

SECTION 19. Every male member in full communion in the Members, said church, of the age of twenty-one years and upwards, being a citizen of Pennsylvania, and having resided in the county of Philadelphia, or its vicinity, for the space of six months, shall be considered a member of the said corporation, and be as such, entitled to the privilege of speaking and voting at its meetings.

SECTION 20. The said corporation, shall have full power to make and use one common seal, with such device or inscription thereon, as they may deem proper, and the same at pleasure to break, alter or renew, and also, to enact and enforce such by-laws and ordinances, from time to time, as they may judge expedient for the prosperity and good government of the said corporation: *Provided*, The same shall not be inconsistent with the constitution and laws of the United States, or of this Commonwealth, or with the form of discipline by which said church is governed. Seal.
By-laws.
Proviso.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The thirteenth day of June, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 257.]

A FURTHER SUPPLEMENT

To an act, entitled 'An act providing for the election of Aldermen and Justices of the Peace,' passed twenty-first June, one thousand eight hundred and thirty-nine, 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 in all cases where an equal number of legal votes, has been or shall hereafter be polled, for two or more candidates for the office of alderman or justice of the peace, in any ward, borough, township, or district, so that the said officers required by law, shall not be duly elected, or where any election shall be declared void by the court, it shall be lawful Elections when void or tie vote how remedied.

Election how
when and
where held.

Proviso.

2d Proviso.

Commissions
when to take
effect.

Oath of in-
spectors &c.

Contested
elections.

for the qualified voters of such ward, borough, township, or district, to hold another election for the choice of such officer or officers, and to fill such vacancy. But before holding the same, it shall be the duty of the constable of the proper ward, borough, township, or district, 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 such vacancy; which 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; and at the same place and between the same hours, and be subject to the like inquiry, and judgment of the court of the proper county, as aldermen or justices elected, under the provisions of the act, to which this is a further supplement: *Provided*, that when the election of any such officer shall be vacated or set aside, by a decision of the court, the said court shall fix the time of holding such new election, which shall not be less than twenty days thereafter: *And provided*, that no election held under the provisions of the section hereinafter repealed, upon legal notice given by the proper constable, to fill any vacancy contemplated by said section, shall be declared void, because it was held on a day fixed by the said constable.

SECTION 2. The commissions issued to aldermen or justices of the peace, elected under the provisions of this act, shall take effect from the same date and time, and continue until the same period as commissions, issued under the act of the twenty-first June, one thousand eight hundred and thirty-nine, to which this is a further supplement, and shall expire at the same time, with commissions issued to such officers elected, at the time of electing constables.

SECTION 3. The inspectors, judge, and clerks, required by law, to hold township and general elections, shall take and subscribe the several oaths or affirmations, required by the nineteenth, twentieth, and twenty first sections, of the act of the second day of July, one thousand eight hundred and thirty-nine, entitled "an act relating to the elections of this Commonwealth," which oaths or affirmations, shall be prepared and administered, in the manner prescribed in the eighteenth, and twenty-second sections of said act; and in addition to the power conferred by the eighteenth section of said act, the judge, or either of the inspectors, shall have power to administer the oaths prescribed by said act, to any clerk of a general, special, or township election; and the ninth section of the act, to which this is a further supplement, be and the same is hereby repealed.

SECTION 4. All contested elections of aldermen or justices of the peace, shall be tried in the courts of common pleas, according to the provisions of the act to which this is a further sup-

plement; and said courts in the trial of such contests, shall have all the powers conferred by the one hundred and fifty-fifth, one hundred and fifty-sixth, and one hundred and fifty-seventh sections of the act entitled "an act relating to elections of this commonwealth, passed the second day of July, one thousand eight hundred and thirty-nine," but no proceeding commenced; and now pending in the courts of quarter sessions, shall be dismissed by reason of the passage of this act, but the same shall be pursued to completion, with like power and effect, as though it had been commenced in the court of common pleas.

SECTION 5. No state tax shall hereafter be charged on ac- No state tax
count of recording the commission, oath, bond, or other paper on commis-
connected with the election, and appointment of aldermen and sions &c.
justices of the peace within this commonwealth.

SECTION 6. That the first section of the act of the eleventh ^{Repeal of part}
April, one thousand eight hundred and forty, entitled a sup- ^{of former act.}
plement to an act, entitled an act providing for the election of
aldermen and justices of the peace, passed the twenty-first day
June, one thousand eight hundred and thirty-nine, be and the
same is hereby repealed.

SECTION 7. That from and after the passage of this act, the Treasurer of
present treasurer of Columbia county, and all treasurers here- Columbia co.
after elected or appointed for said county, shall, during the pe- to reside at the
riod for which he shall have been elected or appointed, reside seat of justice.
in the town of Danville the seat of justice of said county, or
shall have an office for the transaction of the business of treas-
urer, in said town, with a deputy or clerk to act in his place,
when he shall be absent from said town of Danville; and said
treasurer shall be accountable for all the official acts of his dep-
uty or clerk, during their appointment to said office.

SECTION 8. That the qualified electors of the borough of
Millsborough, in the county of Washington, shall on the first Millsborough
Monday of July next, and annually thereafter, meet at such Washington
place, as shall be designated by the constable of East Bethle- co. annual
hem township, giving fifteen days public notice, by hand bills. election of of-
put up at public places, and elect all borough officers provided ficers and jus-
by the charter of said borough: And provided further, that tice peace.
the said borough shall have power at the same time and place,
to elect one person as a justice of the peace, and one person as
constable, who shall be placed on the same footing as justices
and constables, elected in March last, under the existing laws Proviso.
of this Commonwealth: Provided, that hereafter, the said bo-
rough shall have the same power and privileges, in electing
justices, and constables, as all other boroughs of this Common-
wealth have, under existing laws.

SECTION 9. That from and after the passage of this act, ^{Assignees}
when the defendant, or defendants, in any suit now pending, may appeal in
or hereafter to be brought, have assigned for the benefit of certain cases.

creditors, before or after such suit brought, or hereafter may assign, for the benefit of creditors, the land or other property, which is the subject of, or affected by such suit, the assignee or assignees may appeal from any award made in such suit against the defendant, or defendants, under a rule of reference, entered under the eighth section of the act of the sixteenth June, one thousand eight hundred and thirty-six, entitled an act relative to reference and arbitration; and also to bring a writ of error upon any judgment, which may be rendered in any such suit.

Provisions of
part of certain
acts relating
to reference.

Arbitration &
executions ex-
tended to as-
signee in cer-
tain cases.

Assessors du-
ties to contin-
ue till 1841.

Certain elec-
tion declared
valid.

Inquest on fi
fa lev. fa in
certain cases
in an adjoining
co. how
conducted &c

SECTION 10. That the provisions of the thirty-first section of the said act of the sixteenth of June, one thousand eight hundred and thirty six, relative to reference and arbitration; and the first proviso of the eighth section of the act of the sixteenth of June, one thousand eight hundred and thirty-six, entitled an act relating to executions, be and the same are hereby extended to the assignee of voluntary assignments, for the benefit of creditors, whenever such assignee shall enter an appeal, or sue out a writ of error, under the provisions of the ninth section of the present act.

SECTION 11. That the assessors elected in the several election districts, on the Friday next preceding the second Tuesday of October last, past, under the provisions of the twelfth section of the act relating to the elections of this Commonwealth, passed the second day of July, one thousand eight hundred and thirty nine, shall continue in office, and perform all the duties appertaining thereto, until the time fixed for the election of assessors and assistant assessors, in the year one thousand eight hundred and forty-one, except where elections shall have taken place for such officers, at the constables elections next preceding the passage of this act; and in such last described case, the said elections are hereby declared valid and effectual, where they have conformed in other respects to the provisions of the existing laws; and the terms of office of the said first mentioned assessors, shall be construed to expire on the Friday next preceding the day of the general election, of the present year, when the assessors and assistant assessors, so elected as aforesaid, shall enter upon the performance of the duties of their respective offices.

SECTION 12. That when any part of any lands or real estate, which lie in one or more adjoining tracts, in different counties, has been or shall be taken in execution, under any writ of fieri facias, or writ of levavi facias, issued out of any court in either county, it shall be the duty of the sheriff to summon an inquest, for the purpose of ascertaining whether that part of the said land, which has been taken in execution, can be sold separately and apart, from the other part of said land, lying in the adjoining county or counties, without

prejudice to the whole, or to the interest of the defendant or defendants, or any of his, her, or their lien creditors, or other person, who may be interested in the proceeds thereof; and also how much, and what part of said lands in such adjoining county or counties, ought to be sold with that part taken in execution as aforesaid, describing the same by metes and bounds; and he shall make a return in due form of law, of the inquisition taken with the writ, and if the said inquest shall find that the part of said lands taken in execution, cannot be sold separately from the other part lying in the adjoining counties, or a portion of the same, without prejudice as aforesaid, and the inquisition shall be approved by the court, the plaintiff may have a writ of venditioni exponas, or writ of levari facias, as the case may require, (or a writ of alias or pluries venditioni exponas, or alias or pluries levari facias, as the same may be necessary,) to sell said lands and real estate, taken in execution; and other part in such inquisition mentioned and described, by virtue thereof, the said lands and real estate shall be exposed to sale—sold and conveyed as in other cases; and the person or persons to whom the said lands and real estate may be sold, shall and may take, hold, and enjoy the same, as if the same were situate wholly in the county, in which such writ issued: *Provided*, that upon the return of the said inquisition, the plaintiff shall cause a copy of the docket entry, and whole proceeding connected with the said writ, to be filed in the office of the Prothonotary of the said adjoining county, or counties, in which any of the lands mentioned in said inquisition are situate, which shall be entered on the records of such office; and from the date of said entry, the judgment on which said writs issued, shall be a lien on the lands within the county in which the said proceedings shall be entered, and copies of all subsequent proceedings in said case, shall in like manner be filed and entered in the office of such prothonotary, immediately after the sheriff shall make a return of the sale of said premises: *And provided also*, that notice of the sale shall be given in each county, in which the lands to be sold, lie, as is now required to be given in cases of sheriff's sales; and in all cases of a tract or adjoining tracts of land, situate in different counties as aforesaid, in which any writs of execution have been issued, and no sale under the same, has been made, it shall be lawful for the plaintiff to issue an alias or pluries fieri facias, or alias or pluries levari facias, as may be proper; and the like proceedings shall be had thereon, as above provided. In case there shall be any liens on the parts of said lands, lying in the adjoining county or counties, in which the above mentioned proceedings are directed to be filed and entered, existing previous to filing and entering such proceedings, the court shall, after the return of the sale, ascertain and determine, in such manner as they may think proper, what propor-

Return of inquisition

Approval of court venditioni &c.

Proviso.

Certain entries to effect a sale.

Notice of sale

When no sale

place under execution plaintiff may issue alias or pluries fi fa or levari fa

Proceedings when previous lien exists

tion of the proceeds of such sale shall be applied, in satisfaction, of such previous liens.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The thirteenth day of June, one thousand eight hundred and forty.

DAVID R. PORTER.