

No. 139.

AN ACT

To erect Warren, in the county of Armstrong, into a borough, to be called and known by the name of Apollo.

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 Warren, in the county of Armstrong, shall be and the Style. same is hereby erected into a borough, which shall be called Apollo, and shall be comprised within the following boundary, to wit:—Begin- Boundaries. ning at the north-west corner of a six acre lot of James R. Speer, and running from thence by the Kiskiminetas river south thirty-nine degrees east thirty-six perches to a post; south nine and one-half degrees east twenty-six and one-half perches to a post; south twenty-two degrees east fifty-three perches to a beech tree; thence north sixty-one degrees east sixty-two perches to a post at the state road; thence north twenty-nine degrees west thirty-five perches to a post at the corner of a burying ground; thence north sixty-one degrees ten perches to a post; thence north nineteen degrees west twenty-four perches to a post; thence by one acre lot of William Guthery, north sixty-one degrees east eighteen perches to a post; thence north twenty-nine degrees west forty perches to a post; thence by lands of John Elwood and others south eighty-one degrees west ninety-eight perches to the place of beginning.

SECTION 2. It shall and may be lawful for all persons entitled to vote for members of the legislature, who have resided in the said borough Qualification of citizens. three months previous to such election, to meet at the house of John T. Smith on the second Friday of March in every year, except the Annual election. first year, when they shall meet on the first Friday in May, and then and there elect by ballot, between the hours of twelve and six o'clock of the same day, one respectable citizen residing therein, who shall be styled the burgess of said borough, and five citizens residing therein, Officers. who shall be a town council; but previously to said election the judges, inspectors and clerks shall be elected and appointed as such officers are elected and appointed under the general election law of this common- Election, how to be conducted. wealth, so far as relates to receiving and counting votes, and who shall be subject to the same penalties for malpractices, as, by the said law is imposed; and the said judge, inspectors and clerks, before they enter upon the duties of their offices, shall each take an oath or affirmation before any justice of the peace of the said county, but if no justice of the peace be present at the election, the judge, after having first the oath or affirmation required administered to him by one of the inspectors, shall administer the oaths or affirmations to the inspectors and clerks, to perform the same with fidelity; and after the said elections shall be closed, shall declare the person having the greatest number of votes to be duly elected; and in case any two or more candidates shall have an equal number of votes, the preference shall be determined by lot, to be drawn by the judge and inspectors; whereupon duplicate returns thereof shall be signed by the said judge and inspectors, one of

which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation; and in case of the death, resignation, removal or refusal to accept, or neglect or refusal to act after acceptance of any of the said offices, the burgess, or in case of his death, absence or inability to act, or when he neglects or refuses to act, the first named of the town council shall issue his precept, directed to the high constable, or where there is no high constable, or where he refuses or neglects to act, then any of the members of the town council shall advertise and hold an election in the manner aforesaid, to supply such vacancy, giving at least ten days' notice thereof by advertisements, set up at four of the most public places in the said borough.

Body politic.

Name.

Privileges.

SECTION 3. From and after the first Tuesday in May next, the burgess and town council duly elected as aforesaid, and their successors, shall be one body politic and corporate in law, by the name and style of the burgess and council of Apollo, and shall have perpetual succession; and the said burgess and town council aforesaid, and their successors, shall be capable in law to receive, hold and possess goods, chattels, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors in fee simple, or otherwise, not exceeding the yearly value of five hundred dollars; and also to give, grant, sell, let and assign the same lands, tenements, hereditaments, rents; and by the same 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.

Penalty for refusing to serve as an officer.

Proviso.

SECTION 4. If any person, an inhabitant of the said borough, duly qualified to elect as aforesaid, shall be elected to the office of burgess, and having notice of his election, shall refuse to undertake and execute that office, every person so refusing, shall forfeit and pay a fine of ten dollars; and if any other person duly qualified as aforesaid, shall be duly elected to any other office in said borough enacted by this act, and having notice of his election, shall refuse to undertake and execute the duties of that office, every person so refusing, shall forfeit and pay a fine of five dollars, which fines, forfeitures and all others in pursuance of this act, or of the by-laws of the said council, shall be recoverable before any justice of the peace of said county, for the use of said corporation: *Provided*, That no person shall be compelled to serve more than one year in any term of three years; and that if any person or persons shall conceive himself or themselves aggrieved by the judgment of any justice of the peace by virtue of this act, he or they may appeal to the next county court of common pleas, upon giving security according to law, to prosecute his or their appeal with effect, who shall on the petition of the party, take such order therein as to them shall appear just and reasonable, and the same shall be conclusive to all parties.

Oaths.

SECTION 5. The burgess shall take and subscribe an oath or affirmation before one of the associate judges, or a justice of the peace for the county of Armstrong, to support the constitution of the United States and of this state, and an oath or affirmation, well and truly to execute the office of burgess of the borough of Apollo; and when so qualified, he shall administer an oath or affirmation to the council, high constable and town clerk in the manner and form aforesaid, before they shall enter on the duties of their respective offices; the certificates of which oaths and affirmations shall be filed among the records of the said corporation.

SECTION 6. The town council may meet by their own authority as occasion may require, or upon the summons of the burgess; they shall have power to enact by-laws, and to make such rules, regulations and ordinances as shall be determined on by a majority of the whole council, necessary to promote the peace, good order, and general welfare of the inhabitants of the said borough, and for the purpose of improving and keeping in order the streets, lanes, alleys, public squares and common ground, (if any) belonging to said town, for removing nuisances and obstructions therefrom, and the same to annul, alter or make anew as the occasion may require; and also to assess, levy and collect a tax for said purposes; and also annually to appoint a town clerk, treasurer, street commissioner, and such other officers as may be deemed necessary, with all other powers required for the well ordering and better government of the said borough: *Provided*, That the said ordinances, rules and regulations shall not be repugnant to the constitution and laws of the United States, or of this commonwealth: *And provided also*, That no tax shall be laid by them in any one year, to exceed one-half of a cent in the dollar on the valuation of taxable property taken from the last assessment, unless some objects of general utility shall be thought necessary, in which case a majority of the freeholders of said borough, by writing under their hands, shall approve and certify the same to the town council, who shall proceed to assess the same accordingly; and all taxes which may be assessed or laid in their said borough shall, as nearly as the same is practicable, be assessed and collected conformably to the laws for raising county rates and levies.

Powers of council.

Proviso.

Proviso.

SECTION 7. 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 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 of the acts of the town council; and his attestation, with the corporation seal, shall be good evidence of the thing or act so certified.

Duty of clerk.

SECTION 8. The treasurer shall give security for the faithful discharge of the duties of his office, and for the safe delivery into the hands of his successors of all moneys, books and accounts appertaining thereto, upon demand being made by the burgess for that purpose.

Treasurer.

SECTION 9. The street commissioner, treasurer and constable, as well as all other officers who may be appointed by the council, shall render their accounts to the council once in every year, for settlement; and the said accounts being adjusted and settled, shall be forthwith published by the said council, showing particularly the amount of taxes laid and collected, and the expenditures.

Officers to render accounts.

SECTION 10. It shall be the duty of the high constable to give notice of the election, by setting up advertisements in three public places in the said borough, ten days previously thereto; and shall attend and see that the same is opened at the time and in the manner directed by this act.

High constable.

SECTION 11. It shall and may be lawful for all persons entitled by law to vote for burgesses and other officers of the borough of Apollo, at the same time and places where they vote for said officers, to elect two reputable citizens of the said borough, 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 by the said court constable of said borough, with like power and authority, and subject to the same regulations and penalties as are provided and contained in the laws now

To elect a constable.

His duties.

existing, or that hereafter may be passed, concerning borough 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, if appointed high constable by the council, in pursuance of this act and of the by-laws and ordinances of said borough; and the said constable shall have, exercise and possess all the powers and duties of the constables elected in the several townships in the said county of Armstrong, and shall, if not possessed of a freehold estate in his own right, clear of all incumbrances, of the value of one thousand dollars, enter in a bond to that amount, with at least one sufficient surety, to be approved of by the court of quarter sessions of said county, in the same manner as now with reference to the several constables of the several counties within this commonwealth, and for the same uses and trusts, to all intents and purposes, and the same penalties imposed for neglect or refusal to serve; and in case a vacancy shall occur by death, refusal to serve, or any other cause, the said court shall appoint, as they have power to do in such cases in the several townships of this commonwealth.

Court of appeal.

SECTION 12. The burgess, one member of the council, and treasurer, or any two of them, shall constitute a court of appeal, and prior to the collection of any borough tax, they shall appoint a day for the hearing of appeals, of which and of the amount of his or her tax, and the place where the appeals will be held, the clerk shall notify each taxable, by a written notice, in the usual form and manner, at least ten days before the day of appeal; and when the said tax shall have been properly adjusted, it shall be the duty of the burgess, or in case of his absence or inability to act, of the treasurer; and he is hereby authorized to issue his precept, directed to the collector, commanding him to collect all taxes so assessed, and vesting him with like powers and authorities given to the collectors of the county rates and levies, by the laws of this commonwealth; and the amounts so collected shall be paid into the treasury, for the use of the corporation.

Absence of burgess supplied.

SECTION 13. In the absence of the burgess from the borough, or his inability to act, it shall be the duty of the first named of the town council who may be present, to perform the duties which are enjoined on the burgess by this act, or may be enjoined by the by-laws which may be passed in pursuance of the same.

Quorum.

SECTION 14. In any meeting of the burgess and town council, it shall require at least three of the council to form a quorum to do business; but in passing the by laws and ordinances, it will require a majority of the whole number of the council.

First election.

SECTION 15. Robert M'Kissen and William P. M'Cullough, of the said town, or either of them, shall publish and superintend the first election for borough officers, to be held on Tuesday, the third day of May next after the passage of this act, at the place appointed by law for holding the annual elections for said borough; and they are hereby directed to give five days' notice, by advertisement, as before directed in other cases of holding elections, of the time and place of holding the same.

Justices of the peace.

SECTION 16. The election for justices of the peace shall be held at the time and in the manner as directed by the general election law on that subject.

Taxes.

SECTION 17. All the taxes collected by said borough shall be expended exclusively within their own boundaries, for the repairs of their own streets, and the other purposes heretofore enumerated; and no property

within said borough shall, after the passage of this act, be subject to a road tax for township purposes.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-eight

FRS. R. SHUNK.

No. 140.

AN ACT

To incorporate the Protection mutual fire insurance company of Chester 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 David Townsend, Joseph Hemphill, Henry M. Paxson, John M'Kinley, Isaac Thomas, M. D., Philip P. Sharpless, Pratt Roberts, Samuel B. Thomas, Samuel M. Painter, Ferdinand E. Hayes, Joseph Painter, William Darlington, M. D., John James, William Everhart, Levi K. Brown, Abner M. Chamberlain, John Keech, Thomas Townsend, Uriah V. Pennypacker, David Carr, Emmor S. Entriken, John D. Pettit, Benjamin S. Bates, Benjamin F. Haines, Daniel B. Meredith, David Maconky, Walter Hibbard, Minshall B. Broomhall, Joshua Darlington, A. Harvey Levis, Washington Townsend, Henry B. Freeman, Stephen G. Snare, William Ingraham, James Tillum, William White, Paschall Woodward, James Park, John Worthington, William Shields, Townsend Lamborn, and L. White Williams, and all other persons who may hereafter associate with them in the manner hereinafter prescribed, shall be a body politic and corporate, by the name of "The Protection mutual fire insurance company of Chester county," and by that name shall have perpetual succession, and may sue and be sued, and hold, purchase, receive and convey real and personal estate, (with the limitations hereinafter specified) and may have and use a common seal, and alter or change the same at pleasure, and make by-laws, not inconsistent with any existing law, for the management of its property and the regulation of its affairs; but nothing herein contained shall be construed to give unto the said corporation any banking powers or privileges.

SECTION 2. In addition to the general powers and privileges of a corporation, as the same are declared by the foregoing section, the corporation hereby created shall have the power to insure against losses by fire upon any house, tenement, barn, manufactory, store, warehouse, or other building, and on goods, wares, merchandize and effects, hay, grain, and other agricultural products contained therein, or upon the