

by this act, is hereby repealed, so far as it relates to the county of Tioga.

WM. HOPKINS,
Speaker of the House of Representatives.
W. T. ROGERS,
Speaker of the Senate.

APPROVED—The seventh day of March, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 26.]

AN ACT

Relative to the election of Borough and Township officers, 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 when a borough forms part of a township or townships, and which are entitled by the act to which this is a supplement, to separately elect two Justices of the Peace, it shall be the duty of the judge and inspectors elected, to hold the general and township elections of each year, to provide a separate box into which they shall put the tickets voted for justices of the peace for said borough; and the tickets voted for justices of the peace by the qualified voters of the township, shall have the word "Township," written or printed on the outside; and the tickets voted for justices of the peace by the qualified voters of the borough, shall have the word "Borough," written or printed on the outside, and the said judge and inspectors shall count the votes so voted for justices of the peace for said borough, and return the same in like manner, as is provided for in the election of justices of the peace for townships.

SECTION 2. That so much of the borough of Chambersburg, in the county of Franklin, as is north of a line drawn from a point in the middle of Queen-street, where the eastern end of said street strikes the borough line along the middle of said street, until its western end crosses the borough line, is hereby erected into a separate ward, which shall hereafter be called

When a borough and township or townships form a general election district, judges to provide separate boxes, to be labelled "Borough" or "Township."

Chambersburg divided into two wards.

the North ward of said borough; and all of said borough which lies south of said line, is hereby erected into a separate ward, to be hereafter called the South ward of said borough.

SECTION 3. It shall be the duty of the qualified voters of each of said wards, on the day appointed by existing laws for the election of justices of the peace and constables, to elect two justices of the peace and one constable for each of said wards; the qualified voters of the North ward shall hold their elections for officers, at the court house in said borough, until the place is otherwise legally changed; and the qualified voters of the South ward shall hold their elections for said officers, at the house now occupied by Stephen Fairchild, in the said ward, until otherwise lawfully changed; and the general and special elections for said wards, shall hereafter be held at the same places that the ward elections are appointed to be held by this act: said wards shall belong to the Chambersburg election district, and the judges thereof shall pursuant to the provisions of the act of the second day of July, Anno Domini, one thousand eight hundred and thirty-nine, entitled an act relating to the elections of this commonwealth, join with the judges of the townships of said district, in the appointment of a return judge for the same, to meet the other return judges of Franklin county, at the time and place designated by law.

Each ward to elect 2 justices and 1 constable.

Elections, where held.

To belong to the Chambersburg election district.

Appointment of return judge.

SECTION 4. The inspectors, judge and clerks, who held the general election in October last, shall hold the election at the time appointed by law for justices of the peace and constable for the North ward; and all vacancies occasioned by death, resignation, removal or any other cause, shall be filled according to the provisions of the fifteenth and sixteenth sections of the act of the second day of July, Anno Domini, one thousand eight hundred and thirty-nine, entitled an act relating to the elections of this commonwealth; and it is hereby also made the duty of the inspectors, judge and clerks, who hold the general elections for said borough, to hold the ward elections annually the following year, for the North ward of said borough.

Election, by whom held.

Vacancies.

Ward election, how held.

SECTION 5. It is hereby made the duty of the high constable of said borough, under the penalty of forty dollars, and in case of his death or removal, of the supervisors of said borough under the same penalty, ten days before the third Friday of March, Anno Domini, one thousand eight hundred and forty, to give notice by at least six written or printed advertisements put up in public places, in the South ward, to the qualified voters thereof, that an election will be held on said third Friday in March, one thousand eight hundred and forty, for two justices of the peace and one constable for said ward; and also for two inspectors and one judge, to be elected according to the provisions of the ninth section of the act of the second of July, Anno Domini, one thousand eight hundred and thirty-

Duty of high constable.

Notice of elections.

Election of nine, whose duty it shall be to hold the next general or special judge and in- elections, and the next annual ward elections for said South spectors. ward, at which time every year two inspectors and one judge for the purpose aforesaid, shall be chosen, and said high constable or supervisors, as the case may be, on the third Friday in March, one thousand eight hundred and forty, as aforesaid, shall appoint one judge and two inspectors to hold said election, and said inspectors shall each appoint one clerk to assist in holding said election: the said judge, inspectors and clerks severally shall before proceeding to the performance of their duties, take and subscribe an oath or affirmation, in accordance with the provisions of the aforesaid act, passed the second day of July, one thousand eight hundred and thirty-nine.

Primary election, how held.

Citizens of North ward to choose 2 inspectors and 1 judge.

Duties of judge and inspectors.

SECTION 6. At all annual elections held in the North ward of said borough, at the time and place appointed by law for holding ward elections, the qualified voters of said ward, shall elect two inspectors and one judge, in accordance with the provisions of the act of the second day of July, Anno Domini, one thousand eight hundred and thirty-nine, entitled an act relating to the elections of this commonwealth," whose duty it shall be, pursuant to the requisitions of said act to hold all general and special elections in said ward: And the qualified voters of each of said wards, shall also, at the time and place fixed by law for the election of constables, vote for one person for assessor, and likewise for assistant assessors at the time appointed by law for the election of such officers, and the judges of the election of said wards shall meet on the next day after the said elections are held, at the Prothonotary's office of said county, and add up the votes given for assessor or assistant assessors, as the case may be, whose duty it shall be to declare who is elected, and to return the person or persons elected in the manner now required by law.

Returns, how made.

SECTION 7. The returns of justices of the peace and constables elected in each of said wards, shall be made pursuant to the requisition of existing laws; and all laws inconsistent with this act or which are hereby altered or supplied, are hereby repealed.

Borough of Cumberland; elections how and when held.

SECTION 8. That the election of borough officers provided for in the act entitled an act to erect the town of New Cumberland, in the county of Cumberland, into a borough, and for other purposes, shall hereafter be held on the third Friday in March, of every year, between the hours of eight and ten o'clock in the morning, and seven o'clock in the afternoon, at the house of John Sourbeck, innkeeper, in the said borough or at such other place as may be fixed from time to time, by ordinance or by law of said borough, which said election shall be conducted by the same persons or officers who hold and conduct the elections for constable, inspectors and assessors, and regulated according to the provisions of the act above recited.

SECTION 9. Notice of the said election shall be given by the high constable of the said borough, by four or more printed or written advertisements, affixed at as many of the most public places therein of the time and place of holding such election. Notice of election to be given.

SECTION 10. That in case the office of high constable of said borough be vacant by death, removal or resignation, notice may be given of said election by such advertisements so put up, signed by at least five of the qualified voters of the said borough. Vacancy.

SECTION 11. That in case such officers who are hereby authorized and required to hold and conduct such elections, shall not have been elected or should not attend at the time and place of holding such election and hold the same, the qualified voters of the said borough, who may be present, shall and may choose a judge and inspectors by election, in such manner as they may determine; which judge and inspectors shall hold and conduct the said election. Remedy in case of failure to elect.

SECTION 12. The qualified voters of the said borough, at the time and place aforesaid, shall be authorized to elect, besides the said borough officers, two justices of the peace, and such other officers as are usually elected in the several townships of this commonwealth, according to the several acts of the general assembly in such cases made and provided, and according to the provisions of the eighth, ninth, tenth, eleventh and fourteenth sections of this act. Election of justices of the peace and other officers.

SECTION 13. The said borough of New Cumberland, shall hereafter form a separate election district. Election district separate.

SECTION 14. The qualified electors of the district of New Cumberland heretofore connected with the said borough, shall when they are assembled for the purpose of holding the township election, in case no officers shall have been elected or shall attend for the purpose of holding said election, shall have power to choose by election in the manner in which they then and there determine, a judge and two inspectors, to hold the said election, who shall severally do and perform the duties enjoined on such officers by law; and notice may be given of the said election by such advertisements as aforesaid, signed by five of the qualified voters of said district, put up as said. To elect a judge and 2 inspectors. Notice of election, how given.

SECTION 15. In electing inspectors and judges of the general elections for the first election district, in the county of Huntingdon, the qualified voters in which have heretofore voted at the general elections, at the court house, in the borough of Huntingdon, which election district is in part composed of the borough of Huntingdon and part of the township of Henderson, at the time appointed for electing constables, in the several townships in said county, the qualified voters of and in said borough and the qualified voters of and in said part of said township, which forms part of said election district, are hereby. Huntingdon county, 1st election district composed of the borough of Huntingdon and township of Henderson, to vote separately.

Judges, when to meet. said borough and township elections as aforesaid, are hereby authorized and directed to meet together on the succeeding day after the holding of such elections, and add up the votes given for inspectors and judges of the general election of said election district, and declare who are elected inspectors and judge of the same; and within five days thereafter, deliver a certificate of their election to each of the persons so declared to be elected.

Borough of Wattsburg to elect 3rd Friday in March. **SECTION 16.** That from and after the passage of this act, the electors of the borough of Wattsburg, in the county of Erie, shall hold their election for borough officers, on the third Friday of March annually.

Cattawissa township to elect 2 constables and 3 supervisors. **SECTION 17.** That at the time and place for holding constables elections in the township of Cattawissa, county of Columbia, on the third Friday of March next, and annually thereafter, there shall be elected two constables and three supervisors of roads, one of which constables and one of which supervisors, shall at the time of said election and during the time for which he shall be elected, be and continue a resident of the town of Cattawissa, including the old town of Hughesburg and Roberts' addition to said town, and if any vacancy in said offices or either of them should exist between the times for holding said elections, either in consequence of the person elected removing out of the said town, or from any other cause, the court of quarter sessions of said county, on the petition of the citizens of said town, shall appoint some suitable person to fill the vacancy in each of said offices, until the term of the said court next succeeding the time for holding said election; and such person thus appointed having given such security as the court may require, shall have all the same rights and powers, and be subject to all the same duties and responsibilities as if he had been elected by the people: the act of assembly passed the second day of July, eighteen hundred and thirty-nine, so far as the same is hereby changed is hereby repealed.

Of vacancy.

Bradford county elections to be holden 1st Friday in February. **SECTION 18.** The township elections in the several townships and borough of the county of Bradford, shall hereafter be holden on the first Friday of February, in every year; and so much of the fifty-third section of the act, entitled an act relating to the elections of this commonwealth, passed the second day of July, one thousand eight hundred and thirty-nine, as is inconsistent with this section, is hereby repealed.

Part of former act repealed. **SECTION 19.** That so much of the eighty-first section of the act of the fifteenth day of April, one thousand eight hundred and thirty-four, relating to counties and townships, and county and township officers as requires the election of three supervi-

sors, is hereby repealed as far as respects the townships of Wilkesbarre and Sugar loaf, in the county of Luzerne; and it shall be the duty of the electors of said townships of Wilkesbarre and Sugarloaf, annually, to elect two supervisors, who shall serve for one year, and shall perform the duties and be subject to the responsibilities provided by said act.

SECTION 20. That so much of the nineteenth section of the act of the fifteenth April, one thousand eight hundred and thirty-four, as enjoins on the supervisors the duties of overseer of the poor; and so much of the ninety fourth section as abolishes the office of overseers of the poor, and transfers their duties and powers to the supervisors, are hereby repealed in and for the townships of Wilkesbarre and Sugar Loaf, in the county of Luzerne: And it shall be the duty of the electors of said townships annually, to elect two persons who shall perform the duties of overseers of the poor for one year, who shall perform the duties and be subject to responsibilities provided for by the act referred to in the nineteenth section of this act.

SECTION 21. The town council of the borough of Honesdale, in the county of Wayne, are hereby authorized to open any of the streets, lanes or alleys in said borough, whenever they deem it necessary for the better accommodation of the citizens of said borough.

SECTION 22. That it shall be lawful for the qualified voters residing in the borough of Mount Pleasant, in the county of Westmoreland, at the next election for constables and justices of the peace, within this commonwealth, to elect at the house of Andrew Lowrey, in said borough, a constable, who shall be qualified to serve any civil process, and be subject to all the penalties which township constables are now liable, and to receive the same fees for services as township constables are allowed by law to receive, and to be annually elected thereafter.

SECTION 23. So much of the act approved the seventh day of February, eighteen hundred and twenty-eight, and the act of the twenty-first of February, eighteen hundred and twenty-two, as is supplied by this act, is hereby repealed, so far as relates to the borough of Mount Pleasant.

SECTION 24. That all persons entitled to vote for members of the legislature, who have resided in the borough of Muncy, Lycoming county, ten days previous to an election, shall be entitled to vote for all officers of said borough.

SECTION 25. That the borough of Hollidaysburg, in the county of Huntingdon, shall hereafter compose a separate election district, and the qualified voters residing within said borough, shall hold their general and borough elections for justices of the peace, judges and inspectors of elections, and all borough officers, at the brick school house, in said borough.

SECTION 26. The sixty-second section of the act regulating election districts and for other purposes, passed the second day

Wilkesbarre and Sugarloaf townships to elect 2 supervisors instead of three.

Part of former act repealed.

Wilkesbarre and Sugarloaf townships to elect 2 overseers of poor.

Borough of Honesdale to open streets, &c.

Constables and justices election for the borough of Mt. Pleasant, changed.

Former acts repealed.

Borough of Muncy qualified voters.

Borough of Hollidaysburg made a separate election district.

Repeal of 62d section of former law. of July, Anno Domini, one thousand eight hundred and thirty-nine, shall be and the same is hereby repealed.

Manner of electing township officers, where townships have been or shall be divided. SECTION 27. Whenever it shall become necessary for the citizens of any township in any of the counties of this commonwealth, which has been or shall be divided in any way in forming any election district or districts, to elect justices of the peace, judges and inspectors of elections, assessors, constables, school directors or other township officers, in pursuance of any act or acts of assembly, the qualified voters of such township shall meet at the usual place of holding their annual township elections respectively, and shall then and there proceed to elect such officers in the manner now provided for by law, and the returns of such elections shall be made out in the same manner as is now provided for by the laws of this commonwealth; and such township election so held in any township which may be divided as aforesaid, shall be held and conducted only by the judge, inspectors and clerks residing in the district where the place of holding the township election is or may be located; any law to the contrary notwithstanding: *Provided*, That whenever a vacancy happens by death, resignation, removal or otherwise, then the judge or inspector residing in the township and district nearest to the place of holding the township election shall hold and conduct the same.

How returns are to be made. Elections, by whom to be conducted. Proviso. SECTION 28. It shall be the duty of the judge and inspectors holding and conducting such township election to keep as many separate boxes and separate lists of voters for judges and inspectors of elections as there are election districts or parts of election districts in such township respectively in which they shall deposit the votes of the citizens residing within the limits of such districts or parts of districts for judges and inspectors of the general elections in their particular districts, and the returns thereof shall be made out and certified in conformity with the provisions of the act of the second July, Anno Domini, eighteen hundred and thirty-nine, entitled "an act relating to the elections of this commonwealth;" and in cases where part of townships form a general election district, judges to meet at the place of holding the general election.

Separate boxes to be kept for judges and inspectors of each election district or parts in a township. Where parts of townships form a general election district, judges to meet at the place of holding the general election. SECTION 29. It shall be the duty of the secretary of the commonwealth immediately after the passage of this act, to furnish the sheriff of each county in the State, with a certified copy of the first, twenty-seventh, twenty-eighth and twenty-ninth sections thereof; and it shall be the duty of the said

Duties of Sec. of the com.

sheriffs to publish the same in their respective counties, either by hand bills or in two or more newspapers published in said counties respectively, and until the township elections are held during the present month of March.

SECTION 30. That Lower Bald Eagle township, and that part of Dunstable township lying West of Reed's run, in the county of Clinton, be and the same is hereby erected into a separate election district, and the election shall be held at the court house in Lockhaven: *Provided*, That all persons residing west of Reed's run aforesaid, and who are entitled to vote for members of assembly, shall hold their elections for officers of the general election, at the house now in the occupancy of Alexander Mahen in said township, and they are hereby authorized to hold an election for officers of the general election of eighteen hundred and forty, on the second Saturday of September next, and annually thereafter at the same place and the same time as is provided for the election of said officers by the act of assembly of the second July, eighteen hundred and thirty-nine, entitled an act relating to the elections of this commonwealth; and it shall be the duty of the supervisor of Dunstable township, to give notice of said election as directed by the first section of the act above referred to.

SECTION 31. That all that part of Slippery Rock township, in the county of Butler, situate and lying east of a line to be run beginning on the south boundary line of Mercer township, at the north east corner of John Slemmons' tract of land, thence south or parallel with the lines of said tract of land to the north boundary line of Centre township, be and the same is hereby erected into a separate township, to be called Cherry, and the electors thereof shall hold their general and township elections at the house now occupied by Robert M'Callen, and all that part situate and lying West of said division line shall form the township of Slippery Rock, and the electors thereof shall hereafter hold their general and township elections at the school house in Centreville and it shall be the duty of the now acting constable of Slippery Rock township, to give notice of the election to be held on the third Friday of this month in each of said townships respectively, and the qualified electors of said townships between the hours of eight and ten o'clock, A. M. of said day, in each of said townships respectively, when assembled at the places for holding said township elections, in case no officers shall have been elected or shall attend for the purpose of holding said election, shall have power to choose such officers by election in the manner in which they shall elect then and there determine, and the commissioners of the county of Butler, are hereby authorized and required to have run and marked by a competent surveyor, the said division line between the said townships of Cherry and Slippery rock, and the expense thereof to be paid out of the treasury of the county.

Duties of
Sh'ffs.

Bald Eagle
and part of
Dunstable
townships de-
clared a sepe-
rate election
district.
Election,
where held.
Proviso.

General elec-
tion of 1840,
and when held
notice thereof
by whom giv-
en.

Cherry town-
ship erected
out of Butler
county.

Election,
where held.

Slippery rock
elections
where held.

Notice of elec-
tion.

Remedy in
case of failure
to elect.

Duties of
comm'rs. of
Butler county

Township of Germantown, borough of West Philadelphia, et. al. authorized to elect school directors.

SECTION 32. The qualified electors of each of the wards of the township of Germantown, the borough of West Philadelphia, and the township of Passyunk, Kingsessing, Blockley unincorporated Northern Liberties, Bristol, Byberry and Moreland, shall at their ward and township election, on the third Friday of March next, in the same manner as other ward, boroughs and township officers are elected and returned, elect three citizens of each ward or township, to serve as school directors, and the qualified electors of each of the townships of Penn, (northern and southern) Roxborough, Oxford and Lower Dublin, shall at the same time, in like manner, elect six persons to serve as school directors. The directors of each of the wards, boroughs and townships thus elected, shall meet on the first Monday of April, at the hour of ten o'clock, at the place of holding the township or district election, when the township is divided into more than one election district, and shall divide themselves by lot into three classes; one-third to serve one year; one-third two years, and one-third three years; and the qualified electors of each of the several wards, boroughs and townships first named shall at their ward, borough or township elections annually thereafter, in the same manner elect one citizen of the ward, borough or township to serve as school director, and the townships last named, shall at the same time and in like manner, elect two citizens of the townships to serve as school directors, who shall hold their offices for three years.

Lower Dublin authorized to elect 6 school directors. Directors, when and where to meet

Election and classification of directors.

Vacancy, how filled.

Directors, how regulated.

Controllers, how and when elected.

Unincorporated Northern Liberties and Penn, shall form the 11th section.

SECTION 33. Whenever any vacancy shall occur by any person elected a school director, declining to serve, removing from the ward, borough or township or otherwise, the remaining directors of the ward, borough, township or election district, if the township shall be divided, shall appoint a citizen to serve in his place until another is elected by the qualified voters at the next ward, borough or township election.

SECTION 34. The directors thus elected shall be subject to all the laws passed in relation to the school directors of the respective sections of the first school district.

SECTION 35. The directors of each of the several sections and combined sections, entitled to elect controllers, shall meet within their respective districts, at such place as, is or may be directed by law, on the first Monday of April annually, to elect controllers, and that hereafter the directors of the first section shall elect six controllers; the directors of the second section, three controllers; the directors of the third, fourth and tenth sections each, two controllers; and the directors of the fifth, sixth and ninth sections each, one controller; the directors of the seventh and eighth as at present constituted, shall together, elect one controller; and the townships of unincorporated Northern Liberties and Penn, shall form a section to be called the "Eleventh Section of the First School district," and the

directors thereof shall elect one controller: the controllers thus elected shall be subject to all the laws passed in relation to the controllers of the first school district.

SECTION 36. As soon as the directors and controllers herein provided for shall be elected and organized, the term of service of any director and controller of the public schools then in office in the districts thus altered or provided for, shall cease, and all laws that conflict with the provisions of this act are hereby repealed.

When term of former director and controller shall cease.

WM. HOPKINS,
Speaker of the House of Representatives.

W. T. ROGERS,
Speaker of the Senate.

APPROVED—The seventh day of March, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 27.]

A FURTHER SUPPLEMENT

To the act entitled "an act to erect the town of Chester and its vicinity, in the county of Delaware, into a borough, and for other purposes," therein mentioned.

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 town council of the borough of Chester, shall be increased from and after the passage of this act, to the number of seven.

Town council of borough of Chester, increased to 7 in number.

SECTION 2. That the chief burgess, assistant burgess and president of the town council or any two of them, shall constitute a court of appeal, and prior to the collection of any borough tax, the collector shall inform each inhabitant of the amount of his tax and of the time and place of appeal: *Provided nevertheless,* That the said court of appeal shall have no power as such other than to determine the justness of the apportionment of said tax, but may remedy any grievance that may occur in imposing the same.

Court of appeal established.

Proviso.