

No. 408.

A SUPPLEMENT

To an act, entitled "An Act to extend the charter of the Western Bank of Philadelphia," approved the seventh day of April, one thousand eight hundred and forty-six.

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 capital stock of the Western Bank of Philadelphia, be made and it is hereby restored to five hundred thousand dollars, and the par value of the shares thereof to fifty dollars, subject to all the provisions contained in the act to which this is a supplement: *Provided,* That the said Western Bank of Philadelphia shall, within three months from and after the passage of this act, pay into the treasury of this commonwealth one per cent. on the amount of capital restored by virtue of this act: *Provided,* That should said bank at any time hereafter be made the subject of taxation, not now provided for by general laws, the per centage so paid shall be credited to said bank on account of said additional taxation.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

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

WM. F. JOHNSTON.

No. 409.

AN ACT

To change the mode of granting tavern licenses in the city and county of Philadelphia.

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 every person in the city and county of Philadelphia, who shall deal in the selling of spirituous, vinous, or malt liquors by retail, shall, on or before the first day of September, one thousand eight hundred and forty-nine, and on or before the first day of May, in each year thereafter, *Persons who shall deal in the selling of spirituous, vinous or malt liquors shall take out license.*

LAWS OF PENNSYLVANIA,

take out from the treasurer of the county, a license for selling such liquors; which license shall be in the following form, to wit:
County of Philadelphia, ss:

Form of license.	wealth, liquors as a retail dealer of liquors of the _____ class within the county of Philadelphia, for one year from the _____ day of _____ one thousand eight hundred and _____
Proviso.	A. B. treasurer of Philadelphia county: <i>Provided</i> , That nothing herein contained shall be construed to extend to physicians, apothecaries, or chemists, as to any liquors which they may use in the preparation or making up of medicines for sick, lame, or disordered persons: <i>And</i>
Proviso.	<i>provided also</i> , That the licenses issued on or before the first day of September next, shall expire on the first day of May then next ensuing, and to be paid for that period in proportion to the rate for such licenses hereafter fixed by this act; and at the expiration of said time, all such licenses shall be issued from the first day of May, for the term of one year, unless in case of said retailers commencing after said date, in which case he shall receive a license for the remainder of the year, and shall pay for the same in proportion to the time for which said license shall be granted: <i>And provided also</i> , That every person applying for a license shall present to the county treasurer the written consent of the owner of the premises occupied by him, for the keeping of a tavern therein.
Proviso.	

SECTION 2. That every person applying for a license under the provisions of this act, shall be required to file in the office of the court of quarter sessions of the county of Philadelphia, a bond to the commonwealth of Pennsylvania, in the sum of five hundred dollars, with sufficient securities, to be approved by the attorney general, or his principal deputy, for the county of Philadelphia, conditioned that the person or persons asking license, as aforesaid, shall not permit gaming, or noisy, riotous, or disorderly conduct, or knowingly sell, vend, or retail spirituous, vinous, or malt liquors to any minor, at the premises mentioned in said license, or in any premises connected therewith by any open or covered passage way or communication, and that they shall not carry on or pursue said business, or connive at or permit the sale of spirituous or vinous liquors by less measure or quantity than one quart, or malt liquors by less measure than one gallon, after the time mentioned in said license, for which they shall have paid tax, shall have expired; and on forfeiture of said obligation, the same may be sued out by any citizen of this commonwealth, one-half to the use of the person suing for the same, and the other half to the use of the commonwealth: *Provided*, That the clerk of the said court shall be entitled to receive a fee of fifty cents for preparing and filing the bond hereby required.

SECTION 3. All such sellers, as aforesaid, shall be classed and pay annually, as follows:

Those who are esteemed and taken to make and effect annual sales to the amount of ten thousand dollars and upwards, shall pay three hundred and fifty dollars.

Those to the amount of eight and less than ten thousand dollars, shall form the second class and pay two hundred and fifty dollars.

Those to the amount of six and less than eight thousand dollars, shall form the third class and pay two hundred dollars.

Those to the amount of four and less than six thousand dollars, shall form the fourth class and pay one hundred and fifty dollars.

Those to the amount of two and less than four thousand dollars, shall form the fifth class and pay one hundred dollars.

Persons applying
for license to file
bond.

Condition of
bond.

Classification of
sellers.

Those less than two thousand dollars, shall form the sixth class and pay fifty dollars; and no license shall be granted for any less sum: *Provided*, That tavern keepers, selling spirituous, vinous and malt liquors in the unincorporated districts and townships of the county of Philadelphia, whose annual sales do not amount to one thousand dollars, shall be required to pay twenty-five dollars per annum. *Proviso.*

SECTION 4. For the purpose of securing the tax authorized by the provisions of this act, the select and common councils of the city of Philadelphia, in joint meeting assembled, and the members of the legislature of the city and county of Philadelphia, in county board assembled, and the county commissioners of the county of Philadelphia, shall each respectively, on the first Monday in May next, elect one person to be appraiser for tavern licenses; and the persons so elected shall constitute and be known as the board of appraisers for tavern licenses, and shall meet at the office of the county commissioners aforesaid, on the Monday next following their election, and shall make oath or affirmation to discharge their duties faithfully and impartially, which oath or affirmation shall be filed in the office of the clerk of the court of quarter sessions, aforesaid, and shall divide themselves, by lot, into three classes, the term of service of the person allotted to the first class shall expire at the end of one year from his election; of the second class at the end of two years, and of the third class at the end of three years, so that one may be elected annually thereafter, on the first Monday in May, to serve for three years; and every vacancy in said board, caused by expiration of term of service, shall be filled by the body by whom the person whose term of service may have expired was elected; and any vacancy in said board, from death, resignation, or otherwise, upon notice thereof given by the president of the board, shall be supplied by the body that elected the person causing such vacancy.

SECTION 5. The said appraisers shall prepare a list of all the dealers, as aforesaid, with their places of business, arranging them in their several classes, and they shall furnish to each of the persons so assessed, a written or printed notice of their several classifications, giving notice to each, at the same time, of the place and time at which appeals may be made from such classifications; and for such service the appraiser aforesaid, shall be paid for each certificate of license the sum of fifty cents, to be paid by the treasurer of the county, as hereinafter directed.

SECTION 6. Upon the request of any person who may allege that he is not properly assessed, or at the desire of any one of the appraisers, it shall be the duty of said appraisers, or either of them, to administer an oath or affirmation to said person, and to interrogate him as to the amount of his sales for the previous year, and if the appraisers shall be satisfied, upon such investigation, that such person is not properly assessed, they shall increase or reduce the assessment as the case may be; and in all cases the person so assessed, if dissatisfied with the decision of the appraiser, shall have the right to appeal to the county commissioners, who shall in such case determine the same, subject to an appeal to the court of common pleas of said county.

SECTION 7. The appraisers so appointed shall furnish to the treasurer of the county, a certified list of the dealers aforesaid, with the classification as made out by them, or determined by the county commissioners, as aforesaid; and the said treasurer shall within twenty days thereafter, transmit to the auditor general, a copy of such list, and shall receive and collect, with the fees of the appraisers, and his own fee, the sums to be paid by such dealer for his license, in the manner directed by law.

Auditor general, duty of. **SECTION 8.** It shall be the duty of the auditor general to charge the said treasurer with the amount payable by the several persons in the said lists, from the payment of which the said treasurer shall be exonerated, only by producing satisfactory evidence to the department that it was impracticable to collect and recover the same.

County treasurer, duty of. **SECTION 9.** It shall be the duty of the county treasurer, on the first day of October, in this year, and on the first day of June, in each year thereafter, to make out a correct list of all those who have not paid the duty and obtained the license, and it shall be his duty to institute a suit against such delinquent, under the directions of the second section of the act of the twenty-fourth of March, one thousand eight hundred and twenty-four, entitled "A supplement to the act laying a duty on retailers of foreign merchandize:" *Provided.* That if the amount due be more than one hundred dollars, the suit may be brought in the district court.

Compensation of county treasurer. **SECTION 10.** The county treasurer shall be entitled to demand and receive from each person to whom he shall deliver a license, as aforesaid, the additional sum of twenty-five cents, as a compensation for making out, registering and delivering such license; and the said treasurer, once in each year, to wit: on or before the second Tuesday in December, shall settle his account, as such accounts are usually settled with the auditor general, and pay over to the state treasurer all moneys received by him in pursuance of this act.

County treasurer to give bonds. **SECTION 11.** The aforesaid county treasurer, previous to entering upon the duties enjoined by this act, shall enter into bonds, with sufficient security for the faithful performance of his trust to the commonwealth, according to the provisions of the act of sixteenth of April, one thousand eight hundred and thirty-four, relating to treasurers' bonds, and the regulations prescribed by said act, are hereby extended to all bonds to be taken under this act; and in case the bonds required as above, are not transmitted within one month, it shall be the duty of the auditor general to give notice to the county commissioners, who shall forthwith remove said officer so neglecting or refusing to give bond from his office, and appoint some other person in his place.

Treasurer to make entries in a book of money received for licenses, &c. **SECTION 12.** The said treasurer shall make regular entries in a book to be kept by him for that purpose, of all moneys received by him, respectively, for licenses granted and duties paid, specifying the name or names of the parties, the several rates and amount of duties paid, and the year for which the said license had been issued, and the duties paid, charging himself with the amount received on account of duties payable during the current year, as also for any preceding year or years; and it shall also be his duty to publish annually, in two daily newspapers in the city of Philadelphia, a list of all those persons who have taken out a license for the purposes aforesaid, and the classes in which they have severally been placed, and he shall transmit the two newspapers in which the names are published, to the auditor general.

Appraisers neglecting or refusing their duties to be guilty of a misdemeanor. **SECTION 13.** If any of the appraisers aforesaid shall neglect or refuse to perform the duties required of them by this act, such officer so neglecting shall be considered guilty of a misdemeanor in office, and on conviction thereof before a competent tribunal, shall be removed from office, and forfeit and pay the sum of five hundred dollars for every such offence, one-half to the state and the other half to the person or persons who shall prosecute such offender or offenders.

Penalty for selling liquors in less quantity than a quart without license. **SECTION 14.** Any person or persons selling spirituous or vinous liquors, as aforesaid, in less quantities than a quart, or malt liquors in less measure than one gallon, without a license, or after his license has expired, shall, on conviction, forfeit and pay fifty dollars for every

day that he shall so sell without a license, one-half to the use of the commonwealth, the other half to such person or persons as shall prosecute such offender or offenders; and upon a second conviction, he shall be subject to imprisonment in the county jail, for a period not exceeding three calendar months: *Provided*, That nothing herein contained shall be so construed as to prevent the informer from being a witness.

SECTION 15. The provisions of this act shall not be construed to apply to any person or persons selling under a license granted by existing laws, until after the expiration of the term for which said license has been granted. Not to apply to persons selling under license of existing laws.

SECTION 16. That whenever any riot or other breach of the peace shall occur, at or within any tippling house, or other place where spirituous, vinous, or malt liquors are sold, without a license being taken out in conformity to the provisions of this act, the proprietor or keeper of such tippling house, or other place where such liquors are so sold, shall be deemed and taken to be an aider and abettor in such riot, or other breach of the peace, and shall be liable to be prosecuted and punished as such. Persons in whose houses a riot or breach of the peace occurs to be deemed an aider or abettor.

SECTION 17. That every person convicted under the preceding section of this act, and every person convicted of keeping a disorderly house, within the city and county of Philadelphia, shall be subject to a fine not exceeding five hundred dollars, and be imprisoned for a term not exceeding twelve calendar months, at the discretion of the court act. Penalty for keeping a disorderly house under the provisions of this act.

SECTION 18. All laws or parts of laws inconsistent with this act, are hereby repealed.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 410.

AN ACT

Authorizing the partial restoration of the capital of the Bank of Pennsylvania.

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 capital stock of the Bank of Pennsylvania shall be one million eight hundred and seventy-five thousand dollars, and that it be divided into eighteen thousand seven hundred and fifty shares of one hundred dollars each: Provided, That the said bank shall, within three months from*