

[No. 61.]

AN ACT

Relative to the county of Philadelphia.

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 it shall be the duty of the sheriff of the county of Philadelphia, on the first Monday of every month, to exhibit to the county treasurer, an account of all sums of money which he or his deputies may have received during the month, for or on account of the county, and pay over the same without deduction or abatement to the said treasurer. The said account to be verified by the oath or affirmation of the said sheriff and his deputy.

Duty of sheriff

Deputy sheriff

SECTION 2. That if any deputy sheriff, bailiff, jailor, or other officer employed by the high sheriff of the county of Philadelphia, shall take, demand or receive any fee or charge, other or greater than that which is now allowed by law, it shall be the duty of the court of common pleas of said county, on complaint being made, to grant a rule on the said sheriff, returnable within ten days, to show cause why said deputy, bailiff, jailor or other officer should not be forthwith dismissed from office; and if on return of the said rule, due notice be given to all parties interested, there be a default to appear and show cause, and the fact be shown to the satisfaction of the said court, it shall be the duty of the said court to make the same absolute and to enforce obedience thereto by attachment: *Provided,* That nothing herein contained shall be construed to repeal any existing remedies or penalties for taking illegal fees: *And provided,* That it shall not be lawful for the sheriff during his term of service to re-appoint any officer so as aforesaid dismissed.

Proviso

Contested elections

SECTION 3. That the court of common pleas of Philadelphia shall determine the amount of compensation to be received by the persons employed under the direction of the said court, to count the ballots in the contested election of county officers of said county, in the year one thousand eight hundred and forty-two; and if the judges of said court shall be of opinion that the complaint was made without probable cause, the petitioners and every of them shall be liable for all the costs of such hearing; and it shall be the duty of the

county commissioners to proceed to recover the same by attachment issued from the said court; and hereafter in case of contested elections of county officers, the court shall determine who shall pay the costs, but if the complaint shall be made without probable cause, the petitioners shall pay the costs; and in such cases the county commissioners shall proceed to recover the same by attachment issued by the court.

SECTION 4. That the commissioners of Philadelphia county are hereby authorized, whenever the county board shall make the appropriation, to pay such sum of money as is due and unpaid for work done or services rendered on Broad street, by authority of a resolution entitled "Resolution to authorize the directors of the poor, and of the house of employment of the county of Northampton, to sell and convey real estate and administer oaths, and to authorize the school directors of the borough of Easton, in said county, to fix the minimum age at which children in said borough shall be admitted into the common schools, and for other purposes," approved the twenty-first day of April, one thousand eight hundred and forty.

SECTION 5. That the second section of an act passed the eleventh day of March, one thousand eight hundred and forty-three, entitled "An Act relative to school directors in the first school district," shall not be so construed as to prevent the school directors elected in the year one thousand eight hundred and forty-three, from electing controllers of the public schools on the first Monday in June; and it shall be lawful for the school directors elected for the present year, to classify themselves at any time before the first day of July next, in accordance with the fourth section of a further supplement to an act, entitled "An Act to provide for the education of children at the public expense within the city and county of Philadelphia," passed the twelfth day of March, one thousand eight hundred and forty-two; but they shall perform no further or other duties by virtue of their election, until the first day of July next; and the directors shall hereafter elect controllers of the public schools on the first Monday in June annually.

SECTION 6. It shall be lawful for the court having criminal jurisdiction for the trial of all indictments in the city and county of Philadelphia, to issue writs of venire facias for the drawing, summoning and returning of grand and petit jurors for the criminal courts, and the pannel for petit jurors shall hereafter be drawn from the same wheel from which the jurors in civil cases now or hereafter may be drawn; and the proper officers shall at all times have said wheel supplied with a sufficient number of names of competent jurors for that purpose.

Northern Liberties **SECTION 7.** The commissioners of the incorporated district of the Northern Liberties, in the county of Philadelphia, are hereby authorized to pave the streets and alleys remaining unpaved in said district, whenever they may deem proper, and charge the cost of said paving to the owners of property on the streets and alleys so paved, in the same manner as is now done by said commissioners; and the said commissioners shall have the same remedies as are now provided by the laws of this commonwealth for collecting the same.

Scire facias in certain cases **SECTION 8.** That the ninth section of the act entitled "An Act relating to executions, and for other purposes," passed the sixteenth of April, one thousand eight hundred and forty, shall be so construed as to include all claims and demands filed in the office of the prothonotary of the proper court, before the passage of the said act, that would be included in the provisions of the said ninth section, if filed on record or entered after the passage of the same; and that the same proceedings may be had thereon by scire facias, as are prescribed by the tenth section of the said act, in relation to claims filed under the said ninth section: *Provided*, The said claims, nor any of those filed under the said ninth section shall not remain a lien more than five years, unless renewed by scire facias.

Proviso

Board of revision **SECTION 9.** That the tenth and fourteenth sections of an act passed the twenty-ninth day of July, one thousand eight hundred and forty-two, entitled "An Act to provide for the ordinary expenses of government, the payment of the interest on the state debt, receiving proposals for the sale of the public works, and for other purposes," requiring that a board of revision be organized in the several counties of the commonwealth, be and the same is hereby repealed, in and for the city and county of Philadelphia; and the taxes assessed for the year one thousand eight hundred and forty-three, shall be valid and legal, as though such board had been organized and held.

Streets &c. Manayunk **SECTION 10.** That from and after the passage of this act, all streets, lanes and alleys in the limits of the borough of Manayunk, in the county of Philadelphia, now opened and travelled upon, be and the same are hereby declared public highways; and all other streets, lanes or alleys, marked upon a plan of survey of said borough not now opened, shall be subject to existing laws for opening public roads.

Forfeited recognizances **SECTION 11.** That from and after the passage of this act, all recognizances of bail for the appearance of any one charged with a criminal offence, which are forfeited before the court of oyer and terminer and general jail delivery, or quarter sessions of the peace, or the court having jurisdiction of criminal cases, in the city and county of Philadelphia, or in

either of the said courts, which have been taken before either of the judges of said court, or before any alderman or justice of the peace in said city and county, and returned to either of said courts, shall be sued and prosecuted in the court of common pleas for the city and county of Philadelphia, and in no other court.

SECTION 12. Within ten days after the close of each term of the court having criminal jurisdiction of offences committed within said city and county, the clerk thereof shall certify to the county treasurer all recognizances that have been forfeited during the term, the names of the recognizers, their place of residence and occupation, if known to him, and the amount of the recognizance, the day when forfeited, and all the record relative thereto; and the said county treasurer shall forthwith proceed to collect the same, by suit or otherwise; and the county auditors shall annually charge him with the amount of each, if collected or collectable, unless he has used due diligence in the collection, and it was found impracticable to collect the same, or the person or persons bound have been exonerated by the court from liability, or by some other legal cause, but on no other account shall the treasurer be exonerated from the charge thereof: *Provided*, That all expenses incurred in collecting the said forfeited recognizances, shall be paid out of any moneys so collected: *Provided further*, That nothing herein contained shall be taken or construed, to alter or impair or repeal the twenty-fifth and twenty-sixth sections of an act, entitled "An Act to provide for the education of the poor in the non-accepting school districts of this commonwealth, and for other purposes," approved the thirtieth day of July, eighteen hundred and forty-two.

SECTION 13. That from and after the passage of this act, the owners of the marsh meadow lands within the limits of the company, for the support of the cross bank in Kingsessing, shall meet annually on the first Monday in April, and elect three persons for managers, and one person as treasurer, in the manner prescribed in the seventh section of the act, entitled "An Act to enable religious societies to purchase and hold real estate, and for other purposes," passed the twenty-second day of April, one thousand eight hundred and forty-one; and it shall be the duty of the said managers to keep and forever maintain the said cross bank. (in the said act mentioned.) in good and sufficient order and repair; and for the purpose of enabling them so to do, they and the said treasurer shall have all the rights, powers and capacities, and be subject to all the duties, obligations and responsibilities given or imposed by that act, and the thirteenth, fourteenth, fifteenth and sixteenth sections; and so much of any other portion of said

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Repeal

LAWS OF PENNSYLVANIA,

act as is hereby altered or supplied, shall be, and the same are hereby repealed.

HENDRICK B. WRIGHT,
Speaker of the House of Representatives.

B. CRISPIN,
Speaker of the Senate.

APPROVED—The thirty-first day of March, one thousand eight hundred and forty-three.

DAVID R. PORTER.

[No. 62.]

AN ACT

Authorizing the Commissioners of Kensington district to make such alterations in the plans heretofore made in the survey and regulations of streets and water courses, and for other purposes.

Proviso

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 board of commissioners of the Kensington district of the Northern Liberties, shall have full power and authority, and they are hereby authorized to make such alterations in the lines of the streets and water courses of said district as they may deem necessary for the better regulation of the same: Provided, Such alterations can be made without prejudice or injury to property already improved, in conformity with the existing plans of said district: And provided further, That the alterations shall be made within three years after the passage of this act, and be approved of by the court of quarter sessions of the county of Philadelphia.*

HENDRICK B. WRIGHT,
Speaker of the House of Representatives.

B. CRISPIN,
Speaker of the Senate.

APPROVED—The third day of April, one thousand eight hundred and forty-three.

DAVID R. PORTER.