

SECTION 27. *Provided*, That nothing in this act contained, shall be construed to impair, or otherwise affect the right of any person to whom any debt may be due, for work done, or materials furnished, to maintain any personal action against the owner of the building, or any other person liable therefor, to recover the amount of such debt: *Provided further*, That nothing in this act contained, shall be construed to effect the relative jurisdiction of the court of Common Pleas, and the District court of the city and county of Philadelphia, which shall remain as heretofore.

SECTION 28. The several provisions of this act, are hereby declared to be extended to the county of Lehigh.

SECTION 29. The lien hereinbefore given, is hereby declared to extend to plumbers, and to persons furnishing curb-stone for the pavement of any building as aforesaid, within the city and county of Philadelphia.

SECTION 30. This act shall take effect from and after the first day of September next, and so much of any law as is altered by this act, is hereby repealed from that period.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The sixteenth day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS : RITNER.

No. 185.

An Act

Regulating Election districts, and for other purposes.

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 that part of Shenango township in the county of Beaver, lying west of the state road from Beaver to Mercer, shall hereafter be a separate election district, and the electors thereof, shall hold their general

elections at the house now occupied by Henry Wilson, in the said township, to be called Shenango district.

SECTION 2. That all that part of Hanover township, in the county of Beaver, lying south of the following lines, shall hereafter be a separate election district, to wit: beginning at the point where the dividing line of Hanover and Hopewell townships crosses Big Travis creek, thence up said creek, to the forks at Harper's mill, thence up the middle fork, to the road leading from Miller's mill to Poughtown, thence by said road, to the Pennsylvania and Virginia state line, and the electors thereof, shall hold their general elections at the house now occupied by James Dungan, in Frankfort, and the electors residing north of said line, shall hold their general elections at the house of Thomas M'Guire, as heretofore.

Beaver co.
Hanover—p
divided into
two election
districts.

SECTION 3. That all that part of Shenango township, in the county of Beaver, east of the state road from Beaver to Mercer, shall hereafter be a separate election district, and the electors therein, shall hold their general elections at the house now occupied by Miller Kennedy, in said township, to be called Slippery Rock district.

Beaver co.
Slippery rock
district.

SECTION 4. That the township of Limestone, in the county of Lycoming, shall hereafter be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Daniel Flegor.

Lycoming co.
Limestone
township.

SECTION 5. That the township of Forest Lake, in the county of Susquehanna, shall hereafter be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Ebenezer Cole, in said township.

Susquehanna
county—
Forest Lake
township.

SECTION 6. That the electors of Lackawanna township, Mercer county, who now elect in the borough of Mercer, shall hereafter hold their general elections at the house of William Young, in said township.

Mercer co.
Lackawan-
na township

SECTION 7. That the township of Turbot, in the county of Northumberland, shall hereafter be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Alexander M'Ewen, in said township.

Northumber-
land county;
Turbot town-
ship.

SECTION 8. So much of an act relating to the election of township officers in the county of Crawford, and for other purposes, approved the thirtieth of March, eighteen hundred and thirty-six, as relates to the county of Crawford, be and the same is hereby repealed.

Crawford co.
township offi-
cers.

SECTION 9. That the election of township officers in said county, on the third Friday of March last, in pursuance of the laws theretofore in force, shall be deemed valid and legal, and all acts done or committed by said officers, by virtue of the authority vested in them by said election, are hereby ratified and confirmed, with as full force and effect as if they had been made and done in pursuance of the laws then in force.

Making valid
the election,
and the acts
of said town-
ship officers.

as if the act of the thirtieth of March aforesaid, had not been passed.

Somerset co. SECTION 10. That the qualified electors residing within
Quemahoning town- the township of Quemahoning, in the county of Somerset,
ship. shall hereafter hold their general elections at the house now
occupied by David Deibert, in said township.

York co. SECTION 11. That the electors of the township of Mora-
Monaghanj ghan, in the county of York, shall hereafter hold their
township. general election, at the house now occupied by Peter Lauck,
in said township.

Washington SECTION 12. That the electors of Nottingham township,
county— in the county of Washington, shall hereafter hold their
Nottingham general elections at the house now occupied by John M'Don-
township. ald, in said township.

Susquehanna SECTION 13. That the electors of Rush township, in Sus-
county— quehanna county, shall hereafter hold their general elections
Rush t—p. at the Centre school house, in said township.

Erie co. SECTION 14. That the electors of the township of Le
Le Beouff Beouff, in the county of Erie, shall hereafter hold their
township. general elections at the house of the widow Rosanna Robin-
son, in said township.

Delaware co. SECTION 15. The township of Radnor, in the county of
Radnor t—p. Delaware shall hereafter be a separate election district, and
the electors thereof, shall hold their general election at the
public house of Alexander Brook, sign of the Sorrel Horse,
in the said township.

Venango co. SECTION 16. That the electors of Allegheny township,
Allegheny Vanango county, shall hereafter hold their general election
township. at the school house called or known by the name of the
Baptist meeting house, on the road leading from Concord
meeting house, to John Brown's store.

Columbia c. SECTION 17. The citizens of the township of Mahoning,
Mahoning in the county of Columbia, shall hereafter elect two const-
township. ables, one of whom shall be a citizen of the town of Danville,
and neither of whom shall serve more than three years in
any six years.

Duty of the SECTION 18. That it shall be the duty of the sheriff of the
sheriff of city and county of Philadelphia, on or before the tenth day
Philad'a. city of July next; and on or before the tenth day of July in each
and county to and every year thereafter, to give written or printed notice,
to notify the as- to the assessors of each ward, district, or township within
sessor, etc. the said city, and the districts of Southwark, Moyamensing,
Northern Liberties, Kensington, and Spring Garden, in the
county, requiring them to perform the duties prescribed in
the next section of this act, and to notify the said sheriff, on
or before the twentieth day of July, that they have duly
qualified themselves to perform the same.

Duty of asses- SECTION 19. It shall be the duty of the said assessors, on
sors of city & or before the fifth day of September, in this, and every year
co. of Phila. hereafter, to make out a correct list, alphabetically arranged,

of all such inhabitants of their respective wards, townships and districts, as shall be entitled, under the constitution to vote therein, at the then next general election, and the presidential election, when they occur in the same year, and the election of delegates to the convention, as provided by law for the present year, and deliver the same to the sheriff, who shall, on or before the fifteenth day of September, annually, publish the same, by affixing a printed copy in his office, and printed copies in at least ten public places in each of the said wards, districts and townships: *Provided, That* Proviso. until assessors of the district of Southwark, in the county of Philadelphia, shall be elected, at the general election of the year eighteen hundred and thirty six, the present assessors of the said district and township shall, so far as relates to their respective district and township, perform each and every of the duties enjoined upon assessors of the wards, districts and townships within the city and county of Philadelphia, by this act, in the manner following, that is to say: the present assessor of East Southwark, shall perform said duties in the first and second wards of the said district, and the present assessor for West Southwark, shall perform said duties in the third, fourth and fifth wards of said district, separately.

SECTION 20. That before proceeding to make out such lists, the said assessors shall be duly sworn or affirmed, before Assessors to be sworn or affirmed. some person authorized to administer oaths and affirmations, to discharge such duty fairly and impartially, and according to the provisions of this act; and it shall be the duty of said assessors, in preparing said lists, in all cases where there is a doubt as to the qualifications of any person claiming to be an elector, to require such evidence of qualification, as the inspectors of the general elections may now by law require, and also, wherever it shall appear that a minor, being the son of a qualified elector, will come of age on or before the next general election, or on or before the next presidential election, when the same occurs in one year, it shall be their duty to insert the name of said minor on the registry, marking opposite his name, the time when the said minor shall become of age; and in the case of an alien resident, who has declared his intention to become a citizen, according to the existing laws, and who will be entitled to be naturalized on or before the said elections, it shall be the duty of the assessors to insert the name on the registry, marking opposite it the two letters D. I. and in all such cases, the inspectors, when such person shall offer to vote, shall require the production of the certificate of naturalization, as now required by law; and the said assessors, in the discharge of the said duties, shall have power to administer oaths and affirmations; and it Their duties continued.

Duty of the commissioners of Philadelphia, to issue their precepts, to make the annual and tri-ennial assessments, to the assessors of the several wards, districts, and townships in the city and county of Philadelphia, on the first Monday in November, in each and every year, and said assessors shall make returns of the same, on or before the third Monday of January next following, and such assessors shall receive one dollar and seventy-five cents for each day actually employed in making the same.

Assessors ;
duty & com-
pensation.

The names of
qualified
electors that
have been
omitted, shall
be added to
the registry,
etc.

SECTION 21. It shall be lawful for any qualified elector, whose name may have been omitted from the registry authorized to be made and published by the preceding sections, or who may have removed into the ward, township, or district, after the said list shall have been made and published, to make application, either personally or by writing, to have his name added to the registry, at a meeting of the judges and inspectors of the general election, to be held for the purpose of correcting the said lists, as hereinafter provided, and any qualified elector who shall have removed from one ward, district or township, to another, after the said meeting of the judges and inspectors, shall be entitled to vote in the ward, district, or township from which he shall have removed, and wherein he shall have been registered.

Duty of judges,
inspectors
and clerks of
the general
elections.

SECTION 22. For the purpose of correcting any errors which may occur in said lists, it shall be the duty of the judges, inspectors, and clerks appointed to hold the general elections, to meet in their respective wards, townships and districts, on the first Tuesday in October in each and every year, at ten o'clock in the forenoon, at some place, to be designated by the sheriff, within the said ward, district, or township, and shall sit publicly, for the examination of the same, and it shall be the duty of the sheriff to furnish the said judges and inspectors, with the lists for their respective wards, townships and districts, and they, being first sworn or affirmed to perform their duties with fidelity, shall receive such proofs of the right of such applicants, as are referred to in the preceding section, to vote at the next general election, as is required by the laws regulating elections in this commonwealth; and they shall add to the said list or lists, the name or names of such person or persons as they shall find to be duly qualified to vote, as aforesaid, and whose name or names may have been omitted from said lists, and they shall certify that they have duly examined and corrected said lists, and shall return the same, so certified, to the sheriff, who shall safely keep the same until the day of general election, and shall deliver them to the said judges and inspectors, on the morning of the general election, before the opening of the polls thereof, which said list, duly attested by the said sheriff, shall be deemed and taken to be the only and conclusive evidence of the qualifications of the electors thereof,

Corrected
list of voters
to be certifi-
ed to the
sheriff, etc.

except in the cases of naturalization, hereinbefore provided for; and the said judges and inspectors shall, if they consider it necessary, adjourn to meet on the next day, and for each of the two days so employed, the said judges, inspectors and clerks. shall each receive from the county treasury, the sum of two dollars: *Provided*, That in no case there shall be an adjournment, where no applications are made by omitted electors, at the first meeting.

SECTION 23. When any names shall be inserted on the lists to be made as aforesaid, by the assessors, of persons not qualified to vote, any one citizen resident within the ward, district, or township, for which said list shall be made, may place in the hands of the judges and inspectors thereof, at their meeting, on the said first Tuesday of October, a written statement, that he believes such person so placed on the lists, are not legal voters, and if it shall be shown to the said judges and inspectors, by the oath or affirmation of the person challenging, that the person so challenged, has had due notice of the said challenge, and of the time and place of the meeting of the said judges and inspectors, it shall be the duty of the said judges and inspectors, to examine into the grounds of said challenge, and if they shall be of opinion that the person so challenged will not be entitled to vote, then to erase the name from said registry, and if no such notice of the challenge be proved as aforesaid, it shall then be the duty of said inspectors and judges, so to correct the said list, by placing opposite the name of the person or persons so challenged, the letter C. and when on the day of election, any individual so challenged, and whose name shall be so marked, shall offer to vote, the inspectors shall require the same evidence of qualification as is now required by law: *Provided*, That the said inspectors and judges, at their said meeting, shall not receive any such written challenge and decide thereon, or mark the names as aforesaid, unless the said statement shall contain a specification of the nature of the alleged disqualification in each case, and any person convicted of wilfully swearing falsely, in proving such service of notice, shall be deemed and considered guilty of perjury, and punished accordingly: *And provided further*, That in the case of an elector removing into the ward, township, or district, and applying to the inspectors as aforesaid, to have his name inserted on the registry, the application shall set forth the name of the ward, township, or district from which he shall have removed, and the said inspectors shall thereupon certify the fact of said removal, to the inspectors of the ward, township, or district whence the said elector shall have removed, who shall erase his name from the list authorized and prepared as aforesaid.

SECTION 24. The assessors who shall perform the duties delegated by the preceding sections, in making the lists, pay.

shall be entitled to be paid by the county the same per diem allowance, as by law they are now entitled to receive for making assessments, according to law, and it shall be the duty of the county commissioners, on application made to them for that purpose, to furnish the assessors, on or before the twentieth of July in each year, with the necessary books and blanks for making said registry, or lists, and the sheriff shall be entitled to receive a reasonable allowance from the county treasurer, for all expenses incurred by him in the discharge of the duties prescribed by this act.

SECTION 25. That the judges, inspectors, and clerks, in the said wards, townships, and districts, except in the district of Southwark, elected and appointed in the fall of one thousand eight hundred and thirty-five, shall act as judges and inspectors of the general election, of one thousand eight hundred and thirty-six, at which election it shall be lawful for the qualified electors of the same to vote for inspectors, to act at the next succeeding general election, and at the election of electors of President and Vice President of the United States, and of delegates to the convention, and at the general election of one thousand eight hundred and thirty-seven, and at every general election thereafter, the said electors shall elect inspectors for the next election, and for any special election within the year.

SECTION 26. That the inspectors of the general election of the year one thousand eight hundred and thirty-five, in the district of Southwark, in the county of Philadelphia, in conjunction with those whose choice and appointment are hereinafter provided for, shall be and act as inspectors of the general election in the said district, of the year one thousand eight hundred and thirty-six, and of the next ensuing election for electors of President and Vice President of the United States, and for Delegates to the Convention aforesaid: *Provided,* That in those of the wards of the said district, where neither, or less than two, of the above mentioned inspectors of the general election of eighteen hundred and thirty-five, in said district reside, it shall be the duty of the said inspector, on or before the second Tuesday in September next, to choose and appoint an inspector, or inspectors, as the case may require, for such ward, from among the qualified voters thereof respectively, so that there shall be two inspectors for each of the said wards, and the inspectors of each and every of the wards of the said district, constituted as aforesaid, shall choose and take to their assistance a judge, and appoint clerks of the election, in the manner prescribed by, and conformably to the fifth section of the act entitled "An act for dividing the incorporated district of Southwark, in the county of Philadelphia, into five wards, and for other purposes," approved the thirty-first day of March, one thousand eight hundred and thirty-six: *And*

Duty of county commissioners.

Pay of sheriff.

Certain judges, inspectors and clerks of the general election of 1835, to act in 1836.

Inspectors of the general election of 1835, in the district of Southwark to act in 1836, in conjunction with others.

Provide.

provided also, That said judges and clerks, shall be chosen ^{2d Proviso.} and appointed at meetings of the inspectors, to be held for the purpose, in time for said judges and clerks to perform their duties enjoined by this act.

SECTION 27. That at the said general election of eighteen ^{Southwark—} hundred and thirty-six, and at every general election there- ^{Election of} after, the qualified electors of each and every of the wards ^{inspectors.} of the said district of Southwark, shall elect for their respective wards, two inspectors of the general election of the year next ensuing each of the said elections.

SECTION 28. That hereafter the inspectors to be elected ^{City and co.} as aforesaid, at the general election, in the city and county ^{Election of} of Philadelphia, shall be residents of the ward, district or town- ^{inspectors.} ship wherein they shall respectively be elected, and shall be elected by the electors of their respective ward, district or township, separately, at the windows appropriated to the same; a separate count shall be made of such elections, and duplicate returns made of the same, one to be delivered to the sheriff, who shall, within five days after the said election, cause the same to be published twice, in at least two daily papers of the city and county of Philadelphia, and the other to be deposited with the commissioners of the county of Philadelphia: *Provided*, That in case of any vacancy occur- ^{Proviso.} ring by death or otherwise, among the said inspectors, it shall be the duty of the surviving, or remaining inspector of the ward, to file the same at the time of opening the polls. and when neither inspector shall act, it shall be the duty of the other inspectors of the city, district, or township, to appoint two persons, resident in the ward, to act as inspectors thereof.

SECTION, 29. That the inspectors of the general election ^{Relative to} in the said city and county, shall keep the same tally lists, ^{the election} and be furnished, beside the registry contemplated by this ^{of electors &} act, with the same lists of taxables that are now provided ^{of delegates.} for by law, and it shall be the duty of the said inspectors, ^{to the con-} after said general elections, to return the original registry ^{vention.} to the sheriff, to be kept by him till the election of electors for President and Vice President of the United States, when the same shall occur in the same year, and of delegates to the convention to alter the constitution, aforesaid, when the said sheriff shall furnish the registry to the inspectors of the same, and after said election, the inspectors shall return the said original registry to the sheriff, who shall deposite the ^{Original reg-} same in the office of the clerk of the court of Common ^{istry.} Pleas, there to remain of record.

SECTION 30. That hereafter, the inspectors of the general ^{Relating to} election in the city and incorporated districts of the county ^{the inspect-} of Philadelphia, shall be and act as inspectors of the const- ^{ors of the} ables elections, and of any and every other election in their ^{general elec-} respective ward, district, and township, (except military ^{tion, etc.}

elections, and also, excepting that the inspectors in this act before provided for, to act as inspectors of the election for electors of President and Vice President of the United States, and of delegates to the convention, for the said district of Southwark, in one thousand eight hundred and thirty-six, shall be and act as such inspectors, as aforesaid,) that shall occur or be held therein, subsequent to their election, until immediately after the then next ensuing general election.

Relating to
the assessors.

SECTION 31. That the assessors of the several wards, districts, and townships in the city and county of Philadelphia, for the year one thousand eight hundred and thirty-seven, shall be elected at the general election in one thousand eight hundred and thirty-six, and thereafter, at every general election, to serve for the ensuing year, under the same regulations as are provided by the preceding section, for the election of inspectors, and that the present assessors shall continue in office till their successors shall be elected, under the provisions of this section.

Proclamation
by the sheriff
to the electors.

SECTION 32. That in addition to the proclamation now required to be made by the sheriff of the city and county of Philadelphia, he shall give notice by proclamation, to the electors thereof, to vote for inspectors and assessors for the said wards, districts and townships of the said city and county.

Fine and imprisonment
for interfering
improperly in the
elections or
blocking up
the windows.

SECTION 33. If any person shall improperly interfere in any election held under the provisions of this act, in the city and county of Philadelphia, or shall prevent, or attempt to prevent, the judges and inspectors of any ward, district, or township, from holding an election for the same, or shall block up, or attempt to block up, the window, or avenue to any window, where the same may be holden, or shall improperly interfere with the judges and inspectors, in conducting the same, or shall riotously disturb the peace at an election, on conviction thereof, he shall be imprisoned for any term not exceeding one year, and not less than three months, and pay a fine not exceeding five hundred dollars, and if it shall be shown to the court, when the trial of such offence shall be shown to the court, when the trial of such offence shall be had, that the person so offending was not a resident of the city, township, or district where the said offence was committed, and not entitled to vote therein, then, on conviction, he shall be sentenced to an imprisonment of not less than six months, and not more than eighteen months, and to the payment of a fine of not less than one, nor more than five hundred dollars: *Provided*, That nothing in this section, shall be construed to prevent the minor sons of qualified electors, from being, appearing, and distributing tickets at the polls of the said several wards, districts, and townships.

Proviso.

SECTION 34. That in case any assessor of the said city and county, shall neglect, or refuse to notify the sheriff, that he has duly qualified himself to discharge the duties prescribed by this act, as he is required to do by the eighteenth section of this act, it shall be the duty of the sheriff to appoint a person, residing in the ward, district, or township, to perform the said duties, in lieu of the assessor, so neglecting or refusing, and in case any assessor or person so appointed by the sheriff, having been duly qualified, and having notified the sheriff as aforesaid, shall neglect or refuse to perform the duties prescribed by this act, it shall be the duty of the sheriff to institute a suit against such delinquent assessor, in the name of the commonwealth, to recover a penalty of five hundred dollars, which, when recovered, deducting a reasonable charge for collection, shall be paid one half into the county treasury, for county purposes, and one half into the state treasury, and if any judge or inspector shall receive the vote of any person not registered according to this act, at any election hereafter to be held, on conviction thereof, he shall be sentenced to pay a fine of not less than one, nor more than five hundred dollars, and to be imprisoned for not less than two, nor more than six months.

Duties of assessors and sheriff.

Penalty for neglect.

SECTION 35. That such of the provisions of the general election laws of this commonwealth, as are inconsistent with the sections applying to the city and county of Philadelphia, are hereby declared to be in full force therein, and that so much of the act passed the first day of April, one thousand eight hundred and thirty-six, as relates to elections, and qualifications of electors, in the city and county of Philadelphia, be, and the same is hereby repealed.

Part of act of April 1st, 1836, repealed.

SECTION 36. That in case any dwelling house, or other building or property, real or personal, shall be injured or destroyed within the said city and county of Philadelphia, in consequence of any mob or riot therein, at an election, or at any other time, it shall be lawful for the owner thereof, or his agent, to apply, if in the county, to the court of Quarter Sessions, and if in the city, to the Mayor's court, who shall thereupon, appoint six disinterested persons, who shall be sworn or affirmed, to ascertain and report the amount of said loss, and also, whether the said owner had any immediate or active participation in said mob or riot, and on such report being made, and the fact that the owner had no such participation being ascertained, and the report being confirmed, on an examination of law and fact by said court, the said report and confirmation shall be certified to the county commissioners, who shall forthwith draw their warrant on the treasury for the amount so awarded, which warrant shall be duly paid by the treasurer.

If property be injured or destroyed by mobs or riots in Philad'a. city and co., the loss to be ascertained and paid.

Sheriff and
mayor to
clear win-
dows for
voters.

SECTION 37. That it shall be the duty of the sheriff, or any one of the aldermen or justices of the county, and the mayor, and any one of the aldermen of the city of Philadelphia, whenever called upon by any judge or inspector of any ward, district, or township in the said city or county, respectively, or by any three electors thereof, to clear any window, or avenue to any window, at the place of the general election, which shall be obstructed in such a way as to prevent voters from approaching the same, and on neglect or refusal so to do on such requisition, the said sheriff or mayor, shall be deemed guilty of a misdemeanor in office, and be subject to a penalty of five hundred dollars, to be recovered in an action of debt, one half to the state, and one half to the informer, and it shall be the duty of the sheriff, on the day of said election, during the time for which the same shall continue, to be present, in person or by deputy, at each of the places of holding the same, in the incorporated districts and townships of the said county of Philadelphia, and to preserve the peace therein.

Penalty.

Relating to
city & coun-
ty loans, un-
der the act of
April 10th,
1834.

SECTION 38. That all loans to be hereafter authorized by the county board for the city and county of Philadelphia, in pursuance of the provisions of the act of the tenth April, one thousand eight hundred and thirty-four, it shall be the duty of the said board, when they deem it expedient, specifically to appropriate the proceeds thereof, to regulate the terms and manner in which the said loan shall be taken, and whenever the said county board shall authorize a loan, as aforesaid, and regulate the terms and manner in which it shall be taken, and appropriate the proceeds thereof, it shall be the duty of the said board, to certify and record the same, as the certificates of the rate per centum of taxes, as are now certified and recorded, which said certificate shall be published, for two weeks, in at least three daily papers of the city and county of Philadelphia, and no part of the proceeds of said loan shall be paid out of the county treasury, except under such appropriations, and it shall be the duty of the county commissioners, whenever required to do so by five members of the county board, to call the said board together, or ten days notice, for the transaction of business.

Treasurer of
Philad'a. co.
not to pay
certain war-
rants unless
the same
shall be first
audited and
approved by
the county
auditors.

SECTION 39. That from and after the first day of August next, no warrant shall be paid by the treasurer of the county of Philadelphia, drawn by the commissioners, except warrants for the pay of jurors and witnesses, unless the same shall be first audited and approved by the auditors of the said county, and for the purpose of auditing the same, the said auditors shall meet on Tuesday of every week, at ten o'clock in the forenoon, for the purpose of examining all the bills to be submitted to them by the county commissioners,

for which services they shall receive the same per diem allowance, as they now by law receive: *Provided further*, That any ^{Proviso.} person aggrieved by the decision of the said auditors, may appeal to the court of Common Pleas, in such manner, and subject to the same restrictions, as appeals are now made from the judgment of justices of the peace; and on and after the first day of August next, the county commissioners of the county of Philadelphia, in lieu of the per diem allowance now paid by law, shall receive a monthly salary from the county treasury, of ninety-one dollars and fifty cents, the first payment to be made on the first day of September next.

SECTION 40. That the county treasurer of the county of Philadelphia, be, and he is hereby authorized and required ^{Commissioners of sinking fund.} to pay to John Bacon, William E. Lehman, Frederick Fraley, William Wagner, John M. Ogden, James Harper, Michael Day, James Ronaldson, Robert Patterson, Peter Williamson, George Handy, Ralph Eddoes, Henry Troth, William Wistar, Jacob Frick, Abraham Miller, and Francis Parke, who are hereby created commissioners of the sinking fund of the county of Philadelphia, twenty thousand dollars per annum, out of the proceeds of the county rates and levies, to constitute a sinking fund, to extinguish the present, ^{Their duties.} and any other funded debt of the said county, which may be authorized, on or before the first day of August next, which said fund shall be invested by said commissioners of the sinking fund, in state stock, or in the stock of the bank of Pennsylvania, or the United States, the interest or dividends thereon to be paid into the county treasury, for county purposes, and in case of a vacancy occurring in the said ^{Vacancies.} commissioners of the sinking fund, by death, or otherwise, the same shall be supplied by the remaining commissioners: *Provided*, The substitution so to be made, shall ^{Proviso.} be first approved by the court of Common Pleas of the said county.

SECTION 41. That from and after the passage of this act, ^{Treasurer} the county treasurer shall have the full power and authority, ^{empowered} now vested in the county commissioners of the said city and county, to enforce the payment of the amount received ^{to compel tax collectors to pay.} by tax collectors, and for that purpose, to employ counsel, and take such other measures as may be necessary.

SECTION 42. The county board for the city and county of Philadelphia, for the time being, shall meet at the county ^{Election of} commissioners office, in the city of Philadelphia, on the first ^{county treasurer.} Monday of June, one thousand eight hundred and thirty-seven, and on the first Monday of June in every second year thereafter, between the hours of two and six in the afternoon, ^{Not eligible for two consecutive} and then and there elect, by ballot, a county treasurer, to ^{serve for two years from said election, who shall perform the terms of two} duties, and incur the liabilities now prescribed by law for years.

the said treasurer, no person being eligible as county treasurer for two consecutive terms, of two years each, and the present county treasurer shall continue in office, till an election shall be held under the provisions of this act, and in case, at any time, there should be a vacancy, by death, resignation, or otherwise, in the said office, it shall be the duty of the county board for the time being, at a special meeting, to be held for that purpose, on not less than six days notice, to supply the same: *Provided*, That nothing herein contained, shall be construed to prevent the re-election of the present county treasurer, for a single term of two years.

Present treasurer.

Vacancy.

Proviso.

Jefferson co. Ross township election district.

SECTION 43. All that part of Ross township, in the county of Jefferson, lying west of a line commencing at the house of Robert Morrison, on the line of Perry township, thence north, along an old line to the Eldred township line, be, and the same is hereby erected into a separate election district, and shall hereafter hold their general elections at the house now occupied by Darius Carrier, within the said bounds.

Indiana co. commissioners to execute a deed for a lot of ground to the directors of public schools in Indiana borough.

SECTION 44. The commissioners of Indiana county be, and they are hereby authorized and required to execute a deed, for a lot of ground in the borough of Indiana, forty feet by Clymer street, and one hundred and twenty feet on Water street, to the directors of the public schools, in the district composed of the borough of Indiana, and their successors in office, for the use of school number one in said district: *Provided*, The said directors shall first purchase, or offer to purchase, at par value, from the stockholders, the stock actually paid in in the erection of the school house on said lot.

Indiana borough election.

SECTION 45. The election of all officers in and for the borough of Indiana, in the county of Indiana, that under any law of this commonwealth is now held in May, shall hereafter be held at the same time that supervisors of the highways, and the constables for the different townships in this commonwealth, are elected.

Borough auditors.

SECTION 46. That the qualified electors of the borough of Indiana, in the county of Indiana, shall, in the year one thousand eight hundred and thirty-seven, at the same time and place of electing their borough officers, elect three reputable citizens of said borough for auditors of the public accounts, and shall annually thereafter, elect one auditor, who shall hold their office for three years, except two of those to be elected at the first election, the highest of whom in vote, shall hold his office three years, the next highest two years, and the next one year, and if two or more of those elected should have an equal number of votes, their right shall be determined by lot.

SECTION 47. The said auditors shall annually meet on Annualmeet-
the first Monday of April, and shall, on oath or affirmation, ings of said
audit and settle the accounts of the town council, treasurer, auditors.
street commissioner, and of the overseers of the poor, in
the same manner, and with like powers, that township
auditors audit and settle the accounts of supervisors of town-
ships, within this commonwealth.

SECTION 48. That all laws hereby altered or supplied, Repeal.
so far as they are inconsistent with this act, are hereby
repealed.

SECTION 49. That the commissioners of Somerset county, Commiss'rs.
are hereby authorized to change the location of any portion of Somerset
of the state road leading from the top of the Allegheny county au-
mountain, to the Virginia state line, situate between the thorized to
town of Berlin and Gebhart's, in said county, if deemed change the
necessary, in order to avoid hills. location of
the state road

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The sixteenth day of June, A. D. eighteen
hundred and thirty-six.

JOS: RITNER.

No 186.

An Act

Relating to Reference and Arbitration.

TABLE OF CONTENTS.

I. REFERENCE BY AGREEMENT OF PARTIES.

SECTION 1. Any person may agree that their submission
to reference may be made a rule of court, &c.

2. Such agreement may be made a rule of court, &c.

3. Parties may agree to a rule of court, for the reference
of questions of fact, and effect thereof.