacted by the authority aforesaid*, That the chief burgess elected and qualified agreeably to this act, or in his absence or inability to act, the assistant burgess, is hereby authorised to issue his precept as often as occasion may require, directed to the collector, commanding

5 a quorum.
Times of meeting.

Make by-laws, &c.

Regulate markets, streets, &c.

Assess & appropriate taxes.

Appoint clerk, treasurer, supervisors.

May remove officers.

Majority to appoint place of holding their meetings.

Proviso.

2d proviso, as to quantum of tax.

Burgess to issue precept for collection of taxes.

him to collect all taxes so assessed, and the same to pay over to the treasurer ; and the said chief burgess, or in his absence or inability to act, the assistant burgess, is hereby authorised to carry into effect all by-laws and ordinances enacted by the town council, and whatsoever else shall be enjoined upon him or them for the well-ordering and governing said borough ; and shall also have power to mitigate or remit fines and forfeitures in all cases where it shall appear that the person or persons so fined did not offend intentionally, or on their having some other just and reasonable excuse to plead in his or their behalf.

Fines and forfeitures may be re-mitted.

SECT. 8. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the town clerk to attend all meetings of the town council when assembled upon 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 the acts of the corporation, whose attestation, with the seal of the corporation, shall be good evidence of the act or thing so certified.

Town clerk his duties.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the treasurer shall give sufficient security for the faithful discharge of the duties of his office, and for the safe delivery of all monies, books and accounts appertaining thereto into the hands of his successor upon demand made for that purpose.

Treasurer to give bond. Duties.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the street supervisors, treasurer, high constable, clerk of the market and collector, as well as other officers which may be appointed by the corporation or council, shall, in the month of April yearly, render their accounts to the said council for settlement, and the said accounts being so adjusted and settled accordingly shall be forthwith published by said council, shewing particularly the amount of taxes laid and collected and of all monies paid into the treasury, and the amount of expenditures.

Accounts to be annually exhibited,

and published.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the chief burgess, assistant burgess and president of the council, or any two of them, shall constitute a court of appeal, and prior to the collection of any borough tax the collector shall inform each inhabitant of the amount of his tax and of the time and place of appeal : *Provided, nevertheless,* That the said court of appeal shall have no other power, as such, than to determine the justness of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same.

Court of appeal.

Proviso as to their power.

SECT. 12. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the high constable to give notice of the annual election of said borough, to be held in pursuance of this act, by setting up six advertisements in the

High constable to give notice of elections.

most public places in said borough ten days previous thereto; he shall attend and see that the election is opened at the time and in the manner directed by this act: *Provided*, That William Ritchie or John Heath, of said borough, and the constable of Newton township, shall publish and superintend the election to be held on the first Tuesday of May next, as herein before directed. Proviso.

SECT. 13. *And be it further enacted by the authority aforesaid*, That the judges, inspectors and clerks of the elections aforesaid, shall be allowed each one dollar a day for their service in holding said elections; and the town council shall from time to time fix the salaries of the high constable, town clerk, treasurer, clerk of the market, and such other officers as may be appointed under this act; which salaries shall be paid out of the borough treasury by orders drawn thereon signed by the president of the council, and shall not be increased or diminished during the time for which the said officers were appointed respectively: *Provided*, That if any person appointed by the town council as aforesaid, shall neglect or refuse to take upon himself the duties of the office to which he shall be so appointed, he shall, for the same forfeit and pay for the use of the corporation the sum of ten dollars, unless he can render to the said council a satisfactory reason why he should be exonerated from such service: *Provided also*, That no person elected as aforesaid shall be liable to a fine for refusing or neglecting to serve more than once in four years. Compensa-
tion to offi-
cers,

how paid.

Proviso.
Penalty on
refusing to
serve.
How fines
appropriated

2d provisb.

SECT. 14. *And be it further enacted by the authority aforesaid*, That if any person or persons shall think him, her or themselves aggrieved by any thing done in pursuance of this act, except in what relates to the imposing and collecting the borough tax, and appointments made by the town council, he, she or they may appeal to the next court of common pleas to be held for the said county, upon giving security according to law to prosecute his, her or their appeal with effect; and the said court having taken such order therein as shall seem to them just and reasonable, the same shall be conclusive. Court of com-
mon pleas,
hear appeals.

REES HILL, *Speaker of the
House of Representatives.*

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the twenty-sixth day of February, one thousand eight hundred and seventeen.

SIMON SNYDER.