

commission granted and endorsement made in accordance with this act, the said county treasurers shall be entitled to charge and receive one dollar, to be paid by the party or parties obtaining the same.

WM. A. CRABB,

Speaker of the House of Representatives.

JN. H. EWING,

Speaker of the Senate.

APPROVED—The twenty-seventh day of May, one thousand eight hundred and forty-one.

DAVID R. PORTER.

[No. 141.]

A N A C T

Relating to the Election of County Treasurers, 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 on the second Tuesday in October next, and on the same day every two years thereafter, it shall be lawful for the qualified voters in the several counties of this Commonwealth, to elect a suitable person to serve as county treasurer, who shall enter upon the duties of his office, on the first Monday in January next, after his election, and perform all the duties enjoined by law on the several county treasurers of this Commonwealth, until the first Monday in January, two years next after his induction into office as aforesaid.

SECTION 2. The election shall be held and returns of election made in the manner prescribed by law, in the case of county commissioners, and the validity of the election or return be subject to like trial and examination in case of a contest.

SECTION 3. No judge, clerk, or prothonotary of any court, register of wills, recorder of deeds, county commissioner, or county auditor, shall be eligible to election as county treasurer, during their continuance office, nor shall any county commissioner, or county auditor be eligible until the expiration of one year next after the term for which they shall have been elected, nor shall any county treasurer serve in such office for more than two years, in any term of four years.

SECTION 4. Each person elected a county treasurer, shall before entering into the duties of his office, give bonds with

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security, in the manner and on the conditions prescribed in the thirty-third and thirty-fourth sections of an act, entitled "An ^{Duty of co} act relating to counties and township officers," passed the ^{commissioners} fifteenth day of April, one thousand eight hundred and thirty-four, and it shall be the duty of the county commissioners, after the bonds and surety are given and approved, to give the person so elected, a certificate of his appointment in the form and manner prescribed by the thirty-first section of the act last aforesaid, and forward a certificate thereof to the auditor general, in the manner therein prescribed, and such certificate shall be recorded as in said act is directed.

SECTION 5. In case any person so elected county treasurer, shall be declared ineligible, refuse to give bonds agreeably to law, die, resign, remove from the county, or be removed from office on account of any delinquency or misdemeanor, it shall be lawful for the county commissioners to appoint a suitable person to fill said office until the expiration of the term for which such county treasurer shall have been elected, and the person so appointed shall conform and be subject to the laws of this Commonwealth in relation to county treasurers, and be subject to like removal: *Provided*, No person shall be appointed, declared by law to be ineligible to election. ^{Ineligibility, &c} ^{Vacancy} ^{Proviso}

SECTION 6. If the commissioners of any county shall believe the county treasurer is embezzeling, wasting, using or improperly managing the public moneys committed to his charge, or that from the insufficiency of his security, the public interests are likely to suffer, it shall be lawful for said commissioners to petition the court of quarter session of the proper county, setting forth the facts complained of, and if said court shall believe said complaint well founded, it shall make such order for the removal of such treasurer, or require additional security, as to said court shall appear just and proper in the premises. ^{Embezzeling, &c}

SECTION 7. If any county treasurer, elected or appointed under the provisions of this act, after taking on himself the duties of the office, shall neglect or refuse to perform any duty required of him by law, he shall on conviction be fined in any sum not exceeding three hundred dollars, and be forthwith removed from office. ^{Penalty for refusing to perform duty}

SECTION 8. Every county treasurer heretofore elected or appointed, and now holding his office under the provisions of the existing laws of this Commonwealth, shall be and hereby is continued in office until the first Monday in January next, unless sooner removed according to the provisions of this act: *Provided*, Said treasurer shall give bond according to the terms and the provisions of the law under which he was elected or appointed, conditioned for the faithful performance of his duty until the time aforesaid: *Provided*, That on renewing his bonds for the faithful performance of his duties, as provi- ^{Treasurer's term extended} ^{Proviso}

- ded by existing laws, the present county treasury of the county of Philadelphia, shall continue in office until the third Tuesday in October next, when his successor shall be qualified, and at the said general election the present county treasurer shall not be eligible to said office, and it shall not be lawful for any county treasurer, county commissioner or commissioners, or any collector of taxes in any township, ward, or district, nor for any other person on his or their behalf, to receive payment, or give any receipt for the payment of any taxes that have not been duly assessed, and returns of said assessment, made according to law, nor shall any such treasurer, commissioner, or commissioners, or collector, or other person, on his or their behalf, receive payment or give any receipt for the payment of any taxes, from the payment of which the party assessed has been exonerated according to law, unless the party so exonerated shall himself appear in his own proper person, and tender payment of the taxes from which he had been so exonerated; and it shall not be lawful for any commissioner or commissioners of any county, or for any other person on his or their behalf, to add any name or names to the duplicate return or list of taxables, made or furnished by the assessor or assistant assessors of any township, ward, or district, and if any such treasurer, commissioner, commissioners, or collector, or other person on his or their behalf, shall violate any of the provisions of this section, he shall upon conviction thereof, before any court having competent jurisdiction, pay a fine of one hundred dollars for the use of the Commonwealth, and shall moreover be forthwith removed from office, and the vacancy thereby occasioned in either of said offices, shall be filled or supplied as in other cases of vacancies in such office.
- SECTION 9.** All special acts authorizing the election of constables, treasurers, and all other laws of this Commonwealth, which are altered or supplied by the provisions of this act, be and the same are hereby repealed: *Provided, however,* That in the counties of Lycoming and Clinton, the election, under this law, shall be first held on the second Tuesday of October, one thousand eight hundred and forty-three, and that the term of the present treasurers of said counties is hereby extended until the first Monday in January, one thousand eight hundred and forty-four.
- SECTION 10.** It shall not be lawful for any guardian of the poor, inspector of the prison, controller of public schools, members of the board of health, nor for any person employed in the sheriff's office, county commissioner's office or treasurer's office of any county, to hold the office or perform the duties of auditor of such county; and if any county treasurer, elected or appointed under the provisions of this act, after taking upon himself the duties of the office, shall embezzle,
- Treasurer of Philadelphia county
- Receipts for unassessed taxes or exonerations prohibited
- Add'g names to duplicate returns prohibited
- Penalty
- Repeal
- Proviso
- Lycoming & Clinton counties
- Who are prohibited from being Auditors

misuse or waste the public moneys committed to his charge, he shall, on conviction, be fined in a sum not less than one hundred dollars and not more than two thousand dollars, and be imprisoned for a time not less than three months nor more than two years, the amount of said fine and term of imprisonment to be at the discretion of the court. Penalty for embezzeling money.

SECTION 11. No assessor or assistant assessor shall be appointed to the office of collector of taxes in any township, ward or district, during the term for which he shall have been elected assessor or assistant assessor. Assessors and assistant assessors ineligible a collector

SECTION 12. That so much of the third section of an act entitled "An act changing the time of holding the courts in the fourteenth judicial district, and for other purposes," passed the sixth day of June, one thousand eight hundred and thirty-nine, as raises the pay of county commissioners and auditors in the county of Bucks, is hereby repealed, and said officers shall be paid the same as before the passing of that act. Bucks county commissioners & auditors pay repealed

SECTION 13. That the second section of an act entitled "An act authorizing the commissioners of Berks county to borrow money, and for other purposes," passed the sixth day of April, one thousand eight hundred and forty, be and the same is hereby repealed. Berks county commissioners borrowing money repealed &c

SECTION 14. That the courts of quarter sessions of each county shall have full power, on petition of any surety of any constable, setting forth the complaint, and verified by affidavit, to inquire into official conduct of such constable, and in all cases where said court shall be satisfied that from habits of intemperance or neglect of duty, any constable is unfit and incompetent to discharge his official duties, it shall be lawful for said courts, respectively, to decree the removal of such constable from office, unless such constable gives such additional surety as the court may direct, and to appoint a suitable person to fill the vacancy who shall have a freehold estate with at least one thousand dollars beyond incumbrance, or give security, as in other cases of constables, to continue in office until the next succeeding election for constable, and until a successor be duly qualified, and in all cases where any constable, elected or appointed, shall not have given security, and has so neglected his business, or the situation of his estate is such as to render it unsafe to entrust him with the execution of official duties, the said courts shall also have power to require such constable to give security in the same sum and in the same manner required by law from other constables who have not such estate as exempts them from giving security, and such security thus given shall be for the same uses and as valid in law as the security given by said other constables, and in default of giving such security within such time as the said court shall adjudge reasonable, said court shall decree Proceedings for removal of constables in cases of intemperance, incompetency, &c
Vacancy
Security

Vacancy the removal of such constable from office, and fill the vacancy in the same manner as is provided herein for cases of constables incompetent to act, from habits of intemperance.

Justices of the Peace authorized to hold inquests on dead bodies SECTION 15. That in all cases where by law the coroner of any county is required to hold an inquest over a dead body, it shall be lawful for a justice of the peace of the proper county to hold the same where there is no lawfully appointed coroner, or he is absent from the county, unable to attend, or his office is held more than ten miles distant from the place where the death occurred or the body found, and said justice shall have like power to select, summon and compel the attendance of jurors and witnesses, and shall receive like fees and tax like costs, and the inquest shall have like force and effect, in law:

Fees *Provided*, That no fees or costs shall be allowed or paid said justice or inquest, until the proceedings are submitted to the court of quarter sessions of the proper county, and said court shall adjudge that there was reasonable cause for holding said inquest, and approve of the same.

Proviso SECTION 16. That from and after the passage of this act, the election for trustees of the Clearfield academy, in Clearfield county, shall be held on the first Monday in January, annually.

Proceeding to be confirmed by quarter sessions SECTION 17. So much of the public highway, on Penn's creek, in Centre county, as lies between Duncan's mill and the head of said creek is hereby vacated, and so much of the second section of the act passed second March, eighteen hundred and twenty-seven, as is inconsistent herewith, is hereby repealed.

Annual election Clearfield Academy

Part of Penn's creek, Centre co vacated

WM. A. CRABB,

Speaker of the House of Representatives.

JN. H. EWING,

Speaker of the Senate.

APPROVED—This twenty-seventh day of May, A. D. eighteen hundred and forty-one.

DAVID R. PORTER.