

passed the fourth day of March, one thousand eight hundred and thirty-five, prohibiting fishing for shad in the sluices of the dams at Duncan's Island, Shamokin Ripples, and Nanticoke, any person offending against the provisions of said act, upon conviction as aforesaid, shall be imprisoned in the county jail any term not less than ten nor more than thirty days.

Writ of Error
to issue before
final judgm't
in partition

SECTION 15. That from and after the passage of this act, writs of error may be sued out, upon the judgment *quod partitio fiat* in all actions of partition, now pending in the courts of common pleas, or that may hereafter be brought, and the supreme court shall hear and determine the same, as if the said writ or writs of error were issued on the final judgments in said proceedings.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

APPROVED—The fifth day of April, A. D., one thousand eight hundred and forty-two.

DAVID R. PORTER.

[No. 82.]

AN ACT

In relation to the County of Philadelphia.

Appropriat'n
of taxes

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 addition to the powers now conferred by law on the county board of the city and county of Philadelphia, the said board shall have the power of specifically appropriating such of the proceeds of the county rates and levies, as shall not be appropriated by law, and for that purpose the said board shall meet at such times as it shall deem necessary, at least once in two months: *Provided,* That the said board may meet at Harrisburg, during the session of the legislature, upon a requisition made by the county commissioners, and the said county board is hereby authorized to appoint a clerk, and determine the amount of his salary, who shall keep correct minutes of their proceedings, and to enact such rules and

regulations for the government of the said board as may be necessary, and the said board shall have free access to the books, papers and accounts of the county commissioners, and the county treasurer, and in addition may require statements from the said officers, and also statements from the board of comptrollers of the public schools, board of health, and the inspectors of the county prison touching their receipts and expenditures. Clerk to be appointed

SECTION 2. If after a specific appropriation, either by law or by the act of the county board, the treasurer of said county shall apply the money in the treasury, to any other object or purposes than such as are prescribed by such appropriation, he shall be deemed guilty of a misdemeanor in office, and on conviction thereof be removed from office, and pay a fine for the use of the county of not more than one thousand, nor less than five hundred dollars, and from and after the passage of this act, it shall not be lawful for the county of Philadelphia, either by the action of the commissioners, treasurer or county board, to borrow, or to pledge the faith of the county, for the payment of any money, or to issue bonds, or any other evidences of indebtedness: *Provided however*, That nothing herein contained shall be construed to prevent the authorizing of temporary loans in anticipation of revenue, but said loan shall not exceed twenty thousand dollars annually, nor be for a longer term than ninety days. Application of money
Penalty if mis-applied

SECTION 3. That from and after the thirty-first day of December next, it shall be the duty of the treasurer of Philadelphia county, to pay over to the commissioners of the sinking fund hereinafter provided for, twenty thousand dollars annually; the said money shall be paid in such sums and at such times, as the said commissioners may determine; the said sinking fund shall be invested as hereinafter directed for the ultimate and certain re-payment of the county debt. Treasurer to pay to the
Treasurer of the sinking fund

SECTION 4. That the said commissioners of the sinking fund, shall consist of the judges of the court of common pleas, the county treasurer, and the judges of the district court of the city and county of Philadelphia, whose duty shall be as follows: Com'issioners of the fund

First. To meet at the office of the county treasurer on the first Thursday of every month, and receive from the said treasurer the amount agreed upon by the preceding section. Duties

Second. To invest the said amount so received by them without delay in the purchase and extinguishment of the funded debt of the said county, if the same can be purchased under or at par, and shall make no other investment thereof, the said investment to be made in the joint names of the said commissioners, describing them as such. Instalment

To report Third. To report their proceedings and the state of the funds at least once in every year to the county board, and whenever required to do so by the said county board.

To keep minutes of their proceedings Fourth. To keep minutes of their proceedings, and to adopt rules for their government, and the transaction of their business, the same to be recorded in a book to be kept for that purpose by the treasurer, and any two members may order a vote to be taken by yeas and nays and entered on the minutes.

When to meet

SECTION 5. That the first meeting of the said commissioners, shall be on the first Thursday in May, in the year one thousand eight hundred and forty-three, of which due notice shall be given to the said commissioners by the county treasurer, whose duty it shall also be to give notice of the stated meetings of the commissioners, and of such special meetings as a majority of the same may from time to time require.

Duty of collectors

SECTION 6. That from and after the passage of this act, it shall not be lawful for the comptrollers of the public schools, or the board of health, or the inspectors of the county prison, to draw warrants for a larger or other sum of money, than shall be specifically appropriated for the same by the said county board, and all laws authorizing the said comptrollers and board of health, and inspectors of the county prison, to draw money from the county treasury are hereby repealed: *Provided*, That nothing herein contained shall be construed to prevent the comptrollers of the public schools from drawing from the county treasury any portion of the requisition made by them for the present year under existing laws.

Statement to be filed in clerk's office

SECTION 7. That it shall be the duty of the recorder of deeds, register of wills, prothonotary of the court of common pleas, prothonotary of the district court, prothonotary of the court of quarter sessions, clerk of the court of general sessions, clerk of the orphans' court, sheriff and county treasurer, respectively, to file in the office of the treasurer of the county of Philadelphia, on the first Monday of January, April, July and October, a written statement, under oath or affirmation, of the gross receipts and expenditures of their several offices, distinguishing among the expenditures the amount paid respectively for clerk hire and stationery, the said statement to remain in the office of the said treasurer.

SECTION 8. That in the event of a neglect for a longer time than two weeks, or refusal on the part of the said officers, to comply with the requisitions of the preceding section, they shall on conviction thereof be deemed guilty of misdemeanor in office, and be subject to a fine of not more than five hundred dollars, nor less than two hundred dollars.

SECTION 9. That the twenty-first section of the act, entitled "An act relating to the distribution arising from canals

and rail roads, and for other purposes," passed the twenty-ninth day of May, one thousand eight hundred and forty-one, which provides that the auditors of Philadelphia county, shall in addition to all other duties now imposed on them by law, audit the accounts of the guardians, for the relief and employment of the poor, of the city of Philadelphia, the district of Southwark, and the townships of the Northern Liberties and Penn, the accounts of the inspectors of the county prison, the accounts of the board of health, and of the Comptrollers of the public schools, at their respective offices within ninety days after their fiscal years shall have respectively expired, and without other compensation than their per diem allowance by the county, together with all other acts or parts of acts superseded or supplied by the foregoing section, be and the same are hereby repealed. And the said auditors shall be entitled to receive for auditing the accounts of the aforesaid institutions, up to and during the year, one thousand eight hundred and forty-one, the same compensation, and in like manner and way, as they had been paid previous to the passage of the aforesaid act. Act repealed

SECTION 10. That hereafter, before any money shall be paid out of the county treasury for the opening and widening any street or alley within the city and county of Philadelphia, by order of the court, the same shall be confirmed by the county board, and a specific appropriation made for the payment of the same.

SECTION 11. The forty second section of the act, entitled "An act relating to counties and townships, and county and township officers," passed the fifteenth day of April, eighteen hundred and thirty-four, and the seventh section of the act, entitled "An act to create additional revenue to be applied towards the payment of interest, and the extinguishment of the debts of the commonwealth, passed the eleventh day of June, eighteen hundred and forty," shall be so construed as to include and apply to city as well as county treasurers, made the receivers of money for the use of the commonwealth.

SECTION 12. That all laws heretofore passed inconsistent with the provisions of this act are hereby repealed.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

APPROVED—The fifth day of April, one thousand eight hundred and forty-two.

DAVID R. PORTER.