

place where it is intended to be taken on board, at least three hours before it shall be put on board; and so much of the one hundred and twenty-third section of the aforesaid act, as is contained in these words, "except when shipped coastwise by the distiller or his agent," be and the same is hereby repealed.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 132.]

A SUPPLEMENT

To an act, entitled "an act providing for the election of Aldermen and Justices of the Peace, passed the twenty-first day of June, eighteen hundred and thirty-nine."

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 in all cases where an equal number of legal votes shall be polled for two or more candidates for the office of alderman or justice of the peace, in any ward, borough or township within this commonwealth, so that the said officers required by law shall not be duly elected, or where any election shall be declared void, or where a vacancy shall happen from any other cause, it shall be lawful for the qualified voters of said ward, borough or township, to hold another election for the choice of such officer or officers as they shall have failed to elect, and to fill such vacancy on the day fixed by law. But before holding the same, it shall be the duty of the constable of the proper ward, borough or township, to give notice, in the manner prescribed by law, that on a certain day mentioned in said notice (not less than twenty nor more than thirty days thereafter) an election will be held to fill the vacancy occasioned by such failure to elect, as aforesaid, which election shall be held by the same officers, at the same place, between the same hours, and be conducted and the return thereof made in the manner prescribed by law for holding the township elections, and shall be subject to like inquiry and judgment of the court of the proper county; *Provided, That*

Proceedings where candidates have equal number of votes or election from any other cause void.

when the election of any officer is vacated or set aside by a ^{Proviso.} decision of the court, the said court shall fix the time of holding such new election, which shall be not less than ten days thereafter.

SECTION 2. In cases where there has been a failure to elect the officers aforesaid in any ward, borough, or township, at the elections held during the present year, by reason of the candidates having received an equal number of votes, as aforesaid, it shall and may be lawful for the qualified voters of said ward, borough or township to hold an election under the provisions before prescribed, at any time within forty days after the passage of this act, the constable giving at least ten days notice thereof, as before directed. ^{Failure to elect in 1840 remedied.}

SECTION 3. It shall be lawful for any alderman or justice of the peace who was in commission at the time of the first election, held under the act to which this is a supplement, and who shall choose to retain his docket and deliver transcripts under the tenth section of said act, in addition to the fees for said transcript, to demand and receive from the person requiring the same all the fees legally due said alderman or justice in said suit or proceeding, and to retain such transcript until the same is paid. ^{Aldermen & Justices may retain their dockets and deliver transcripts, fees.}

SECTION 4. That the bond required by the sixth section of the act of twenty-first of June, eighteen hundred and thirty-nine, to be given by any person elected a Justice of the Peace or Alderman, before entering upon the discharge of the duties of his office, shall be recorded in the office for recording of deeds of the proper county, after the same shall have been taken by the Prothonotary, and the record thereof or a certified copy under the hand and seal of the Recorder of Deeds, shall be admitted as legal evidence in all cases where the original bond would be evidence. ^{Bonds of aldermen and justices of the peace how taken and recorded. Certified copies admitted as evidence.}

SECTION 5. That the commission of every person elected as Justice of the Peace or Alderman, shall be entered of record by the Recorder of Deeds of the proper county, and a certified copy under the hand and seal of the Recorder for the time being, or the record thereof, shall be admitted as legal evidence in the trial of any suit or suits, or bill or bills, of indictment where the original commission would be evidence. ^{Aldermen & Justices commissions recorded and certified copies admitted as evidence}

SECTION 6. It shall be the duty of the Secretary of the Commonwealth to cause this act to be published in at least three of the newspapers printed in Harrisburg, for three successive weeks immediately after its passage.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty.

DAVID R. PORTER.