

Assembly met, and it is hereby enacted by the authority of the same, That the Governor be, and he is hereby authorised and required to cause the necessary measures to be taken to ascertain the quantity and value of the arms, camp equipage, military stores, and other articles furnished by this state for the use of the militia thereof in the service of the United States, in the late war with Great Britain, and which had been retained in the said service on the discharge of the militia and not since returned, and procure an adjustment and payment of the same by the United States; and the necessary expenses which may be incurred in carrying the foregoing provisions into effect, shall be paid by warrants of the Auditor General on the accounts being settled in the usual manner, out of any monies in the treasury not otherwise appropriated.

WILLIAM DAVIDSON, *Speaker*
of the *House of Representatives.*

ISAAC WEAVER,
Speaker of the Senate.

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

WILLIAM FINDLAY.

CHAPTER XLIX.

AN ACT

To erect the town of Chester and its vicinity, in the county of Delaware, into a borough, and for other purposes therein mentioned.

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 Chester and its vicinity, in the county of Delaware, comprised within the following limits, to wit. Beginning on the river Delaware at the mouth of Lemokin run at low water mark, thence up the said river to the mouth of Ridley creek, thence up the said creek to the line dividing the lands of Jeremiah M'Ilvain and Hugh Roberts, thence a straight course to the line dividing the lands of Joseph Engle and the heirs of Joseph Neide, deceased, thence along said line to the middle of the public road leading to Middletown, thence down the middle of said road to Ship creek, thence down the said creek to where the same empties into Chester creek,*

Borough of
Chester
erected and
its bound-
aries.

thence a straight course to Lemokin run aforesaid at the line dividing the lands of William Graham and Richard Flower, thence down Lemokin run to the place of beginning, shall be, and the same is hereby erected into a borough which shall be called "The borough of Chester."

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for all persons entitled to vote for members of the state legislature who have resided within the limits of said borough for twelve months previously to such election, to meet at the court house in the town of Chester, on the first Monday in April in each and every year, and then and there between the hours of one and six in the afternoon, to elect by ballot one citizen residing therein who shall be styled the chief burgess of said borough, and one other citizen residing therein who shall be styled the assistant burgess, and three citizens residing therein to be a town council, and also shall elect as aforesaid a high constable and a town clerk, but previously to any such election the inhabitants entitled to vote as aforesaid shall elect two citizens who shall preside as judges, one to act as inspector and two to discharge the duty of clerks according to the general election law of this commonwealth, and subject to the same penalties for mal-practises as by the said election law are now or may hereafter be imposed, and the said judges, inspector 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 the county of Delaware to perform the same with fidelity, and when the said election shall be closed shall declare the persons having the greater number of votes to be duly elected, whereupon duplicate certificates thereof shall be signed by the said judges, inspector and clerks, one of which shall be transmitted to each of the said persons elected, and the other filed amongst the records of the corporation for safe keeping, and in case of vacancy by death, resignation or otherwise of any of the said officers, the chief burgess, or in his absence, or inability to act, the assistant burgess shall issue his precept directed to the high constable, requiring him to hold an election to fill such vacancy, he giving at least ten days notice by advertisements set up at four of the most public places in said borough: *Provided,* That it shall be the duty of the constable of the township of Chester for the time being to superintend the first election, of which he shall give ten days public notice.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the burgesses and town council duly elected, as aforesaid and their successors forever, shall be one body politic and corporate in law, by the name and style of "The chief burgess, assistant burgess and town council of the borough of Chester, in the county of Delaware," and shall have perpetual succession, and the said burgesses and town council aforesaid, and their successors forever, shall be capable in

law, by the name and style aforesaid, to have, get, and receive, hold and possess lands, tenements, rents, liberties, franchises and hereditaments, to them and their successors in fee simple or otherwise, also goods, chattels and other things of what nature and kind soever, not exceeding the yearly value of five thousand dollars, and also to give, rent, let, sell and assign the same lands, tenements, hereditaments, rents, goods and chattels, and by the name aforesaid they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of this commonwealth in all manner of actions whatsoever, and to have and use one common seal, and the same from time to time at their will to change and alter: *Provided*, That no misnomer or failure of the election of officers on the day appointed shall discontinue or dissolve the said corporation, but the officers respectively for the time being, shall continue in office until a new election shall be made at such time as the said council may direct.

SECT. 4. *And be it further enacted by the authority aforesaid*, That if any person duly elected, whether chief burgess, assistant burgess, member of the town council, high constable or town clerk as aforesaid, having been notified as before directed, shall refuse to take upon himself the execution of the office to which he shall have been elected, every person so refusing or neglecting, shall 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 of the bye-laws and ordinances of the town council, shall be recoverable before any justice of the peace of the county for the use of the said corporation: *Provided*, That no person elected as aforesaid, shall be required to serve in either of the said offices for a greater length of time than two years in any one period of six years.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the chief burgess shall take 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 well and truly to discharge the duties of his office before he enter on the execution thereof, and shall thereupon administer a similar oath or affirmation to the assistant burgess, and each member of the said council, and to the high constable and town clerk, and the certificates of such oaths or affirmations shall be recorded in the books of the corporation; and the said chief burgess shall further have full power and authority to administer oaths or affirmations when the same may be necessary in the investigation of any matter within the cognizance of the said corporation.

SECT. 6. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said corporation to have, hold and keep within the said borough two markets in each week, to wit. One market on Wednesday, and one market on Saturday, in the common market place of said bor-

ough, together with free liberties, customs, profits and emoluments to the said market belonging.

SECT. 7. *And be it further enacted by the authority aforesaid,* That it shall and may lawful for the town council to meet as often as occasion may require, and enact such bye laws and make such rules, ordinances and regulations, assess, apportion and appropriate such taxes as shall be determined by a majority of the town council necessary to promote the peace, good order, benefit or advantage of the said borough, and also to appoint a treasurer, street commissioner, and such other officers as may be deemed necessary by a majority of the town council, but no bye-law, rule or ordinance enacted as aforesaid, shall be repugnant to the constitution or laws of the United States or of this state, and no person shall be punished for a breach of any bye-law or ordinance enacted for the regulation of the said borough of Chester, unless such bye-law or ordinance be publicly made known for ten days successively, by setting up a true copy thereof in three of the most public places in said borough, and no bye-law or ordinance shall be carried into operation in less than ten days after the commencement of such publication: *Provided nevertheless,* That no tax shall be laid in any one year in said borough exceeding half a cent in the dollar on the last township assessment and valuation of taxable property, unless for some object of uncommon usefulness, nor then unless a majority of taxable inhabitants of said borough, by writing under their hands shall recommend and certify the same to the town council, who shall proceed to assess the same as aforesaid.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the chief burgess elected agreeably to this act, or in his absence or inability to act, the assistant burgess is hereby authorised and empowered to issue his precept directed to the high constable, commanding him to collect all taxes assessed from time to time as aforesaid, and the same to pay over to the treasurer to be appointed by the town council, and to carry into effect whatsoever is enjoined upon him for the well ordering and governing of the said borough.

SECT. 9. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the high constable, town clerk, and all officers appointed by the town council to render their accounts to the said council once in every year; which being settled and adjusted by the said council shall be published, shewing particularly the amount of taxes levied, fines collected, and of all receipts and expenditures which shall have been made.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the chief burgess shall be, and he is hereby required to cause the bye-laws, rules and ordinances made as aforesaid to be recorded in a book to be kept for that purpose, and he shall cause the same to be carried into full execution without delay after the publication thereof as is directed by this

act, and 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, records, books, papers and documents relating to the said corporation, the treasurer to be appointed pursuant to this act shall give such security for the faithful discharge of the duties of his office, as a majority of the said council may deem reasonable and necessary, and the high constable shall give bond and security to the said corporation in such sum as the said council or a majority thereof shall deem necessary, conditioned for the faithful performance of all and singular the duties enjoined upon him either by this act or by the bye-laws and ordinances of the said council: *Provided however*, That if the said treasurer or high constable shall make default in performing the duties enjoined upon them respectively, they or either of them may be removed from office by the chief burgess on complaint of a majority of the said council: *Provided also*, That if any person shall think him, her or themselves aggrieved by any thing done in pursuance of this act, he, she or they may appeal to the next court of quarter sessions to be held for the proper county, upon giving security to prosecute his, her or their appeal with effect, which court shall make such order therein as may be just and reasonable, and the order or judgment so made shall be final and conclusive upon the parties.

SECT. 11. *And be it further enacted by the authority aforesaid*, That the act passed the fifth day of March one thousand seven hundred and ninety-five, entitled "An act to erect the town of Chester and its vicinity in the county of Delaware, into a borough, and for other purposes therein mentioned," be and the same is hereby repealed.

WILLIAM DAVIDSON, *Speaker*
of the House of Representatives.

ISAAC WEAVER,
Speaker of the Senate.

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

WILLIAM FINDLAY.