

tion extended to the county of Bedford. Be and the same is hereby extended to the county of Bedford.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The twenty-first day of June, eighteen hundred and thirty-nine.

DAVID R. PORTER.

No. 149.

AN ACT

Providing for the election of Aldermen and Justices of the Peace.

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 qualified voters of the respective wards, boroughs and townships, in this commonwealth, shall, in the year of our Lord, one thousand eight hundred and forty, and whenever by this act it becomes necessary thereafter, at the times and places fixed for the election of constables in the said wards, boroughs and townships, elect justices of the peace and aldermen as follows: For each township, shall be elected two justices of the peace; for each borough, not divided into wards, shall be elected two justices of the peace; for each ward in a borough, shall be elected two justices of the peace; for each ward in a city, shall be elected two aldermen, except in the city and incorporated districts of the county of Philadelphia, where one alderman shall be elected for each ward; and such election shall be held, and conducted in the mode and manner, and by the same officers and persons, as the constables elections are held and conducted. But where a borough forms part of a township in which it is situated, the qualified voters of said borough, shall not be permitted to vote for justices of said township, nor shall the qualified voters of the township, be permitted to vote for justices of said borough.

SECTION 2. That the officers and other persons, holding and conducting such election for aldermen and justices of the peace, shall make true duplicate returns of such elections,

Election in
1840

Election of
justices and
aldermen

Manner of
holding elec-
tion

Returns how
made

one of which returns shall be immediately transmitted by mail, by the proper constable to the Governor, and the other return, shall be handed by such constable, to the prothonotary of the proper county, to be filed in his office. And the said prothonotary shall forthwith send a certified copy of such return to the secretary of the commonwealth.

SECTION 3. That the returns of the elections under this act, shall be subject to the inquiry, determination and judgment, of the court of common pleas of the proper county, upon complaint of fifteen or more of the qualified voters of the proper township, ward or borough, of an undue election or false return, two of whom shall take and subscribe an oath or affirmation, that the facts set forth in such complaint are true to the best of their knowledge and belief, and the said court shall, in judging of such elections, proceed upon the merits thereof, and shall determine finally concerning the same, according to the laws of this commonwealth; and the prothonotary of the said court shall immediately certify to the governor the decree of the said court, and in whose favor such contested election shall have terminated, and the Governor shall then commission such person in whose favor such contested election terminated, and such complaint shall not be valid or regarded by the court, unless the same shall have been filed within ten days after the election in the prothonotary's office, and in case such complaint be filed in due time, the prothonotary shall transmit by mail immediately to the Governor a certified copy thereof, and in such case no commission shall be issued, until the court shall have determined and adjudged on such complaint as aforesaid.

SECTION 4. That if the qualified voters of any ward, borough or township, in this commonwealth, shall desire to elect more than the number of justices of the peace or aldermen, prescribed by this law for such ward, borough or township, such qualified voters may at the times and places of holding constables elections, express such desire and consent in the following manner, namely: Such of the said voters as are in favor of electing more justices or aldermen, shall vote tickets labelled on the outside with the words "Justices" or "Aldermen" and the inside of such tickets shall contain the words "Increase one" or "Increase two" as they may desire, and such of the said voters who are opposed to the election of more justices or aldermen, shall vote tickets labelled "Justices" or "Aldermen" on the outside, and the inside of such tickets shall contain the words "No increase." And if it shall appear by such election that a majority of the qualified voters within such ward, borough or township, are in favor of electing more justices, or aldermen, then such additional number of justices or aldermen,

False returns subject to the judgment of the court and the manner

Prothonotary to certify decree of court to the governor or

Complaint when to be filed

Wards, boroughs and townships may elect more than two justices or aldermen, &c., on certain conditions

shall, at the next constables election thereafter, be elected and commissioned in the same manner as the other justices and aldermen are under this act. *Provided, That no election shall be held under this section unless at least fifty qualified voters of the proper ward, borough or township, shall give notice in writing to the constable thereof, that they desire to vote, at the next constable's election thereafter, for such increase, and on receiving such notice, the said constable shall, by at least ten written or printed handbills put up in the most public places in said ward, borough or township, at least twenty days before said election, give notice that at said election a vote will be taken to ascertain whether the qualified voters of said ward, borough or township, consent to the election of a greater number of justices or aldermen. And it shall be the duty of the officers and others holding such election under this section, to make out true duplicate returns of the same, and file one of said returns in the office of the prothonotary of the proper county, and in case a majority of the voters of such borough or township are in favor of an increase, the proper constable shall immediately transmit by mail to the Governor the other of the said returns, and no such increase in any ward, borough or township, shall exceed two.*

Proviso

Fifty qualified voters to give notice to constable that they desire to vote, &c.

Return how made

SECTION 5. That the Governor shall issue commissions on the twenty-fifth day after the elections for justices under this act shall have been held, to such persons as shall appear to be duly elected, for which said commission, each person so elected a justice or alderman, shall pay two dollars, to be received by the recorder of the proper county, to be by him transmitted to the secretary of the commonwealth, as fees for other commissions are transmitted; and the said justice shall be, by the said recorder, sworn or affirmed in the manner now prescribed by law.

Commissions when to be issued

Fees, \$2, to be paid to recorder, &c.

Justice to be sworn or affirmed

SECTION 6. That before any person elected a justice of the peace or alderman, shall enter upon the discharge of the duties of his office, such person shall give bond in such sum, not less than five hundred dollars nor more than three thousand dollars, as the court of common pleas, or one of the judges, in vacation, shall direct, with one or more sufficient securities, unless in the opinion of the court or of said judge, the person elected is possessed of a freehold estate of a value beyond all reprises, equal to the amount in which security should otherwise be required, which bond shall be taken by the prothonotary in the name of the commonwealth, with conditions for the faithful application of all moneys that come into his hands as an officer, and such bond shall be held in trust, for the benefit of all persons who may sustain injury from the said justice or alderman in his official capacity.

To give bond and the amt.

Unless a freeholder, &c.

Conditions of bonds

Provided, That the surety shall in no case be liable where ^{Proviso} proceedings shall not have been commenced within eight years from the date of the bond, in the manner prescribed by the act of the fourteenth of June, one thousand eight hundred and thirty-six, in relation to official bonds, and be proceeded in agreeably to the provisions of said act.

SECTION 7. That if any vacancy shall take place in any ^{Vacancies} ward, borough or township, by the neglect or refusal of any ^{how supplied} person elected to accept a commission within six months after the date thereof, or by death, resignation or otherwise, such vacancy shall be supplied at the next election, and the election to supply such vacancy shall be held and conducted in the same manner as the other elections for justices under this act.

SECTION 8. The elections under this act shall be held and conducted in the same manner and by the same officers who ^{Elections by whom held} are or shall be required by law to hold and conduct elections of constables in the respective wards, boroughs and townships in this commonwealth.

SECTION 9. That each of the officers and others who are to hold and conduct the elections under this act, shall be ^{Officers of election to be sworn or affirmed} sworn or affirmed before a justice of the peace, or the inspector or judges of the said election district, to hold and conduct such elections with fairness and impartiality, and to discharge their respective duties with fidelity, and such oath or affirmation subscribed by such officers and others shall be kept and preserved by such justice, or if taken by such inspector or judges, to be deposited with the nearest justice.

SECTION 10. That every justice of the peace or alderman, who is or shall be in commission at the time of the first ^{At the expiration of the commission of justices and aldermen now in commission} election under this act, shall, at the expiration of his office; deliver his docket, together with all the notes, bonds, accounts and papers in his possession, touching any judgment or suit entered thereon, to the nearest justice or alderman of the township, borough or ward. *Provided*, That if such justice or aldermen shall choose to retain his docket, he shall, ^{to whom to be delivered} on demand, for the legal fees, deliver a certified transcript of any judgment or proceedings in any suit therein, to the party or parties interested, under the penalty of one hundred dollars to be recovered by the party, aggrieved, in the same manner as debts of that amount are by law recoverable. And the justice of the peace to whom such docket or transcript shall be delivered, shall issue process and proceed thereon in the same manner and with like effect as the said justice might have done if he had remained in office. And every justice ^{Justices, &c., elected to deliver docket to successors} or alderman elected under this act, shall, on the expiration of his term of office, deliver over his docket and like papers to the person who shall be elected and commissioned to succeed him, in said ward, borough or township.

Lancaster
city divided
into 4 wards
to elect

SECTION 11. That the city of Lancaster, in the election of aldermen for said city, shall be divided into four wards, as follows: That portion of the said city lying east of North Queen street and the Lancaster and Reading road, and north of East King street and the Lancaster and Philadelphia turnpike road, to constitute one ward, and to be denominated the North-East ward of the said city. That portion of the said city lying east of South Queen street and a public road leading to the Conestoga creek, and south of East King street and the Lancaster and Philadelphia turnpike road, to constitute another ward of the said city, and to be denominated the South-East ward. That portion of the said city lying west of North Queen street and the Lancaster and Reading road, and north of West King street and the Lancaster and Columbia turnpike road, to constitute another ward of said city, and to be denominated the North-West ward. That portion of the said city lying west of South Queen street and a public road leading to the Conestoga creek and south of West King street, and the Lancaster and Columbia turnpike road, to constitute another ward of said city, and to be denominated the South-West ward. And the election for aldermen shall be held at the court house, in the city of Lancaster, and shall be conducted in the mode and manner, and by the same officers as is provided for by this act, and in all other respects be subject to its provisions.

Election
where held

Jurisdiction of
aldermen in
Philadelphia
county, &c.

SECTION 12. That the several aldermen in the incorporated districts of the county of Philadelphia, who shall be elected and commissioned under the provisions of this act, shall have all the jurisdiction now vested, by law, in the aldermen in the city of Philadelphia, and the justices of the peace, who shall be elected in the incorporated townships of said county, shall have and enjoy all the jurisdiction which is by law vested in the several justices of the peace in this commonwealth.

Aldermen
and justices
how subject to
removal

SECTION 13. That the several aldermen and justices of the peace, elected and commissioned under this act, shall be subject to removal in the same manner and for the same causes prescribed by the existing laws of this commonwealth, and during their continuance in office, shall respectively keep their offices in the ward, borough or township, for which they shall have been elected.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The twenty-first day of June, eighteen hundred and thirty-nine.

DAVID R. PORTER.