

sufficient security to the Register for the faithful administration of his trust, and in case of the refusal of such executor to give such security, the said Register shall grant letters of administration during the dispute, which shall suspend the power of such executor during that time: *Provided always*, That such appeal be made within the term of one year from the time of pronouncing such final sentence or decree. Proviso.

SECT. 43. No immaterial variation from the forms given and prescribed in and by this act shall vitiate or render void any proceedings in which said forms shall be used. Slight discrepancies not to affect proceedings.

SECT. 44. From and after the passage of this act all bonds given or hereafter to be given, by executors, administrators and guardians, shall be held in trust for the use of the commonwealth, and such person or persons as may be interested therein, and suits may be brought thereon from time to time, by all persons interested therein, in the same manner and with like effect as is now allowed in the case of sheriff's bonds, by the fourth section of the act entitled "An act directing sheriffs and coroners to give sufficient sureties for the faithful execution of their official duties, and for other purposes," passed the twenty-eighth day of March, eighteen hundred and three. Bonds to be given and held under the act of 28th March, 1803.

SECT. 45. This act shall take effect on the first Monday of August next, and so much of any law as is hereby altered or supplied, is hereby repealed from that period. Time of operation. Repealing clause.

JOHN LAPORTE,
Speaker of the House of Representatives.

W. M. G. HAWKINS,
Speaker of the Senate.

APPROVED—The fifteenth day of March, Anno Domini, eighteen hundred and thirty-two.

GEO. WOLF.

No. 81.

AN ACT

Relative to constables and supervisors in certain townships and boroughs.

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 so much of the act of the twentieth of March,

Relative to the operation of the act of 20th March, 1810, in Montgomery and Allegheny.

one thousand eight hundred and ten, as provides that no person shall be permitted to serve as constable more than three years in any term of six years be and is hereby repealed, so far as the same relates to Montgomery and Allegheny counties.

Election of constables in West Chester.

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act the qualified electors residing in the borough of West Chester, in the county of Chester, shall annually, on the same day and at the same place, where they meet to choose supervisors of the highways, elect four reputable citizens of said borough for the office of constable, and return the names of the persons so elected to the next court of Quarter Sessions of the said county, and the said court shall appoint two of them to be constables for the aforesaid borough, and the said two constables shall have like power and authority and be subject to the same regulations and penalties as provided and contained in the several laws respecting constables, which now or hereafter may exist within this commonwealth, and it shall be the duty of the present constable to give legal notice and hold the election as directed by this act.

In East Caln township, Chester co.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the qualified electors residing in the township of East Caln, in the county of Chester, shall, annually, on the same day and at the same place where they meet to choose supervisors of the highways, elect four reputable citizens of said township for the office of constable, and return the names of the persons so elected to the next court of Quarter Sessions of the said county, and the said court shall appoint two of them to be constables for the aforesaid township, and the said two constables shall have like power and authority, and be subject to the same regulations and penalties as are provided and contained in the several laws respecting constables which now or hereafter may exist within this commonwealth, and it shall be the duty of the present constable to give legal notice and hold the election as is directed by this act.

In the district of Spring Garden.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the electors in each of the several wards of the district of Spring Garden shall, on the third Friday of March next, and at the same time in each and every year thereafter, at the places at which the election for inspectors and assessors are held, and as specified in the act of the fourth of April, eighteen hundred and thirty-one, entitled "An act for regulating election districts," elect by ballot two persons one of whom shall be appointed constable for the said ward for the ensuing year, and who shall be a resident of the ward for which he shall be elected to serve in the same manner as constables are now by law required, according to an act entitled "An act to regulate the general elections

within this commonwealth, passed the fifteenth day of February one thousand seven hundred and ninety-nine, and the several acts supplementary thereto, and so much of any other act as relates to the election of constables in the incorporated district of Spring Garden; inconsistent herewith is hereby repealed.

SECT. 5. *And be it further enacted by the authority aforesaid,* That no constable in the county of Philadelphia, shall act in any other township or district than that for which he has been elected, unless to serve process issued by a magistrate residing in the township or district for which said constable has been elected.

Jurisdiction
of constables
in Philadel-
phia county.

SECT. 6. *And be it further enacted by the authority aforesaid,* That so much of the act as authorizes annually the election of two assessors in each ward of the district of Spring Garden be and the same is hereby repealed; and the inhabitants of each ward are hereby authorized to elect annually one assessor.

Assessors
Spring Gar-
den.

SECT. 7. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act there shall be no election by the citizens of the unincorporated part of Penn township, in the county of Philadelphia, for supervisors of the public roads and highways, but that on the same day and at the same place, in manner provided by law for the election of supervisor, one citizen shall be elected, to continue in office one year, another citizen shall be elected for two years, and a third citizen shall be elected for three years, who shall be called commissioners of the roads of said township, and that on all subsequent days now provided by law for the election of supervisor, one citizen shall be elected at the time and in the manner now provided by law for the election of supervisors to serve as commissioner of the roads of said township for three years, and the three commissioners then in office shall have like powers, duties, rights, incidents and obligations as now by law exist with regard to supervisors of the public highways, except as hereinafter provided.

Penn town-
ship.
Commission-
ers of roads to
be elected in
lieu of super-
visors.

SECT. 8. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners from time to time, and at all times when any public road or highway is to be opened in the township aforesaid, to give public notice that proposals will be received for making the same, and it shall be the duty of such commissioners to contract upon the best terms having regard to the compensation demanded and the security offered, for the fulfilment thereof, for making of such road or highway, and within ten days after the election of said commissioners, they shall, in like manner give public notice that proposals will be received for contracts to keep in repair, for the year then following, the several roads in the said township, in such sections and agreea-

Duties of
commission-
ers relative to
opening of
roads, &c.

ble to such divisions as the said commissioners shall designate, and the said contracts shall provide for the due and faithful performance of the duty of the contractor or contractors respectively, under a penalty to be therein named: *Provided*, That such contracts shall in no case be made for a term exceeding three years.

Proviso.

Relative to making and repairing roads.

SECT. 9. *And be it further enacted by the authority aforesaid*, That in case no offer shall be made to make or repair the roads as aforesaid, under contract as aforesaid, then and not otherwise it shall be lawful for the said commissioners to proceed to make and repair the same, in the manner that has been heretofore usual.

Compensation of commissioners.

SECT. 10. *And be it further enacted by the authority aforesaid*, That the said commissioners shall receive in full compensation for any services they may perform, the sum of twelve dollars per annum, each, and no more, and that they shall not, nor any of them, be personally concerned directly or indirectly in any contract for making or repairing any road, nor shall they or any of them derive, under any circumstances, any personal emoluments whatever from any such contract, under the penalty of fifty dollars, to be recovered by action or suit in the name of an informer, one half thereof shall be for the benefit of the informer, and the other half for the improvement of the roads of the said township.

Penalty on being concerned in contracts.

Former law relative to Blockley township roads repealed.

SECT. 11. *And be it further enacted by the authority aforesaid*, That from and after the passage of this act so much of the act entitled An act to provide for making and keeping in repair the public roads and highways in the township of Blockley, in the county of Philadelphia, passed the fourteenth day of April, one thousand eight hundred and twenty-eight, as provides for the election of township commissioners; and for making and keeping in repair the said roads by contract, be and the same is hereby repealed; and that the former laws providing for the election of supervisors, be again extended to the said township.

Old laws restored.

Supervisors of Mifflin township Allegheny county.

SECT. 12. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the supervisors of the highway for the township of Mifflin, in the county of Allegheny, on or before the first day of May next, and on or before the first day of May in each and every year thereafter, to lay off in such sections and agreeably to such divisions as to them shall seem convenient, all the public roads in the said township, and shall give public notice for ten days, by advertisements set up in six of the most public places in the township that proposals will be received for contracts to keep in repair for the year then following, the said roads, in the sections and agreeably to the divisions aforesaid; and the said contracts shall provide for the due and faithful performance of the duty of the contractor and contractors respec-

Relative to contracts for repair of roads.

tively under a penalty to be therein named, which penalty or damages for the non performance of the contract may be recovered by suit or action in the name of the supervisors of the highway for the township of Mifflin.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the road taxes for the said township shall be assessed as by the existing laws provided; and as soon as the duplicates are made out one copy thereof shall be left at the house where the general elections in the said township are held, and notice thereof shall be given at the time of letting the roads; and it shall be the duty of all the citizens made taxable to pay their road tax aforesaid, within ninety days from the notice thus given; and in case of the neglect or refusal of any one so to pay the same the supervisor shall proceed to collect the same in the usual way, for which he shall receive from the delinquent, in addition to the tax, five per centum in full for his trouble in collecting the same. Assessment and collection of road taxes.

SECT. 14. *And be it further enacted by the authority aforesaid,* That any inhabitant of the said township charged with the said road tax shall be at liberty to work on the said road, to the amount of his tax, provided he will work at the same rate at which the contractor can procure other persons of equal capacity and industry to work; and on his producing the receipt of the contractor of any section before the expiration of the ninety days aforesaid, it shall be received in payment of the tax due by him; and the supervisors shall, at their discretion, make payments to the several contractors as the work proceeds, and as the different cases may require. Labor on road in lieu of tax.

SECT. 15. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, instead of the present mode of electing supervisors of highways in St. Clair township, Allegheny county, the citizens of each district of said township, duly qualified to vote at the time and place of electing supervisors, shall elect in the usual manner, two supervisors of highways and two overseers of the poor to serve for each of said districts, and one of the said supervisors and one of the overseers of the poor in the lower district of said township shall reside west of the Saw-mill run, and the branches thereof passing by Boggs' and Brison's old mill, and the other east of the said Saw-mill run, and one of the said supervisors and one of the overseers of the poor in the upper district shall reside north west of the old Washington road, and the others south east of said road. Change in the mode of electing supervisors, &c. in St. Clair, Allegheny county.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the supervisors aforesaid so elected in St. Clair township, shall have authority to collect the road tax for said township, and shall, before entering upon the duties of their office, give bond with security conditioned for the faithful collection and expenditure of the same, which bond Residence in different districts.

Duties of supervisors relative to the collection of taxes, &c.

shall be taken by the auditors, in the name of the said township, and be sueable at law, in the name of said township, and that the said taxes shall not exceed three mills in the dollar, shall be payable only in money, and the receipts of the persons employed by the supervisors for their wages, shall be vouchers for the settlement of the accounts of such supervisors.

Additional supervisors in Barree, Hunt. county.

SECT. 17. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act it shall and may be lawful for the electors of Barree township, Huntingdon county, to elect annually, at the time and place of electing township officers, two qualified citizens as additional supervisors of roads, subject to the same rules and regulations as supervisors are now by law regulated.

—In German Fayette co.

SECT. 18. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, it shall and may be lawful for the electors of German township, Fayette county, to elect annually at their usual place of electing township officers, four qualified citizens for supervisors of the roads, subject to the same rules and regulations as supervisors are now by law regulated.

Commissioners named to arrange districts.

SECT. 19. *And be it further enacted by the authority aforesaid,* That James Langston, William Boyd, David Gilmore, Isaac Core and Michael Franks be and they are hereby appointed commissioners, whose duty it shall be on or before the first Monday in June ensuing, to divide said township into four supervisor districts; and for every day the said commissioners shall be engaged in such division they shall be paid out of the funds of said township, not otherwise appropriated, the sum of one dollar and fifty cents per day for every day necessarily spent in performing the duties required by this act.

Their compensation.

High constable of Conemaugh, Cambria co. invested with the usual powers.

His bond.

SECT. 20. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, the high constable of the borough of Conemaugh, in the county of Cambria, shall have, exercise and possess, within the limits of said borough and township of Conemaugh, in the said county of Cambria, all the powers and duties of the constables elected in the several townships in said county; and before he shall enter on the duties of his office shall take and subscribe the same oath as other constables, 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 into a bond to that amount, with at least one sufficient surety to be approved of by the Court of Quarter Sessions of the said county, in the same manner as now, with reference to the several constables of the several townships 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; the said court

shall have the same power to appoint another person as the Court empowered to appoint the court of Quarter Sessions in the several counties of this commonwealth, have and possess by law, to appoint a constable in any of the townships in the several counties of this commonwealth.

JOHN LAPORTE,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The fifteenth day of March, A. D. one thousand eight hundred and thirty-two.

GEO. WOLF.

No. 82.

AN ACT

Allowing appeals to the owners of unseated lands in certain cases 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 if any owner or owners of unseated lands within the counties of Wayne and Huntingdon, shall feel him, her or themselves aggrieved by the valuation or assessment of taxes, such owner or owners, his, her or their attorney or agent, may appeal to the commissioners of said county, which commissioners shall have power to determine such complaint and appeal as to the said commissioners shall appear to be right and just, in proportion to the valuation made on seated property or lands in the respective townships, and the difference of quality or value of the several tracts of unseated lands in said county.

JOHN LAPORTE,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The fifteenth day of March, A. D. one thousand eight hundred and thirty-two.

GEO. WOLF.