

[No. 36.]

A N A C T

To incorporate the town of Newport, in the county of Perry, into a Borough.

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 Newport, in the county of Perry, and territory included within the following boundaries, to wit: beginning at the mouth of the Little Buffalo creek, thence up the Juniata river by the several courses thereof at low water mark, one hundred and fifty-four perches.; thence through the lands of Abraham Rider south sixty-two degrees, west one hundred and twenty-six perches to a pine; thence by land of John Fickes, south forty-six degrees, east thirty-nine perches to a post; south seventy-one degrees, west twenty-three perches to stones; thence by lands of Jacob Nailor south twelve degrees, east thirty-two perches to a Spanish oak; north seventy degrees, east thirty-one perches to a post; south forty-three degrees, east thirty-nine perches to a post; thence by land of Laudon and Monroe north fifty degrees, east twelve perches to a post; south forty-six degrees, east thirty-four perches to the Little Buffalo creek at the mill dam; thence down the said creek the several courses thereof, the place of beginning, are hereby erected into a borough which shall be called and styled the borough of Newport.

SECTION 2. That the inhabitants of the said borough entitled to vote for members of the general assembly, having resided therein one month immediately preceding the election, shall on the third Friday of March next, and annually thereafter on the same day which now is or hereafter may be fixed by law, for the election of Constable and other township officers within this commonwealth, meet at the school house in said borough and then and there, between the hours of eight o'clock in the forenoon and seven o'clock in the afternoon, elect by ballot one of the citizens, who shall be styled the burgess of said borough, and four other citizens to be styled the town council; one assessor and two assistant assessors of the county rates and levies; the necessary school directors as provided by law for a school district, and three auditors of the public accounts of the said borough, which election shall in all respects be

Borough established.

Boundaries.

Who may vote at Borough elections.

Elections, when and how held.

Borough officers.

School directors and auditors.

conducted in the same manner as is provided for the election of township officers within this commonwealth, except that the certificates of the election of burgess, town council, and auditors shall be filed among the records of the corporation : Certificates how disposed of.
And provided, That in case of the death, resignation, removal, or refusal to accept of any of said offices, the vacancy may be supplied by a new election in all cases where, by the existing laws, there is not provision made for supplying vacancies by appointment : Proviso.
And provided further, That for the first election to be held under this act, it shall be the duty of John Kibler, George Carpenter, and John K. Smith, or any one of them, to give notice and perform all the duties enjoined upon constables by the existing laws relative to township elections ; Vacancy how supplied.
 and in case no election shall be held on the first day mentioned, they shall appoint some other day and perform the said services, but previous to opening of such election, such of the citizens entitled to vote as aforesaid, as may be present at the time and place of opening the same, shall choose one judge, and two inspectors and two clerks thereof, who shall be sworn or affirmed in the same manner as is provided by law for swearing or affirming election officers, and they shall perform the duties required of them by law, relative to township elections. 2d Proviso.
Notice of election.
Judge, inspector, &c. how chosen.

SECTION 3. That the burgess shall be president of the council, and shall have and exercise all the rights and privileges of a member thereof in every respect. President of council, &c.

SECTION 4. That the burgess and town council shall meet on the first Monday next succeeding their election in each year, and as often thereafter as occasion may require. Three members shall constitute a quorum to do business, and the proceedings of a majority of a quorum, when there is one formed, shall be valid. They shall have power in the absence of the burgess to elect a president pro tempore, who shall in case of the death, resignation, or refusal to accept or to act, or inability of the burgess to attend, perform all and every duty enjoined on the burgess. The burgess or in his absence the president pro tempore, shall have power to call special meetings of the council, but in all cases of special meetings personal notice shall be given to every member unless absent from the borough. The burgess and members of the town council shall in all cases continue to hold and exercise the duties of their respective offices, until their successors shall be duly elected and qualified. Meeting of council, &c.
Quorum.
President pro tem., duties.

SECTION 5. That if any person duly elected burgess or member of the town council, and having received notice thereof, as directed by this act, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, or having taken upon himself such duties shall neglect to discharge the same according to law, every such person so Fine for refusal or neglect to discharge duties.

- refusing or neglecting shall, for every such offence, forfeit and pay the sum of ten dollars; and every other officer elected or appointed by virtue of this act, or the by-laws or ordinances of the town council aforesaid, who shall refuse or neglect to take upon himself the execution of such office, or having accepted the same shall refuse or neglect to perform the duties thereof, shall, for every such refusal or neglect, pay a fine of not exceeding five dollars at the discretion of the burgess; which fines, and all other fines that may be incurred under this act or any of the by-laws or ordinances of the town council shall be for the use of said corporation, and shall be recovered in the name of the burgess and town council of the borough of Newport, as debts of like amount are recoverable by law: *Provided*, That no person shall be compelled to serve more than one year in any term of three, and that the payment of a fine shall be equivalent to a service of one year in any office: *And provided further*, That nothing herein contained shall be construed to exonerate any constable or other officer, from the payment of any fine or penalty imposed by the existing laws or that may hereafter be enacted, for refusing to serve in such office.
- Fines how recoverable.** SECTION 6. The burgess shall take and subscribe an oath or affirmation before one of the judges of the court of common pleas, or a justice of the peace of the said county of Perry, to support the constitution of the United States, and of the state of Pennsylvania, and an oath or affirmation to execute the office of burgess of the borough of Newport with fidelity; and when so qualified, he shall administer an oath or affirmation to each of the members of the town council, high constable, town clerk, clerk of the market, (if one shall be appointed,) and such other officers as shall be appointed or elected under this act, or any by-law or ordinance of said borough, before they shall enter upon the duties of their respective offices which oath or affirmation so taken and subscribed shall be filed among the records of said corporation.
- Proviso.**
- 2d Proviso.**
- Oath of Burgess.**
- Burgess may administer oath.**
- Name & style**
- Privileges and franchises.**
- SECTION 7. That from and after the third Friday in March next, the burgess and town council duly elected, and their successors, shall be one body politic and corporate by the name and style of "the burgess and town council of the borough of Newport," and shall have perpetual succession; and the said burgess, town council and their successors shall be capable in law, to have, receive, hold and possess, goods, and chattles, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors, in fee simple or otherwise, not exceeding the yearly value of two thousand dollars, and also to grant sell, let, and assign the same; and shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law in this commonwealth, in all manner

of actions whatever, and to have and to use one common seal, and the same, from time to time, at their will, to change and alter

SECTION 8. That the town council shall have power to ^{By-laws.} pass and enact by-laws, rules, regulations, and ordinances, as they may determine necessary to promote the peace, good order, and general welfare of the inhabitants, and well being of the said borough; and for the purpose of improving and keeping in good order the streets, lanes, alleys, public squares, and common grounds, land, wharfs, landings, or other property whatsoever, that has heretofore at any time been granted to the use of the citizens of Newport, or that may hereafter be granted to the use of the corporation; and for removing nuisances and obstructions therefrom, and the same to alter, make anew or annul as the occasion may require, and also to assess, levy, and collect and appropriate such taxes as shall be necessary to carry their rules and ordinances into effect, and to make all necessary contracts and engagements for the same purpose.— They shall have the same authority in obtaining materials for improving the streets, lanes, alleys, landings, wharfs, and public grounds as the supervisors of the highways within this ^{Proceedings for neglect of duty.} commonwealth have, and for neglect of their duty in keeping the same in good order they may be proceeded against by indictment in the court of Quarter Sessions of said county, and be subject to the like fines and penalties as the supervisors are, for any neglect of duty in relation to keeping the highways in ^{Clerk, &c.} good order. They shall annually appoint a town clerk, treasurer, collector of taxes, clerk of the market when necessary, and such other offices as they may deem expedient, and the same to remove at pleasure; the officers to be appointed by the council shall be allowed such compensation as the council may fix and agree on, but the members of the council themselves, shall not be entitled to any compensation for their services as members of the town council. The council may ^{Remit fines.} remit any fines or penalties that may be incurred under this act, or any of the by-laws or ordinances, when in their judgment it may be proper so to do, except any fine or penalty that may be imposed upon them, by the court of quarter sessions ^{Proviso.} of the county for neglect of duty: *Provided*, No by-law, rule, regulation, or ordinance of the said corporation shall be repugnant to the constitution and laws of the United States or of this commonwealth, and that no person shall be subjected to any fine or punishment for a violation of any by-law or ordinance of the said borough, until after six days shall have expired after the promulgation thereof, by at least four copies of the same put up at the most public places within the said borough, and signed by the president or president pro tempore, and attested by the town clerk. It shall be the duty of the burgess to cause all the by-laws and ordinances of the council to be

carried into effect, and to do and perform all such other services as may be enjoined upon him by the same.

Taxes how collected.

SECTION 9. That it shall be the duty of the burgess to issue his warrant to the collector, as often as the occasion may require, commanding him to collect the taxes assessed by the town council, a list or duplicate of which shall be made out and delivered to said collector, and to pay the same to the treasurer; and the said collector shall have the power and authority in the collection of said taxes, as the collectors of county rates and levies, and may be proceeded against in the same manner that county treasurers, or county commissioners are authorized by law to proceed against the collectors of county taxes, when they neglect to collect or pay over the amount of taxes in their duplicates according to law: *Provided*, That the town council may hear any complaint in relation to said assessment of the said taxes, and grant such relief as shall seem best at any time, and also exonerate the collector from the payment of any tax that may be impracticable to collect; and in all cases of any tax assessed upon any vacant or unseated lot within said borough, and the taxes remain unpaid, it shall be lawful for the collector to certify the same to the county commissioners of Perry county, in the same manner as supervisors of the roads are authorized by law to return road taxes on unseated lands. And the county treasurer shall, in the like manner, collect the said taxes or sell and convey the lot or lots for the payment of the same and pay the money out to the treasurer of the borough, common school, or to whatever it may belong.

Proviso.

Duty of town clerk.

SECTION 10. That 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 corporate 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 this act or of the acts of the corporation. He shall keep a fair journal of the proceedings of the council, in a book to be provided for that purpose, and shall enter all by-laws and ordinances adopted by the council, in a separate book for that purpose, and when signed by the president shall attest the same. He shall keep a fair index to the same. He shall certify copies under the seal of the corporation, which copies of any book, paper, by-law, ordinance, or proceeding of the council, when so certified and attested by the clerk, shall be good evidence of the thing certified. He shall deliver over to his successor the seal and all the books, papers, and other things belonging to the corporation, and upon neglect or refusal so to do upon demand made, he shall forfeit and pay a fine of not less than fifty dollars, and be accountable

Seal.

Journal.

for all damages sustained by the corporation, to be recovered as like debts and damages are by law recoverable.

SECTION 11. That it shall be the duty of the treasurer to receive all moneys due to the corporation, whether for taxes, fines, donations, or in any other way, and to pay out the same on orders of the president, or president pro tempore; he shall keep fair accounts of his receipts and payments, and settle his accounts with the auditors whenever they shall require the same to be done, and pay over all moneys or balances found in his hands, and deliver to his successor in office all books, papers and accounts, belonging to the corporation or pertaining to his official duties when demanded, for which he shall give bond to the burgess and town council, with sureties therein, as they may require. ^{Duties of Treasurer.}

SECTION 12. That no moneys shall be drawn from the treasury but by authority of the council, on orders signed by the president thereof, and attested by the clerk. It shall be the duty of the auditors to settle the accounts of the several officers annually, and to cause a fair statement showing the receipts into the treasury, and how the same shall have been expended, to be published by the town clerk every year, in the month of March, by setting up at least four copies thereof in the most public places within the borough. ^{Moneys how drawn.}

SECTION 13. It shall and may be lawful for all persons entitled by law to vote for burgess, and other officers of the borough of Newport, at the same time and place where they vote for borough officers, to elect two respectable citizens of said borough for constables, and return the names of the persons so elected to the next court of Quarter Sessions of the said county, one of whom shall be appointed constable of said borough, in the like manner, with the like powers and authority, and receive like fees, and be subject to regulations and penalties as are provided and contained in the laws now existing, or that may hereafter be passed concerning constables within this commonwealth, and the said constable so appointed shall do and perform all the duties required to be done by the high constable of said borough, in pursuance of this act, and of the by-laws and ordinances of said borough. ^{Constables how elected.}

SECTION 14. That the territory within the limits of the said borough shall be a separate district for school purposes, and for the levy and collection of county rates and taxes, and in all other respects shall be separate from the township of Oliver, in said county, and that all jurisdiction of the officers of said township, from the third Friday of March next, shall cease, except so far as to collect any taxes that may then be due and owing to them, from the inhabitants of said borough: ^{Neport bo'gh declared a school district with power to levy and collect taxes, &c.} *Provided*, That nothing herein contained shall be construed to effect the election district as now formed, but that the town- ^{Proviso.}

ship of Oliver, including the borough of Newport, shall be and remain an election district, the same as though this act had not been passed.

WM. HOPKINS,
Speaker of the House of Representatives.

W. T. ROGERS,
Speaker of the Senate.

APPROVED—The tenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 37.]

A N A C T

To incorporate the First Baptist Church of Newtown township, in the county of Delaware.

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 members of the First Baptist church, in the township of Newtown, be and the same are hereby created and erected into one body politic and corporate, in deed and in law, by the name, style and title of "the First Baptist church of Newtown township," in the county of Delaware, and by the same name shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, and shall be able and capable to take and hold lands and tenements, goods and chattels, real, personal and mixed, which are now or may hereafter become the property of said congregation or body corporate, by gift, grant, devise, bequest or otherwise, and the same to convey, lay out, apply or dispose of, in such manner as a majority of the trustees of the said congregation shall direct and appoint; and according to the true intent of donors, grantors and devisors, and the yearly value or income of the real, personal or mixed estate of said congregation, shall not at any time exceed the sum of two thousand dollars, exclusive of annual stated contributions.

SECTION 2. That Andrew Alexander, David Alexander, Jacob Green, William P. Hibbed, and Thomas Daniel, be

Name and style.

Powers and privileges.

Trustees.