

No. 246.

A FURTHER SUPPLEMENT

To an act entitled An act concerning strays.

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 all the provisions of the act entitled An act concerning strays, passed the thirteenth day of April, one thousand eight hundred and seven, and supplements to the same, passed the fifth day of March, one thousand eight hundred and nineteen, are hereby extended to the county of Adams: *Provided however,* That said clerk shall not be compelled to serve more than one year in seven.

WM. PATTERSON,
Speaker of the House of Representatives.
JACOB KERN,
Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini, eighteen hundred and thirty-four.

GEO : WOLF.

No. 247.

AN ACT

Relating to counties and townships, and county and township officers.

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 State shall be divided into the following named counties, to wit : Philadelphia, Bucks, Chester, Lancaster, York, Cumberland, Berks, Northampton, Bedford, Northumberland, Westmoreland, Washington, Fayette, Franklin, Montgomery, Dauphin, Luzerne, Huntingdon, Allegheny, Mifflin, Delaware, Lycoming, Somerset, Greene, Wayne, Adams, Centre, Beaver, Butler, Mercer, Crawford, Erie, Warren, Venango, Armstrong, Indiana, Jefferson, McKean, Clearfield, Potter, Tioga, Cambria, Bradford, Susquehanna, Schuylkill, Lehigh, Lebanon, Columbia, Union, Pike, Perry, Juniata, as the same are now by law established, and into such others as the Legislature may from time to time establish.

Division of
the State into
counties.

Cities. SECTION 2. Every city shall be deemed and taken to form part of the county in which it is or may be situate, saving nevertheless to each city and to the citizens thereof, all and singular the jurisdictions, powers, rights, liberties privileges and immunities, granted by the respective charters, and by the laws of this Commonwealth.

To be bodies corporate. SECTION 3. The several counties and townships in this state shall have capacity as bodies corporate.

I. To sue and be sued as such by the corporate name of "The county of "or the township of " as the case may be.

II. To take and hold real estate within their respective limits, and also personal property: *Provided*, That such real and personal estate shall be taken and held only for the benefit of the inhabitants of the respective county or township, and for such objects and purposes, and none other as county or township rates and levies are now, or hereafter may be authorized by law to be laid and collected, and for such other objects and purposes as may hereafter be expressly authorized by law.

Exercise of corporate powers.

III. To make such contracts as may be necessary and proper for the execution of the same objects and purposes.

SECTION 4. The corporate powers of the several counties and townships shall be exercised by the commissioners or supervisors thereof, respectively.

Suits, how brought and defended.

SECTION 5. All suits by a county or township, shall be brought and conducted by the commissioners or supervisors thereof respectively, and in all suits against a county or township process shall be served upon, and defence made by the commissioners or supervisors thereof, respectively.

Judgments against counties.

SECTION 6. If judgment shall be obtained against a county in any action or proceeding the party entitled to the benefit of such judgment, may have execution thereof as follows, and not otherwise, viz: It shall be lawful for the court in which such judgment shall be obtained or to which such judgment may be removed by transcript from a justice of the peace or alderman to issue thereon a writ commanding the commissioners of the county to cause the amount thereof, with the interest and costs, to be paid to the party entitled to the benefit of such judgment out of any moneys unappropriated of such county, or if there be no such moneys out of the first moneys that shall be received for the use of such county, and to enforce obedience to such writ by attachment.

Against townships.

SECTION 7. If judgment shall be obtained against a township, the like proceedings may be had to enforce payment out of the township funds according to the circumstances of the case.

County seal.

SECTION 8. There shall be a county seal for each county of this State, which shall be in the custody of the commissioners thereof, and the official acts of the commissioners shall be authenticated therewith.

SECTION 9. The titles to all and singular the court houses, jails, prisons, and work houses, together with the lots of land thereunto belonging, or appertaining in the several counties in this State, as they now are or heretofore have been vested in any feoffees or trustees, or in the commonwealth, or in the commissioners of the respective counties, or in any bodies politic or corporate, for the several use of the said counties respectively, shall be and they are hereby declared to be vested in the respective counties for the use of the people thereof, and for no other use. Title to co-property.

SECTION 10. It shall be lawful for the commissioners of any county, having first obtained the approbation of "two successive" grand "juries," and of the court of Quarter Sessions of such county to cause to be erected at the seat of justice thereof when occasion shall require such building or buildings as may be necessary for the accommodation of the courts and of the several officers in the county, and for the reception and safe keeping of the records and other papers, in charge of such officers, and also such other building or buildings, as may be necessary and proper for the purposes of a county jail and workhouse, and if need be to purchase ground for the erection of such buildings. Erection of co. buildings.

SECTION 11. It shall be the duty of the commissioners of every county to keep and maintain the public buildings aforesaid of the county, in suitable and convenient order and repair, and it shall be lawful for them when necessary, having first obtained the approbation of the grand jury and of the court of Quarter Sessions of the county, to alter, add to, or enlarge such public buildings. Repairs of the same.

SECTION 12. It shall be the duties of the several prothonotaries, clerks of the courts of Quarter Sessions and Orphan's court, registers and recorders, and also of the commissioners, auditors, treasurer and sheriff of the several counties, to keep their respective offices and all public records and papers belonging thereto at the seat of justice of the respective county, and in such building or buildings as may be erected or appropriated for such purpose, under a penalty in each case of five hundred dollars, to be recovered by action of debt, one half thereof to be paid to the treasurer of the proper county, to be applied by him to the payment of the erection or repairs of such buildings, and the other half thereof to be for the use of him who shall first sue for the penalty. Public offices to be kept at the seat of justice.

SECTION 13. The several courts of Quarter Sessions, shall have authority within their respective counties, to erect new townships, to divide any township already erected, and to alter the lines of any two or more adjoining townships, so as to suit the convenience of the inhabitants thereof, "and to cause the lines or boundaries of townships to be ascertained and established." Q. S. may erect and di- vide townships.

SECTION 14. Upon application by petition to a court of Quarter Sessions, for the purpose of erecting a new township

**Proceedings
for this
purpose.**

or altering the lines of any township, "or of ascertaining and establishing the lines or boundaries of any township," the said court shall appoint three impartial men, if necessary, to inquire into the propriety of granting the prayer of the petition, and it shall be the duty of the commissioners so appointed or any two of them to make a plot or draft of the township proposed to be divided, and the division line proposed to be made therein or of the township proposed to be laid off, or of the lines proposed to be altered of two or more adjoining townships, "or of the lines proposed to be ascertained and established," as the case may be, if the same cannot be fully designated by natural lines or boundaries, all which they or any two of them shall report to the next court of Quarter Sessions, together with their opinion of the same, and at the term after that at which the report shall be made, the court shall take such order thereupon as to them shall appear just and reasonable.

II. OF COUNTY OFFICERS.

1. COUNTY COMMISSIONERS.

**Election of
commissioner** SECTION 15. The electors of every county shall on the day of the general election in each year, elect one respectable citizen to serve as commissioner of the county, for the term of three years next ensuing such election, and until a successor shall be duly elected or appointed.

Vacancies. SECTION 16. If an election of a county commissioner shall not take place as hereinbefore provided, or if such election shall be set aside according to law, or if any commissioner shall decline serving in such office, or shall die or shall remove out of the county, or be removed from office, the remaining commissioner or commissioners, together with the court of Quarter Sessions of the county, shall appoint a suitable citizen to fill the vacancy until the next general election, when a commissioner shall be elected for the unexpired term.

Oath of office. SECTION 17. Every commissioner elected or appointed as aforesaid, shall before he enters upon the duties of his office, take and subscribe an oath or affirmation, before some person having authority to administer oaths, to support the constitution of the United States, and that of this State, and to perform the duties of his office with fidelity, which oath or affirmation certified by the person before whom it was taken, shall within ten days thereafter, be filed by such commissioner in the office of the clerk of the court of Quarter Sessions of the same county.

First meeting SECTION 18. The commissioners of each county, shall assemble at the seat of justice thereof, within thirty days after the general election, in each year, when each new commissioner shall produce a certificate under the hand and seal of the clerk of the court of Quarter Sessions of the same county, of

his election and qualifications according to the provisions of this act.

SECTION 19. Two of the commissioners aforesaid, shall form a board for the transaction of business, and when convened in pursuance of notice or according to adjournment, shall be competent to perform all and singular the duties appertaining to the office of county commissioners. Quorum.

SECTION 20. It shall be the duty of the commissioners of each county, to appoint a suitable person as clerk, who shall keep the books and accounts of the board, record or file, their proceedings and papers, attest all orders and warrants issued by them and perform all other acts pertaining to his office as clerk. He shall receive for his services such sum as the commissioners shall at their first meeting in each year agree upon. Their clerk.

SECTION 21. Copies of the proceedings of the commissioners, certified by their clerk, under the county seal, shall be good evidence in the trial of any case, in any of the courts within this Commonwealth. Copies of their proceedings evidence.

SECTION 22. It shall be the duty of the commissioners of each county to publish annually once a week for four successive weeks in the month of February, a full and accurate statement of all receipts and expenditures of the preceding year, in one or more of the newspapers printed in the county, and if no newspaper be published in such county, then in at least fifty printed handbills, to be set up in the most public places in the county. Annual statements.

SECTION 23. Such statement shall enumerate the respective sums paid by each ward and township within the city and county, and also designate all sums expended for the support of prisons, the pay of each commissioner and of their clerk, the repairs of old or the erection of new bridges, and the sums paid to individuals for lands over which roads may have been laid out, together with such other items as may have a tendency to convey general information of the transactions of the preceding year. Contents of the same.

SECTION 24. If the commissioners of any county shall neglect or refuse to perform any duty required of them by law, or if any one of such commissioners shall neglect or refuse to perform any official duty, they or he shall respectively be fined in a sum not exceeding one hundred dollars. Penalty for neglect of duty.

SECTION 25. The commissioners of every county shall respectively have power to administer oaths and affirmations in all cases arising in the performance of the duties of their office. May administer oaths.

SECTION 26. The commissioners of each county shall respectively receive out of the county treasury the sum of one dollar and fifty cents for each day they shall necessarily attend to the duties of their offices. Compensat'n.

2. COUNTY TREASURER.

Appointment
of treasurer.

SECTION 27. The commissioners of each county shall annually in the first week in the month of January, appoint a respectable citizen as county treasurer, and in the event of the death, removal from the county, or misbehaviour in office of such treasurer, it shall be the duty of the commissioners to appoint a fit person to fill the vacancy until the end of the year.

Persons
ineligible.

SECTION 28. "*Provided, That*" no judge, clerk or prothonotary of any court, county commissioner or auditor, shall receive the appointment of county treasurer, and that no person shall be appointed to such office within three years after he shall have been a county commissioner or auditor: *And provided also*, That no county treasurer shall be capable of receiving a re-appointment, unless he produce to the commissioners a certificate from the Auditor General and State Treasurer that his accounts with the Commonwealth have been duly settled, and the moneys belonging to the Commonwealth paid over according to law, which certificate shall be filed in the office of such commissioners.

Time of service limited.

SECTION 29. No county treasurer shall serve in such office longer than three years in any term of six years.

Penalty for
appointing a
person ineligible.

SECTION 30. If the commissioners of any county shall appoint to the office of treasurer any person, who by law is declared to be incapable of receiving such appointment, they shall be deemed to be guilty of a misdemeanor in office, and each commissioner consenting to such appointment, shall be sentenced to pay a fine of not less than fifty dollars nor more than three hundred dollars, at the discretion of the court, for the use of the Commonwealth.

Certificate of
appointment.

SECTION 31. It shall be the duty of the commissioners of each county annually within ten days after the appointment of county treasurer, to grant to such treasurer a certificate of his appointment, under the county seal, which shall be entered of record in the office of the recorder of deeds of the same county, and also to forward to the Auditor General a certificate in similar form, stating the name of the county treasurer and the date of his appointment.

Treasurer not
to act before
giving bond,
&c.

SECTION 32. No person appointed treasurer of any county shall undertake any of the duties of his office until a certificate of his appointment shall have been given and recorded in conformity with this act, nor until he shall have given bond, with sureties, as is hereinafter provided.

Bond of the
treasurer to
the county.

SECTION 33. Each county treasurer shall give bond with sureties, to the satisfaction of the commissioners, conditioned for the faithful performance of the duties of his office: for a just account of all moneys that may come into his hands on behalf of the county: for the delivery to his successor in office, of all books, papers, documents and other things, held in right of his office, and for the payment to him of any balance of money, belonging to the county, remaining in his hands.

SECTION 34. Each county treasurer shall, also, before entering upon the duties of his office, give a bond with sufficient security, to be approved of by at least two of the judges of the Court of Quarter Sessions of the same county, and in such penalty as the said judges shall deem sufficient, conditioned for the faithful discharge of all duties enjoined upon him by law in behalf of the commonwealth, and for the payment, according to law, of all moneys received by him for the use of the commonwealth, which bond shall be taken by, and acknowledged before the Recorder of Deeds of the same county, and recorded in his office, at the cost of the county treasury, and the original bond shall be forthwith transmitted to the Auditor General. To the State.

SECTION 35. Copies of the record of the official bond of any county treasurer, acknowledged and recorded as aforesaid, and duly certified by the Recorder of Deeds for the time being, shall be good evidence in any action brought against such treasurer or his sureties on such bond, according to its form and effect, in the same manner as the original would be if produced and offered in evidence. Copies thereof, evidence.

SECTION 36. If any county treasurer shall fail to transmit the bond required by this act to be given by him for the use of the Commonwealth, the Auditor General shall give notice thereof to the county commissioners, who shall forthwith proceed to remove such treasurer from office and appoint some suitable person in his place. Penalty for not sending bond to Aud. General.

SECTION 37. It shall be the duty of every county treasurer to receive all moneys due or accruing to the county, and to pay the same on warrants drawn by the commissioners. He shall keep a just and true account of all moneys received and disbursed, which account shall be at all times open to the inspection of the commissioners and of each of them; he shall, once in three months, and oftener if required, furnish the commissioners with a statement of all moneys received and disbursed since the date of his last statement, exhibiting the balance remaining in his hands, together with the names of the collectors, in whose hands any arrearages of taxes may remain with the amount thereof. And he shall, once in each year, state his accounts, and produce his vouchers, which, after examination by the commissioners, shall be by them laid before the county auditors for settlement according to law. His duty as to county funds.

SECTION 38. It shall be the duty of every county treasurer to keep separate accounts of all moneys received by him on behalf of the commonwealth, from the following sources, viz: As to the State.

I. From licenses granted to hawkers and pedlars.

II. From licenses to tavern keepers.

III. From licenses to retailers of foreign merchandize, specifying, in each of these cases, the names of the parties, the rate or amount paid for such licenses, and the year for which such license was issued, or the duty paid.

IV. From exempt fines.

V. From duties on collateral inheritances, specifying the name of the decedent and the amount or value of the estate.

VI. From taxes assessed on real or personal property, or otherwise, for the use of the Commonwealth, in pursuance of any act of Assembly.

VII. From pamphlet laws and State maps.

VIII. From any other source from which, by law, he now is or hereafter may be required to receive money on behalf of the commonwealth.

SECTION 39. It shall be the duty of every county treasurer, within ten days after the first days of July and November in each year, and oftener if required by the Auditor General, to forward to the Auditor General a statement, under oath or affirmation, of all moneys received by him for the use of the Commonwealth since the date of his last statement, distinguishing the amount received from each source of revenue, and embracing the several particulars hereinbefore stated.

SECTION 40. It shall be the duty of every county treasurer, within ten days after the first day of July, and the second Tuesday of December, in each year, to pay over to the State Treasurer, or deposit to his credit in a bank to be designated by the State Treasurer, the amount of moneys received by him for the use of the Commonwealth during the preceding "half year," deducting therefrom such sum or amount as may by law be allowed to him for his compensation: *Provided*, That when the sum or sums received by any county treasurer, on account of the tax on collateral inheritances, shall exceed five hundred dollars, the same shall be paid into the State Treasury within one month thereafter: *And provided further*, That the commission allowed county treasurers in any one estate shall not exceed one hundred dollars.

Proviso.

2d proviso.

SECTION 41. Each county treasurer shall receive in full compensation for his services on behalf of the county, a certain amount per cent on all moneys received and paid by him, which rate shall be settled from time to time by the county commissioners with the approbation of the county auditors.

Compensat'n from the co.

SECTION 42. Each county treasurer shall be entitled to deduct from the gross amount of moneys received by him for the use of the Commonwealth, on each separate account, he is required to keep and settle a commission in the following proportions, viz: where the whole sum accounted for and paid into the State Treasury, or otherwise for the use of the Commonwealth, as directed by law, arising from either of the accounts specified in this act, does not exceed one thousand dollars, at the rate of five per cent, when it exceeds that sum and does not exceed two thousand dollars, one per cent for such excess over the one thousand dollars, and on all beyond the sum of two thousand dollars, one half of one per cent: *Provided*, That no commission shall be allowed to any county treasurer, unless the

From the State.

Proviso.

amount due the Commonwealth and received by him, be paid over within the times hereinbefore specified, and unless his accounts shall be transmitted and settled on or before the second Tuesday of December, in each and every year.

SECTION 43. If any county commissioner or county treasurer, shall be concerned in any contract, or shall be directly or indirectly interested in the construction of any public work or improvement, made or undertaken under the authority of the commissioners of the same county, the same shall be deemed a misdemeanor in office, and such commissioner or treasurer, shall be fined in a sum not exceeding five hundred dollars, and and shall be adjudged by the court to be removed from office: *Provided*, That nothing herein contained, shall be construed to prevent such commissioner receiving his lawful compensation, while necessarily attending in his official character to the progress of any public work or improvement.

Comm'rs and treasurer not to be concerned in any contract.

3. COUNTY AUDITORS.

SECTION 44. The electors of every county shall on the day of the general election in each year, elect one respectable citizen to serve as auditor of the county for the term of three years next ensuing such election, and until a successor shall be duly elected or appointed.

Election of auditors.

SECTION 45. If an election of an auditor shall not take place as is hereinbefore provided, or if such election shall be set aside according to law, or if any auditor shall decline serving in the office, or shall die, or remove out of the county, or be removed from office, the court of Quarter Sessions of the county shall appoint a suitable citizen to fill the vacancy until the next general election, when an auditor shall be elected for the unexpired term.

Vacancies.

SECTION 46. Every auditor elected or appointed as aforesaid, shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation before some person having authority to administer oaths, to support the constitution of the United States, and that of this state, and to perform the duties of his office with fidelity, which oath or affirmation, certified by the person before whom it was taken, shall within ten days thereafter be filed by such auditor in the office of the clerk of the court of Quarter Sessions of the proper county.

Oath of office.

SECTION 47. The auditors of each county shall assemble at the seat of justice thereof, on the first Monday of January in each year, and at such other times as they may find necessary for the performance of the duties required of them by law.

First meeting

SECTION 48. The auditors of each county, any two of whom when duly convened shall be a quorum, shall audit, settle and adjust the accounts of the commissioners, treasurer and sheriff and coroner of the county, and make report thereof to the court of Common Pleas of such county, together with a statement of

Quorum.

the balance due from or to such commissioners, treasurer, sheriff or coroner.

To settle
acc'ts of co.
officers with
the stock.

SECTION 49. It shall also be the duty of the auditors of each county, to audit, settle and adjust the accounts of the treasurer of the county with the State Treasury, and of such other officers in the county receiving money for the use of the Commonwealth as may be referred to them by the Auditor General, and to make a separate report thereof to the court of Common Pleas for the county, together with a statement of the balances due from or to such treasurer or other officer.

May issue
subpœnas.

SECTION 50. The auditors of each county shall have power to issue subpœnas to obtain the attendance of the officers whose accounts they are required to adjust, their executors and administrators, and of any persons whom it may be necessary to examine as witnesses, and to compel their attendance by attachment in like manner and to the same extent as any court of Common Pleas of this State may or can do in cases depending before them; and also to compel, in like manner, the production of all books, vouchers and papers relative to such accounts, and such subpœna and attachment shall be served and executed by the sheriff or coroner of the respective county, as the case may require.

Administer
oaths.

SECTION 51. The auditors of each county shall have power to administer oaths and affirmations to all persons brought or appearing before them, whether accountants, witnesses or otherwise; and all persons guilty of swearing or affirming falsely on such examination, shall be liable to the pains and penalties of perjury.

Commit in
certain cases.

SECTION 52. If any person appearing before such auditors for examination, shall refuse to take such oath or affirmation, or after having been sworn or affirmed, shall refuse to make answer to such questions as shall be put to him by the auditors touching the public accounts, or the official conduct of such public officers, or any of them, such persons so refusing may be committed by the auditors to the county jail, by warrant under their hands and seals, directed to the sheriff or any constable of the county; setting forth particularly the cause of such commitment, until he shall submit to be sworn or affirmed, or to make answers to such questions or be otherwise legally discharged.

Pay of
witnesses.

SECTION 53. Witnesses attending before auditors shall receive out of the county stock, the same allowance as is received by witnesses attending before the courts of this State; and where final judgment shall be given against any officer whose accounts shall have been settled by the auditors, the charges of the attendance of such witnesses shall be included in the costs assessed against such officer.

Proceedings
to have books,
&c. provided.

SECTION 54. If any person in possession of books, vouchers or papers relative to public accounts before auditors, shall refuse to produce the same, or if any officer whose accounts are to be settled and adjusted by such auditors, shall refuse to

attend or submit to examination as is hereinbefore directed, the auditors shall proceed by the examination of witnesses and other evidence to ascertain and settle as near as may be the amount of public money received by such officer and its application to public purposes or otherwise.

SECTION 55. The report of the auditors shall be filed among the records of the court of Common Pleas of the respective county, and from the time of being so filed shall have the effect of a judgment against the real estate of the officer who shall thereby appear to be indebted either to the commonwealth or to the county. Report to be filed in C. P.

SECTION 56. An appeal may be made from such report to the court of Common Pleas of the same county either by the commonwealth, the county, or the officer, and thereupon the court may direct an issue as the case may require, to be tried by a jury upon whose verdict final judgment shall be entered. Appeal from it.

SECTION 57. Such appeal shall be entered by the commonwealth within four months and by the county and the officer, within sixty days after the filing of the report: *Provided*, That if the officer be the appellant he shall enter into a recognizance with two sufficient sureties in double the sum found due by such report, with condition to prosecute the appeal with effect and to pay the costs and such sum of money as he shall appear by the verdict of the jury to be indebted. Proviso.

SECTION 58. If an appeal shall not be entered and security given as is hereinbefore required, or if upon such appeal judgment shall be given in favor of the commonwealth or of the county, execution shall thereupon issue against the property or person of the defaulting officer, in like manner as upon judgments recovered in the usual course of law. Execution.

SECTION 59. It shall be the duty of the auditors of each county within ten days after preparing the same to transmit to the auditor general a certified copy of their report upon the accounts of the treasurer of the respective county with the State Treasury, and of such other officers as may be referred to them as aforesaid. Copy of report to be sent to Aud. General.

SECTION 60. The auditors of each county shall be allowed out of the county stock the sum of one dollar and fifty cents each, for each days necessary attendance upon the duties of their office. Their pay.

SECTION 61. The amount payable to auditors for their services and incidental expenses, and the costs of the attendance of witnesses before them shall, be paid out of the county stock by an order drawn upon the county treasurer by the judges of the court of Common Pleas of the same county. How paid.

4. SHERIFF AND CORONER.

SECTION 62. Every sheriff before he shall be commissioned or execute any of the duties of his office, shall enter into a recognizance and become bound in a bond with at least two sufficient sureties in the sums and manner hereinafter mentioned. Sheriff's bond and recognizance.

Amount thereof in the several coun's
 SECTION 63. The recognizances and bonds of the several sheriffs of this commonwealth, shall be taken in the following sums respectively, to wit:

City and county of Philadelphia, eighty thousand dollars.
 County of Bucks, twenty thousand dollars.
 County of Chester, twenty thousand dollars.
 County of Lancaster, thirty thousand dollars.
 County of York, twenty thousand dollars.
 County of Berks, thirty thousand dollars.
 County of Cumberland, fifteen thousand dollars.
 County of Northampton, fifteen thousand dollars.
 County of Bedford, ten thousand dollars.
 County of Northumberland, fifteen thousand dollars.
 County of Westmoreland, fifteen thousand dollars.
 County of Washington, fifteen thousand dollars.
 County of Fayette, ten thousand dollars.
 County of Franklin, fifteen thousand dollars.
 County of Montgomery, fifteen thousand dollars.
 County of Dauphin, fifteen thousand dollars.
 County of Luzerne, fifteen thousand dollars.
 County of Huntingdon, fifteen thousand dollars.
 County of Allegheny, twenty-five thousand dollars.
 County of Mifflin, ten thousand dollars.
 County of Delaware, ten thousand dollars.
 County of Lycoming, ten thousand dollars.
 County of Somerset, twelve thousand dollars.
 County of Greene, five thousand dollars.
 County of Wayne, six thousand dollars.
 County of Adams, ten thousand dollars.
 County of Centre, ten thousand dollars.
 County of Crawford, five thousand dollars.
 County of Beaver, ten thousand dollars.
 County of Butler, eight thousand dollars.
 County of Mercer, six thousand dollars.
 County of Erie, seven thousand dollars.
 County of Warren, five thousand dollars.
 County of Venango, eight thousand dollars.
 County of Armstrong, ten thousand dollars.
 County of Indiana, ten thousand dollars.
 County of Jefferson, seven thousand dollars.
 County of M'Kean, five thousand dollars.
 County of Clearfield, five thousand dollars.
 County of Potter, (when organized,) five thousand dollars.
 County of Tioga, eight thousand dollars.
 County of Cambria, eight thousand dollars.
 County of Bradford, ten thousand dollars.
 County of Susquehanna, eight thousand dollars.
 County of Schuylkill, ten thousand dollars.
 County of Lehigh, fifteen thousand dollars.
 County of Lebanon, fifteen thousand dollars.

County of Columbia, fifteen thousand dollars.

County of Union, fifteen thousand dollars.

County of Pike, six thousand dollars.

County of Perry, ten thousand dollars.

County of Juniata, ten thousand dollars.

And the recognizance and bond of the sheriff, of each new Form of re- county, which shall hereafter be erected and organized, shall be cognizance. taken in the sum of five thousand dollars, and for every representative of such new county, in the General Assembly, more than one, in the additional sum of four thousand dollars.

SECTION 64. The form of the recognizance to be taken from the sheriff of each county, and his sureties, shall be as follows, to wit: "You (A. B. C. D. and E. F.) do acknowledge that you owe unto the Commonwealth of Pennsylvania, the sum of to be levied and made of your several goods and chattels, lands and tenements, upon condition that if you (A. B.) shall, and do without delay and according to law, well and truly serve and execute all writs and process of the Commonwealth of Pennsylvania, to you directed, and shall and do from time to time, upon request to you for that purpose made, well and truly pay or cause to be paid to the several suitors and parties interested in the execution of such writs and process, their lawful attorneys, factors, agents or assigns, all and every sum and sums of money to them respectively belonging, which shall come to your hands, and shall and do from time to time and at all times during your continuance in the office of the sheriff of the county of well and faithfully execute and perform all and singular, the trusts and duties to the said office lawfully appertaining, then this recognizance to be void or else to be and remain in full force and virtue." Taken and acknowledged the day A. D. Before me

Recorder of Deeds, for the county of

SECTION 65. The form of the bond to be given by the sheriff and his sureties, shall be as follows, to wit: "Know all men by these presents, that we, (A B, C D, and E F,) are held and firmly bound unto the Commonwealth of Pennsylvania, in the sum of dollars, to be paid to the said Commonwealth, for the uses, intents and purposes declared and appointed by law, to which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, sealed with our seals, dated the day of Anno Domini Of the bond. The conditions of the above obligation is such, that if the said (A B) shall and do, without delay, according to law, well and truly serve and execute all writs and process of the said Commonwealth to him directed, and shall and do, from time to time, upon request to him for that purpose made, well and truly pay or cause to be paid, to the several suitors and parties interested in the execution of such writs or process, their lawful attorney, factors, agents or assigns, all and every sum and sums of money

to them respectively belonging; which shall come to his hands; and shall and do from time to time, and at all times during his continuance in the said office, well and faithfully execute and perform all and every of the trusts and duties to the said office appertaining; then this obligation to be void, or else to be and remain in full force and virtue."

Coroner to
give like
security.

SECTION 66. The coroner of each county, before he shall be commissioned, or execute any of the duties of his office, shall enter into a recognizance and become bound in a bond, with at least two sufficient sureties, in one-fourth of the sum which shall be by law required from the sheriff of the same county.

Condition of
his recog. and
bond.

SECTION 67. The condition of the recognizance and bond to be given by the coroner, shall be, that such coroner will "well and truly perform all and singular the duties to the said office of coroner appertaining;" and such recognizance and bond shall be a security to the Commonwealth, and to all persons whomsoever, for the faithful discharge and due performance of all the duties required by law from such coroner.

Recog. of
sheriff or
coroner to be
recorded.

SECTION 68. Every such recognizance entered into by a sheriff and coroner, shall be taken by the recorder of deeds of the proper county, and recorded in his office; and when so recorded, shall be by him transmitted to the Secretary of the Commonwealth, with a certificate, endorsed by such recorder, of its having been duly recorded.

Sureties to be
approved by 2
judges of C.
P.

SECTION 69. Before any such bond or recognizance shall be taken by the recorder of deeds, the sufficiency of the sureties therein named shall be submitted to and approved of by the judges of the court of Common Pleas of the proper county, or by any two of them, for that purpose convened, who shall certify their approbation of such sureties to the recorder; and no commission shall afterwards be granted until the Governor shall have also approved of the sufficiency of such sureties.

Who may not
be sureties.

SECTION 70. *Provided*, That no judge, clerk or prothonotary of any court, or attorney at law, shall be permitted to become a surety in such bond or recognizance, and that no person shall be received as surety for a sheriff and for a coroner at the same time.

Copies to be
evidences.

SECTION 71. Copies of the record of any such bond or a recognizance, acknowledged and recorded as aforesaid, and duly certified by the recorder of deeds for the time being, shall be good evidence in any action brought against the obligors or cognizors, according to its form and effect, in the same manner as the original would be if produced and offered in evidence.

Commissions
to be recorded

SECTION 72. It shall be the duty of every sheriff and of every coroner, immediately after receiving his commission from the Governor, to deliver the same to the Recorder of Deeds of the county, by whom the same shall be recorded, at the expense of such sheriff or coroner.

Not to act till
commission'd

SECTION 73. No person elected or appointed to the office of sheriff or coroner, shall presume to execute any of the duties

of such office, before a commission shall have been duly granted to him, and left for record as hereinbefore provided, under a penalty of imprisonment for a term not exceeding six months, at the discretion of the court of Quarter Sessions of the county; *Provided*, That such person shall nevertheless be liable to any person injured by any acts done by him under color of such office.

SECTION 74. All the real estate, within the same county, of a sheriff and coroner and their respective sureties, shall be bound by a recognizance, taken in manner aforesaid, as effectually as by a judgment to the same amount in any court of record of such county; and it shall be the duty of every Recorder of Deeds, so soon as a sheriff or coroner shall be commissioned, to certify the recognizance taken by him to the Prothonotary of the court of Common Pleas of the same county, who shall enter the names of the parties thereto upon his docket, in like manner as judgments are by law directed to be entered.

SECTION 75. If any sheriff shall be legally removed from his office, or shall die before the expiration of the term for which he shall have been commissioned, the coroner of the same county shall execute the office of sheriff, and perform all things thereunto appertaining, until another sheriff shall be duly commissioned, and notice thereof given to such coroner.

SECTION 76. Whenever a vacancy shall happen in the office of sheriff or coroner, which is to be filled by a new appointment, in the manner prescribed by the constitution of this Commonwealth, the person so to be appointed shall enter into recognizance, and give bond with sureties, to be approved in manner aforesaid, in such sum as shall be determined on by the judges of the court of Common Pleas of the same county, or by any two of them for that purpose convened.

SECTION 77. In case of the sale of real estate by a sheriff or coroner, and an appropriation thereof by the court, under the act of the sixteenth of April, eighteen hundred and twenty-seven, entitled 'An act relative to the distribution of money arising from sheriff and coroners sales,' it shall be the duty of the prothonotary to note on each judgment or lien, the amount paid thereon by such appropriation, with a reference to such appropriation.

SECTION 78. It shall be the duty of every sheriff, and of every coroner acting as sheriff, to provide and keep in his office a proper book or books, in which he shall enter all writs that may come to his hands and the proceedings thereon, and at the expiration of his term of office, such books shall be deposited in the office of the Prothonotary of the court of Common Pleas in the same county, for the inspection of all persons interested therein.

SECTION 79. It shall be the duty of every sheriff, his deputy or agent, and of every coroner acting as sheriff, if a demand for that purpose shall be made immediately after receiving any of his fees, or any written security therefor to deliver a bill of par-

Lien of recog.
and duty of
the recorder,

In case of ap-
pointment to
fill vacancy,
security to be
given.

Proth'y to
note the ap-
propriation of
money arising
from sheriff's
sales.

Sheriff to
enter writs in
a book, &c.

Bill of parti-
culars, and
receipt.

Penalty. particulars specifying the several items contained therein and the amount thereof, and to give the party paying such fees a receipt in full therefor, or to endorse on such written security when taken, that the same was given for fees, and to sign the endorsement so to be made, and if any sheriff, his deputy or agent, or coroner acting as aforesaid, shall refuse or neglect to give such bill of particulars or receipt, or to make such endorsement, he shall forfeit and pay any sum not exceeding fifty dollars to the Commonwealth.

Sheriff to set up in his office section 80. **SECTION 80.** It shall be the duty of every sheriff, to place and keep up in some conspicuous part of his office the eightieth* section of this act for the inspection of all persons having business in such office, on pain of forfeiting for each day the same shall be missing through his neglect, the sum of ten dollars, one half of which penalty shall be for the use of the informer, and the other half for the use of the proper county.

Penalty.

III. OF TOWNSHIP OFFICERS.

Election of township officers.

SECTION 81. It shall be lawful for the electors of every township, annually to elect the following township officers, to wit :

I. An assessor.

II. Three supervisors to be elected in one thousand eight hundred and thirty-five, one to serve one year, one two years, and one three years, and thereafter one each year, to serve three years.

III. A township treasurer.

IV. A town clerk who shall serve in their respective offices for the term of one year, and until a successor shall be duly elected or appointed: *Provided*, That if the whole number of votes given in for the offices of town clerk or township treasurer, shall not exceed one half the number of votes polled at the same election for supervisors, then and in that case, no person shall be considered as duly elected to either of those offices.

V. Three township auditors to be elected for the same term and in the same manner as supervisors.

VI. Two persons whose names shall be returned to the court of Quarter Sessions of the proper county, for the office of constable, as is hereinafter provided. And in the year one thousand eight hundred and thirty-four, and every third year thereafter, it shall be lawful for the electors of every township to elect two assistant assessors, for the term of one year.

Time and place.

SECTION 82. The election for assessors, assistant assessors shall be held on the day and at the place appointed by law, for the choice of inspectors of the general election. The election for all other township officers, shall be held at such place on the "third" Friday, of the month of March, in each year: *Provided*, That the elections for township officers in the county of Tioga, and in the townships of Harmony and Great Bend, in Susquehanna county, and in the township of Asylum, in the

Proviso.

* The words "eightieth section" are found in the original, but should be "seventy-ninth section."

county of Bradford, and in the township of Preston, in Wayne, shall be holden on the third Friday of February, annually.

SECTION 83. If the electors of any township shall fail to choose any township officer, other than assessor, assistant assessor or constable, or if any person elected to such office, shall neglect or refuse to serve therein, or if any vacancy shall happen in such office, by death or otherwise, it shall be lawful for the court of Quarter Sessions of the proper county, to appoint a suitable person to fill such office, until the next annual election. Vacancies.

SECTION 84. No person shall be eligible to any township office unless he be an elector of the township for which he shall be chosen. Eligibility.

SECTION 85. If any person elected or appointed to any township office, excepting that of constable and duly notified thereof shall neglect or refuse to serve in such office, he shall forfeit and pay the sum of twenty dollars: *Provided*, That no person shall be required to serve in any such office more than three years in twelve years. Penalty for refusing to serve.
Proviso.

SECTION 86. Every person elected or appointed to any township office, shall before entering upon the duties of his office, take and subscribe an oath or affirmation, before some person having authority to administer oaths, to support the constitution of the United States and that of this commonwealth, and perform the duties of his office with fidelity, a copy of which oath or affirmation certified by the person by whom the same shall be administered, shall within ten days thereafter be filed with the town Clerk if there be one in such township. Oath of office

1. ASSESSORS.

SECTION 87. If the electors of any township shall fail to choose an assessor or assistant assessor at the time appointed by law, or if any person elected to such office shall neglect or refuse to serve therein, or if any vacancy shall happen therein, by death or otherwise, the commissioners of the county shall appoint a fit person to fill the office who shall have the same powers, be subject to the same penalties, and receive the same compensation, as if he had been elected in manner aforesaid. Vacancies in the offices of assessor and assistant assessors.

SECTION 88. It shall be the duty of each assessor and assistant assessor to produce to the commissioners of the county within twenty days after his election or appointment, a copy of the oath or affirmation taken and subscribed by him as is hereinbefore directed and attested by the person by whom the same was administered which shall be filed by the commissioners in their office. Copy of oath to be filed in com. office.

SECTION 89. It shall be the duty of each assessor and assistant assessor to keep an account of the several days by him actually employed in the performance of his duties, and to make return of the same to the commissioners of the county Pay.

verified by his oath or affirmation and for each day necessarily so employed he shall receive the sum of one dollar.

2. SUPERVISORS.

Supervisors to be overseers of the poor. **To keep ac'ts** SECTION 90. The supervisors of each township elected or appointed in pursuance of this act shall perform all the duties imposed by law on supervisors of the public roads or highways and be subject to the same responsibilities, and shall be by virtue of their office overseers of the poor of the township where the poor are a township charge. And it shall be the duty of the said supervisors to keep fair and clear accounts in a book to be provided for the purpose, of all moneys received by them or either of them, and by them or either of them expended, on behalf of the township, and such accounts verified by oath or affirmation shall be exhibited to the township auditors at the annual settlement of the accounts of such supervisors.

May be committed to jail in case of refusal to settle accounts. SECTION 91. If any supervisor shall after ten days notice neglect or refuse to produce his accounts before the auditors or to pay over to his successor in office any balance of public money in his hands or to deliver to such successor the books of account as aforesaid, it shall be lawful for the auditors by warrant under their hands and seals directed to the sheriff or any constable of the county, setting forth particularly the cause of such commitment, to commit such delinquent to the county jail until he shall comply with the requisitions of the law or be otherwise legally discharged.

Penalty for neglect of duty. SECTION 92. If any supervisor shall neglect or refuse to perform any duty required of him by law, he shall forfeit and pay a sum not less than four dollars nor exceeding fifty dollars to be recovered in a summary way, by action of debt in the name of the commonwealth, before any justice of the peace of the county, to be applied towards repairing the highways of the same township: *Provided*, That such supervisors may appeal from the judgment of such justice to the next court of Quarter Sessions, who shall take such order thereon as to them shall appear just and reasonable, and the same shall be final and conclusive.

Pay. SECTION 93. Each supervisor shall be allowed, in the settlement of his accounts, a sum not exceeding one dollar for each day he shall be necessarily employed in discharging the duties of his office.

Office of Overseer of the Poor abolished. SECTION 94. The office of overseers of the poor is hereby abolished, and the duties and powers appertaining thereto are transferred to the supervisors to be elected under this act, where the poor are a township charge; and the said supervisors are hereby authorized to levy and collect in money so much of the taxes as may be necessary to defray the debts contracted and expenses incurred in the performance of their duties.

4. TOWNSHIP TREASURER.

SECTION 95. Each township treasurer shall give bond, with Towns. treas. sureties to the satisfaction of the supervisors of the same town- to give bond. ship, conditioned for the faithful performance of the duties of his office, for a just account of all moneys that may come into his hands by virtue thereof, for the delivery to his successor in office of all books, papers, documents, and other things held in right of his office, and for the payment to him of any balance of money belonging to the township that may remain in his hands.

SECTION 96. It shall be the duty of every township treasurer to receive all moneys due or accruing to the township, and To receive tp. moneys to keep distinct accounts of all sums received from taxes and other sources, which accounts shall at all times be open to the inspection of the supervisors of the township and of each of them: he shall pay all moneys received by him from taxes or otherwise, on orders drawn by the supervisors of the township; and he shall annually state his accounts, and lay the same, together with the vouchers, before the township auditors for settlement according to law.

SECTION 97. Each township treasurer shall receive, in full compensation for his services, a certain amount per cent. on all Pay. moneys received and paid by him, which rate shall be settled from time to time by the supervisors of the township, with the approbation of the township auditors.

SECTION 98. If any township treasurer shall neglect or re- Penalty for fuse to perform any of the duties of his office, he shall be fined neglect of in a sum not exceeding one hundred dollars, and shall be dis- duty. qualified from holding the office.

5. TOWN CLERK.

SECTION 99. The town clerk in each township shall be clerk to the supervisors of the same township, and as such shall Duty of the town clerk. keep a record of the proceedings of the said officers, and shall receive such compensation therefor as they shall determine.

SECTION 100. It shall be the duty of each town clerk, whenever necessary, to provide a suitable book or books, for the purpose of entering therein all matters of which he shall by law be required to keep a record, the expense of which books shall be paid by the township treasurer out of the township funds.

SECTION 101. The book or books so to be provided by the town clerk, shall be kept by him, and shall be open to the Books to be opened for inspection of any person who may have occasion to search public inspec. therein, and for each search he shall be entitled to a fee of ten tion. cents.

6. TOWNSHIP AUDITORS.

SECTION 102. The auditors of each township, any two of Duty of the whom duly convened shall be a quorum, shall meet annually tp. auditors. on the second Monday of April, and oftener if necessary, and

shall audit, settle and adjust the accounts of the supervisors and treasurer of the township, and of such other township officers as may by law be referred to them.

Their report. SECTION 103. The report of such township auditors shall be filed with the town clerk, if there be one; and if there be no town clerk, it shall remain with the senior auditor, for the inspection of all persons concerned.

Appeal from it. SECTION 104. It shall be lawful for the township, or the officer accounting, to appeal from such settlement to the court of Common Pleas of the same county, within thirty days after such settlement; whereupon the court may direct an issue to determine disputed facts if necessary: *Provided*, That no appeal by such officer shall be received, unless the appellant shall enter into a recognizance, with two sufficient sureties, conditioned to prosecute the appeal with effect, and to pay all costs accruing thereupon.

Proviso. SECTION 105. The auditors of each township shall have the same power and authority to obtain the attendance before them of parties and witnesses, and the production of books and papers, and to administer oaths and affirmations, as are by law given to county auditors.

Their powers as to the production of papers, &c. SECTION 106. The auditors of every township shall respectively receive the sum of one dollar for each day necessarily employed in the duties of their office, which shall be paid by the township treasurer out of the township funds.

Pay.

7. CONSTABLE.

Persons elected constables to appear at the Q. S. &c. SECTION 107. It shall be the duty of every person elected to the office of constable in any township, to appear on the first day of the next court of Quarter Sessions of the same county, to accept or decline such office; and if any person so elected and duly notified thereof, shall neglect or refuse so to appear, he shall forfeit to the township the sum of forty dollars, to be levied by order of the court.

Q. S. to app't one of those returned, &c. SECTION 108. The court to which a return as aforesaid shall be made, shall appoint one of the persons returned to be constable of the township for the term of one year from the date of his appointment, and until a successor shall be duly appointed; if it shall appear to the satisfaction of the court that he possesses a freehold estate in his own right, clear of all incumbrances, of the value of at least one thousand dollars, or if he does not possess such freehold estate, he shall give bond with at least one sufficient surety, to be approved of by the court, in the sum and manner hereinafter directed: *Provided*, That the court shall in all cases give a preference in such appointment to the person highest on the return, if he be a freeholder as aforesaid or offers to give security as hereinbefore provided.

Vacancies. SECTION 109. If the electors of any township shall fail to elect two persons for the said office, or if both of the persons returned should be incompetent with respect to estate or unable to

give the requisite security, or should refuse to take upon themselves the said office, or in the event of a vacancy in the office, by death or otherwise, it shall be the duty of the said court to appoint some other respectable person possessing a freehold estate of the value aforesaid, or who shall give the security required, to serve as constable until the next annual election and until a successor be duly appointed.

SECTION 110. If any person who shall be duly elected and appointed a constable, or who shall be appointed as such by the court in the cases hereinbefore mentioned, and who shall possess a freehold estate of the value aforesaid, shall refuse or neglect to take upon himself the said office, or shall not procure a deputy to undertake the duties thereof, he shall be fined by the court in the sum of forty dollars, for the use of the proper township. Penalty for refusing to serve.

SECTION 111. *Provided*, That no person shall be liable to the penalty aforesaid who shall have served personally or by deputy in the office of constable of the same township fifteen years of his said election or appointment, or having been elected or appointed within that period, shall have paid the penalty aforesaid. Proviso. Persons who have served within 15 yrs.

SECTION 112. The bond to be given by a constable shall be in such sum not less than five hundred dollars nor more than three thousand dollars, as the court shall direct, and shall be taken by the clerk of the court in the name of the Commonwealth, with conditions for the just and faithful discharge by the said constable of the duties of his office; and such bond shall be held in trust for the use and benefit of all persons who may sustain injury from him in his official capacity by reason of neglect of duty, and for the like purposes and uses as sheriff's bonds are given and held. Their bonds.

SECTION 113. No deputy shall be appointed by any constable, either by general or partial deputation, without the approbation of the court of Quarter Sessions of the proper county first had and obtained, except the same be made specially, in some civil suit or proceeding, at the request and risk of the plaintiff or his agent. Appointment of deputy.

SECTION 114. In the event of the death, inability or refusal to act of his deputy, the constable of any township may, with the approbation of any one of the judges of the court of Quarter Sessions of the same county, appoint another deputy, with full authority to act as such until the next regular session of such court, and, for the acts of such deputy, the constable and his sureties shall be liable as in other cases, and in every such case the constable shall file a written copy of such deputation in the office of the clerk of the court of Quarter Sessions of such county. Provision in case of death, &c. of deputy constable during vacation.

SECTION 115. In every case in which any pecuniary penalty or forfeiture is imposed by this act, the proceeding for the recovery of the same shall be by indictment in the court of Recovery of penalties.

Proviso.

Justices, &c.
not to have ju-
risdiction &c.

Quarter Sessions of the proper county, or to be recovered as debts of equivalent amount are by law recoverable, unless herein otherwise specially provided: *Provided always*, That aldermen or justices of the peace shall not have jurisdiction of any suit or action, for the recovery of any penalty imposed by this act for official misconduct, and that such suit or action, when brought in the court of Common Pleas of the proper county, shall have a preference for trial over all other actions.

Local provi-
sions not re-
pealed.

SECTION 116. Nothing in this act contained, shall be so construed as to repeal any special provision heretofore made by law, for any city, borough, district or township in this commonwealth.

Act to take ef-
fect 1st Sept.
1834.

SECTION 117. This act shall take effect from and after the first day of September next, and all such acts or parts of acts of Assembly, as are hereby altered or supplied, are from and after said day repealed, except as provided for in the preceding section, and except so far as to complete any proceedings which may have been commenced before that time.

WM. PATTERSON,
Speaker of the House of Representatives.

JACOB KERN,
Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini, eighteen hundred and thirty-four.

GEO: WOLF.

No. 248.

A SUPPLEMENT

To an act entitled, An act for laying out, making and keeping in repair the public roads and highways within this commonwealth, and for laying out private roads so far as respects the township of Hopewell in the county of York, and for other purposes.

Citizens of
Hopewell t'p
to elect 3 su-
pervisors of
the roads.

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 citizens of the township of Hopewell qualified to vote for members of the general assembly shall on the third Friday of March next, elect by ballot three qualified citizens aforesaid, who shall be the supervisors of the roads or highways of said township of whom the highest in vote shall