

An Act to incorporate the Town of Harrington

Section 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two thirds of each branch of the Legislature concurring), That William S. Van Pelt, Thomas C. Dorman, William Shaw, James C. Vickery and Martin W. Harrington, are hereby appointed Commissioners whose duty it shall be with the assistance of some skilful Surveyor to be by them chosen to survey and lay down on a plot the town of Harrington in Kent County establishing its limits and marking and describing its streets, alleys, lanes and sidewalks, and shall when all the service is performed return the plot under their hands to the Recorder's office at Dover to be recorded and the original and the record or certified copy thereof shall be evidence; all the Commissioners must act, but the decision of a majority shall govern. They and the Surveyor before entering on the duties under this section shall take an oath or affirmation to discharge them with fidelity; and the aforesaid returns shall show that this qualification was complied with.

Section 3. And be it further enacted, That the Commissioners hereby appointed and their successors in office to be elected as hereinafter provided shall be and they are hereby created a body politic and corporate in law and in fact; and the said Commissioners and their successors shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts in this State by the

corporate name of "The Commissioners of the Town of Farmington," and may have and use a common seal with power to alter or change the same, to purchase, take hold and enjoy lands, tenements or hereditaments in fee simple or otherwise and also goods, chattels, rights and credits; and may alien, grant, demise, and dispose of the same as they may deem proper and may do all other things which a body politic and corporate may lawfully do to carry out and effect the object and purpose of this act.

Section 3 And be it further enacted, That as soon as conveniently after the said plot shall have been returned as aforesaid, the Commissioners named in this act shall call a meeting for the purpose of electing an Alderman, Assessor, Treasurer, and Collector; said election to be held in the same way and manner as is hereinafter prescribed for holding the annual election to elect town officers.

Section 4 - And be it further enacted, That the Alderman, Assessor, Treasurer, and Collector elected under the third section of this act and the Commissioners herein named shall continue in office till the first Saturday in March A.D. 1870 on which day in that year and on the same day in every year thereafter, there shall be held an election at such time and place as shall be determined and fixed by the Town Commissioners; due notice whereof shall be given by the said Commissioners at least five days before said subsequent elections for an Alderman, five Commissioners, an Assessor, Treasurer and Collector. The said Alderman, Assessor, and Treasurer, and three of said Commission-

ers shall be residents of and freeholders in said town. The two remaining Commissioners shall be residents in said town. The said election shall be held by two persons chosen by the voters present who shall receive the ballots, ascertain the result and certify the same in the town record. At such election every white male taxable of said town above the age of twenty one years shall be entitled to vote. The two Citizens aforesaid shall be the Judges of said election and shall decide on the legality of the votes offered.

Section 5 And be it further enacted, That there shall be four stated meetings in every year of the said Commissioners viz: on the third Saturday in March, June, September, and December, at which meetings they may pass all such ordinances or rules for the good government of the said town the improvement of the streets, the paving or other improving of the sidewalks the planting and protection of ornamental trees, the repair and making of public pumps, and for all other matters relating to the said town, its police improvements, ornament, and general welfare, as by said Commissioners may be deemed proper; Provided the same be not repugnant to the Constitution or laws of this State. By such ordinances they may impose fines, penalties, and forfeitures and provide for their collection.

Section 6 And be it further enacted, That the person elected as Alderman aforesaid of said town shall have all the powers of a Justice of the Peace within the limits of said town so far as the jurisdiction and cognizance of all breaches of the peace and other offences within said town to

arrest and hold to bail or fine and imprison such offenders, and of all fines forfeitures and penalties which may be prescribed by any law of the State or by ordinance of the town commissioners regularly passed and established for the government of said town; and of all neglects, omissions, or defaults of the town bailiff, Assessor or Treasurer, or any other person or officer whose duty it may be to collect receive, pay over, or account for any money belonging to said town, or to execute or obey any law or ordinance thereof. Provided: That he shall not impose any fine exceeding ten dollars, nor have jurisdiction in any civil matter other than to carry out the provisions of this act or the rules and regulations adopted for the government of said town by the persons authorized to adopt the same under this act; The fees of said Alderman shall be the same as are allowed Justices of the Peace for similar services under the laws of this State; it shall be the duty of the Alderman to keep a book of record or docket to be called the "Alderman's Docket of the town of Harrison-ton" to be provided by the commissioners aforesaid in which all his official acts shall be entered, and he shall upon expiration of his term of office deliver over to his successor all the books &c. pertaining to his office within ten days after the election and qualification of his successor and in default of so doing shall forfeit and pay for the use of the town the sum of twenty dollars to be recovered before the succeeding Alderman or any Justice of the Peace residing in said town.

Section 7 And be it further enacted, That the Com

commissioners shall at their first stated meeting in every year determine the amount of tax to be raised on said town for that year, not exceeding five hundred dollars excluding the dog tax. It shall be the duty of the Assessor of said town within two weeks after the first stated meeting to make a true, just and impartial valuation and assessment of all the real estate and assessable personal property within said town and also an assessment of all the white male Citizens residing in said town above the age of twenty one years as well as those owning real estate as those not owning such estate within its limits; and also to ascertain the number of dogs in said town and the owners of such dogs, assessing each dog to the owner thereof at fifty cents, and the said Assessor shall forthwith after making such assessment deliver to the Commissioners for the time being a duplicate containing the names of all the persons assessed and the amount of their assessment, distinguishing the real, poll, and personal assessments of each; when the assessment is returned the commissioners shall give five days public notice of that fact and that they will sit together at a certain day and place to be designated by them, from one to four o'clock in the afternoon, to hear appeals from said assessment, except that of dogs, which shall always be fifty cents to each owner or keeper of each dog; when the appeal day has passed they shall without delay cause the assessment list to be transcribed and the transcript to be delivered to the Collector, who shall thereupon collect from each taxable his proportion of the tax laid and pay over the whole amount deducting

commissions and delinquencies which shall be allowed by the Commissioners to the Treasurer by the first day of September next after the receipt of his duplicate. The Collector shall have the same power for the collection of the said taxes as are conferred by law on the collectors of County taxes. The Collector before entering on the duties of his office shall give bond with sufficient surety in the penal sum of double the amount of money to be by him collected each year to the "Commissioners of the town of Hamington" conditioned for the payment to the Treasurer of all moneys collected, and for the settlement of his accounts with the Treasurer in the month of September for the year for which he is elected collector and at such other times as the Commissioners may require; The Treasurer shall in like manner before entering upon the duties of his office give bond with sufficient surety in the penal sum of five hundred dollars, or such other sum as the Commissioners may require to the "Commissioners of the town of Hamington" conditioned for the faithful discharge of the trust reposed in him and the payment over to his successor in office all such sums of money as may remain in his hands upon the settlement of his accounts. The said Assessor and Treasurer shall each have a reasonable compensation to be determined by the Commissioners

Section 8 And be it further enacted, That the Commissioners or a majority of them shall have authority to employ the moneys of the treasury of the town for the general improvement and benefit and ornament of the said town as they may deem advisable and to carry out

the purposes of this act; and all money paid out by the Treasurer shall be paid upon the order of the Commissioners or a majority of them.

Section 9 And be it further enacted, That the Commissioners or a majority of them be and they are authorized and required upon the petition of three or more freeholders of said town to direct in writing the proprietor or proprietors of any house or land in Harrington before or in part of which they may deem proper that a pavement should be made, to curb and lay a pavement of brick or smooth stones of such length and width as the said Commissioners may specify; and if such proprietor or proprietors shall neglect or refuse for the space of three months after being so directed as aforesaid to lay such pavement with good and sufficient curbs, it shall and may be lawful for the said Commissioners and they or a majority of them are authorized and required to cause such pavement and curbs to be made and to recover the costs of making the same by distress and sale of any goods and chattels, lands and tenements belonging to such proprietor or proprietors within the limits of said town. If any pavement already made shall at any time by the said Commissioners or a majority of them be deemed an insufficient pavement they or the majority of them shall have power and are hereby required to direct in writing the proprietor or proprietors thereof to make a sufficient one and upon neglect or refusal so to do for the space of three months, the said Commissioners or a majority of them shall cause the same to be done, and recover the cost of doing the same in like manner as above prescribed in case of new pavement; notice to one co-proprietor shall be

notice to all and in case no proprietor shall reside in the town, notice to the occupier shall be deemed a sufficient notice to the proprietor. The said Commissioners or a majority of them may cause such sidewalks or portions thereof as are unpaved to be covered with gravel, sand, or dirt, if they deem them not proper to be paved, and shall cause them to be put in good order for the convenience of the Citizens of said town, and may cause flagstones to be put down at the crossings of the streets whenever they may think necessary, and the cost of doing the same shall be defrayed out of the funds of the town. The sale of any personal or real estate made under the authority of this section may be made by any person whom the Commissioners may depute, notice whereof shall be given ten days before the day of such sale in four public places in said town.

Section 10. And be it further enacted, That the Commissioners for the time being or a majority of them shall have the superintendence and oversight of all roads and streets, lanes and alleys and gutters now opened or hereafter to be opened and shall have power and authority to cause the streets, lanes, alleys, bridges, and gutters in said town to be repaired, supported, regulated, widened, and amended in any manner they may deem most proper for the convenience and interest of the Citizens of said town, and no overseer of any of said roads or streets shall be appointed by the Levy Court of Kent County, but the said Levy Court shall annually appropriate for the repair of said streets and roads a sum of money not less than one hundred dollars and shall make an order for the payment thereof to said Commissioners.

which sum so appropriated shall be expended for that purpose and no other. The said Commissioners shall account to the Levy Court for the said money in the same manner as assessors of roads in said town. The Commissioners for the time being or a majority of them shall have power upon the application of five or more Citizens of said town by petition to them for that purpose to locate lay out, and open any new street or streets which five or more Citizens of said town may desire to be located and laid out and opened, allowing to the persons respectively through or over whose grounds such street or streets may run, such compensation or damages therefor as they shall deem just and reasonable under all the circumstances, which compensation if any be allowed shall be paid by the Treasurer of the town of Harington out of moneys of said town or warrant drawn on him by the Commissioners aforesaid. That the damages which may be assessed upon the occasion of opening any street shall be paid out of the town funds or duly tendered before the property of any person in whose favor the damages are assessed shall be appropriated for the opening of any such street; and in case any such owner or owners in whose favor damages are assessed shall be a minor, nonresident or shall refuse to receive or be incapable for any cause of receiving the same, such damages may be deposited in the Bank of Smyrna at Milford or any other banking institution which may at the time exist in said town of Milford to the credit of such person or persons and subject to his or their order and such deposit shall operate as payment.

Section 11 And be it further enacted, That the Alderman Commissioners and Assessor shall before one of the Justices of the Peace of Kent County be duly qualified by oath or affirmation to perform the duties of their offices respectively, to the best of their knowledge respectively and without favor or partiality, and after being qualified the said Commissioners at their first meeting after each election shall choose a President and Secretary from their number, who shall continue during their term of office, and if by death, or otherwise the place of the President or Secretary shall become vacant the Commissioners or a majority of them at their next meeting thereafter are hereby authorized to fill said vacancy out of their number as aforesaid. And if a vacancy should occur in the office of Alderman, Commissioners, Assessor, or Treasurer during the said term of office by death or otherwise, the said Commissioners or a majority of them for the time being at their next meeting thereafter are hereby authorized to fill such vacancy by appointing an Alderman, Commissioners Assessor, or Treasurer or either, as the case may be, to fill the unexpired term of said office or offices, and all such appointments made by said Commissioners authorized as aforesaid. All the Commissioners shall act but the decision of a majority shall govern. The officer so appointed after being qualified or giving bond as required by this act shall have all power in like manner and be subject to all the penalties the same as though duly elected and regularly appointed to said office or offices. It shall be the duty of the President chosen as aforesaid to preside at all meetings of said Commissioners

and in case of his or the Secretary's absence an officer protem shall be appointed to act in his or their place. It shall be the duty of the Secretary to record all the proceedings of the said Commissioners and keep a correct journal of the same in a book or books to be provided for that purpose, and also the papers relative to said town; all of which are to be carefully kept and delivered to his successor in office. The said journal shall be evidence.

Section 13. And be it further enacted, That the Commissioners are hereby authorized and required to provide sanitary measures for the health of the Citizens cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether in the streets lanes, alleys, or gutters, on the sidewalks or in any other place within the limits aforesaid to be removed and abated. The said Commissioners or a majority of them may proceed either upon their own view or upon complaint of any other Citizen in writing, stating the character of said nuisance or obstruction and where the same exists. If the said Commissioners or a majority of them either of themselves or upon such information and upon view shall determine that an obstruction or nuisance exists and ought to be removed they shall give notice in writing to the person causing such obstruction or nuisance or who is responsible for its existence or continuance to remove or abate the same and if such person shall refuse or neglect for the space of two days after such notice to remove or abate the said obstruction or nuisance he shall forfeit and pay the sum of ten dollars with costs to be recovered by the Commissioners

for the use of the town in the same manner as debts of that amount are recoverable and for every additional day the same shall remain unabated and unremitted he or she shall forfeit the further sum of ten dollars to be recovered with costs in the same manner.

Section 13. And be it further enacted, That it shall and may be lawful for the said Commissioners to build and maintain a suitable place as a lockup or jail for the use of said town; and the Alderman of said town or any Justice of the Peace acting under the provisions of this act or carrying into execution any judgment or sentence pronounced under its authority or the authority of any ordinance or regulation adopted by virtue of the power herein conferred may commit to the said lockup or jail for any time not exceeding five days, persons disobeying the said judgment or sentence pronounced as aforesaid, and for want of such lockup or jail to the common jail of Kent County.

Section 14. And be it further enacted, That the said Commissioners are hereby authorized if they deem it necessary to appoint some discreet and judicious Citizen, a resident of Harrington, town bailiff, and the said bailiff shall have all the powers and authority within the limits of said town of a Constable of the State of Delaware in and for Kent County as to the cognizance of all breaches of the peace and other offences within said town and shall hold his office subject to the option of the Commissioners and his fees and emoluments shall be the same as those of Constable for like services.

Provided: That he shall not serve any civil process except to carry out the provisions of this act. If the Commissioners do not deem it proper to appoint a bailiff as aforesaid, the Constable, the oldest in office residing in the town of Harrington shall act as town bailiff, and shall be clothed with all the power necessary to perform the duties of his office. It shall be the duty of the said Alderman, Commissioners and bailiff or of any Justice of the Peace and Constable of Kent County residing in said town to suppress all riotous, turbulent, disorderly or noisy conduct of any person or persons, or disorderly and noisy assemblages or gatherings of persons in the streets, lanes or alleys, of the said town, or in any house situated therein after night or on the Sabbath day, or at any other time or season whatever, and for this purpose it shall be the duty of the said bailiff or any Constable upon the requisition of the Alderman or of any one of said Commissioners and without further warrant forthwith to seize and arrest any such person or persons so offending and to carry him or them before the said Alderman or any Justice of the Peace resident in said town, and upon conviction before the said Alderman or Justice of the Peace as aforesaid (whose duty it shall be to hear and determine the case), the said Alderman or Justice of the Peace shall sentence any such person or persons so convicted to pay a fine not exceeding ten dollars and may commit the party to the lockup or jail or the common jail of Kent County for any period not more than five days or until said fine and ~~the~~ costs be paid. It shall be the duty of the said Alderman or Justice of the Peace upon complaint made before him of any such riotous

turbulent conduct as aforesaid or noisy assemblages to issue his warrant to the said bailiff or Constable commanding him to bring any such person or persons so offending as aforesaid before him for trial. That the said lockup or jail shall be in the charge of the town bailiff whose duty it shall be to provide for the maintenance of such persons as may from time to time be confined therein the expenses to be defrayed by the Treasurer of the town upon a warrant drawn upon him by the Commissioners for that purpose

Section 15 And be it further enacted, That it shall be the duty of the said Alderman, Commissioners, bailiff or Justice of the Peace to suppress, extinguish and prevent all bonfires in any of the streets, lanes, or alleys of the said town, and suppress or prevent the firing of guns, pistols or the letting off of fireworks, or the making or throwing fire balls within the limits of said town; and the said Commissioners may enact and publish ordinances with reasonable penalties for preventing the same and punishing persons guilty of their violation. Any fine imposed by any such ordinance may be collected before the said Alderman or Justice of the Peace in the town, and in default of payment the said Alderman or Justice of the Peace may commit for any time not more than five days: all fines and forfeitures realized under the provisions of this act by the Alderman or Justice of the Peace as aforesaid shall be paid over to the Treasurer for the use of the town. If any Constable shall neglect or refuse to perform the duties above enjoined on him by this act he shall be deemed guilty of a misdemeanor in office and it shall be the duty of the

Commissioners to present him to the grand jury and upon conviction thereof he shall, in addition to the punishment imposed by the Court, forfeit his office

Section 16 And be it further enacted, That the Commissioners named in the first section of this act in forming and establishing the limits of the town of Harrington shall start at a point in the center of the main track of the Delaware Railroad exactly opposite the south west corner of the tank house and shall not extend the limits of said town of Harrington from said point in a northerly direction up the said main track of the said Delaware Railroad over eight hundred and fifty feet, and in a southerly direction, down said track, of the said Railroad over eight hundred and fifty feet, and in an east-erly direction perpendicular to the said track of the said Railroad over eight hundred and fifty feet, and in a westerly direction perpendicular to the said track of the said Railroad over eight hundred and fifty feet, thereby forming a square; nor shall they have power to close any street, lane or alley now open in said town upon which any buildings or improvements have been erected, but shall cause the same to be laid down on the plot required to be returned to the Recorders office at Dover by the first section of this act

Section 17. And be it further enacted, That the Commissioners named in this act or their successors shall have no power to tax any unimproved property within the limits of said town

Section 18 That the power to repeal this act or any part thereof or any other law which may hereafter be enacted

respecting the said town of Harrington is hereby reserved to the Legislature
Section 19 and be it further enacted, That this
act shall be deemed and taken to be a public act

Passed at Dover

March 23. 1869

John Hickman

Speaker of the House of Reps.

James Williams

Speaker of the Senate.

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the Town of Harrington

C. & P.

H.

Passed March 23. 1869