

and to the improvement of the means of education therein :
Provided, That should the said district of Manchester here-
 after accept the school law, the directors shall be entitled to
 use the Union Church and School of New Holland free of
 expense.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

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

DAVID R. PORTER.

[No. 90.]

A FURTHER SUPPLEMENT

To the several acts relating to Auctions and Auctioneers, and for
 other puposes.

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 au-
 thority of the same*, That from and after the first day of May
 next, when any citizens of this state residing in the city or
 county of Philadelphia, shall have paid into the treasury of
 this commonwealth, the sum of seven hundred dollars, and
 shall have filed in the office of the Secretary of the Common-
 wealth, his bond, with two or more sufficient securities, to be
 approved of in the manner provided in the acts to which this
 is a supplement, in the penal sum of three thousand dollars,
 conditioned for the faithful performance of the duties of an
 auctioneer, and for the payment of all duties and taxes which
 may become due to the state in consequence of his exercising
 the trade or occupation of an auctioneer, the Governor shall
 thereupon grant to such citizen a commission in legal form,
 authorizing him to make sales by auction, according to law,
 at any place within two miles of the state house in the city of
 Philadelphia, of all and every kind of merchandize, estate and
 property, except cotton, wool, rice, indigo, groceries, liquors,
 dry goods, drugs, dyes, medicines, paints, bark, hides, oil,
 fish, horses, cattle, carriages, and other vehicles, for the term
 of one year, from the date of such commission.

Auctioneers
 when to be
 appointed in
 Philadelphia

+ Tobacco

SECTION 2. That so much of any former act or acts, as authorizes the Governor to grant to any person or persons ^{Former acts repealed as to} whatever, a commission authorizing him or them, to make sales at public auction within two miles of the state house, in the city of Philadelphia, of household and kitchen furniture, ^{auctioneers within two miles of the city of Philadelphia} ships and vessels, and real estate, upon the payment of two hundred dollars into the treasury of the commonwealth, shall be and the same is hereby repealed: *Provided*, That nothing herein contained, shall be so construed as to deprive any present holder of such commission of any of the rights and privileges occurring under the same, for the remainder of the term expressed in the said commission, and if any present holder of a commission, for which two hundred dollars has been paid as aforesaid, shall desire to relinquish the same, and receive in lieu thereof a commission of a higher grade as above authorized, he or they shall be allowed in payment of said last named commission, a credit for so much of the sum paid in advance on his commission, so to be relinquished, as shall be proportioned to the unexpired term for which the same may have been granted. ^{Proviso that no commission shall be taken away}

SECTION 3. Said auctioneers shall pay into the treasury of the commonwealth, a tax or duty, of one quarter of one per cent on all sales of loans or stocks, and one and a half per cent ^{Tax to be paid} on all other sales to be made as aforesaid, except on real estate or shipping, as required by and subject to the provisions of existing laws.

SECTION 4. If any person not commissioned and authorized as aforesaid, shall, after the first day of May next, make sale by public auction or outcry, of any merchandize, estate, ^{Penalty for violating this act} or property whatever, or shall in any manner, use or exercise the business, or occupation of an auctioneer within the limits above named, he shall upon conviction thereof, for every such offence forfeit and pay not less than two nor more than five hundred dollars, to be recovered in any court having jurisdiction thereof, as debts are by law recoverable, one half for the use of the guardians of the poor of the proper county, and the other half for the use of the commonwealth: *Provided*, That nothing herein contained shall be so construed as to effect in any manner the rights and privileges of auctioneers holding, or that may hereafter obtain a commission of the first grade within two miles of the state house in the city of Philadelphia, nor the rights and privileges of persons authorized by law, to sell horses, cattle and carriages within the said limits.

SECTION 5. So much of any prior act or acts as may be inconsistent herewith shall be and the same is hereby repealed.

SECTION 6. That from and after the first day of April, one thousand eight hundred and forty-three, when any citizen of the state residing in the county of Allegheny, shall have paid into the treasury of the commonwealth, the sum of five hundred dollars, and shall have filed in the office of the Secretary of the Commonwealth, his bond with two or more sufficient securities, to be approved by the Governor in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties of an auctioneer, and for the payment of all duties and taxes which may become due to the state, in consequence of his exercising the trade or occupation of an auctioneer, the governor shall grant to such citizen a commission in legal form, authorizing him to make sales by auction, according to law, of all and every kind of merchandize, estate and property whatsoever, at any place within the city of Pittsburgh, for the term and space of one year from the date of said commission, and from and after the first day of April, one thousand eight hundred and forty-three, when any citizen of this state residing in the county of Allegheny, shall have paid into the Treasury of the Commonwealth the sum of two hundred dollars, and shall have filed in the office of the Secretary of the Commonwealth, his bond with two or more sufficient securities in the penal sum of one thousand dollars, conditioned for the faithful performance of the duties of auctioneer, and for the payment of all duties and taxes which may become due to the state, in consequence of his exercising the trade or occupation of an auctioneer, the Governor shall thereupon grant to such citizen a commission in legal form, authorizing him to make sales by auction, according to law, at any place within the city of Pittsburgh, of all and every kind of merchandize, estate and property, except cotton, wool, rice, tobacco, groceries, liquors, dry goods and wearing apparel, for the term of one year from the date of such commission, and from and after the first day of April, one thousand eight hundred and forty-three, when any citizen of this state residing in Allegheny county, shall have paid into the treasury of the commonwealth the sum of two hundred dollars, and shall have filed in the office of the Secretary of the Commonwealth, his bond with two or more securities in the sum of one thousand dollars, conditioned for the faithful performance of the duties of auctioneer, and for the payment of all duties and taxes which may become due to the state, in consequence of his exercising the trade or occupation of an auctioneer, the Governor shall thereupon grant to such citizen a commission in legal form, authorizing him to make sales by auction, according to law, in the city of Allegheny and borough of Birmingham, of all and every kind of merchandize, estate, and property, except cotton, wool, rice, tobacco, groceries and liquors.

Auctioneers
to be appoint-
ed in Pitts-
burg after
first of April
1843

Bond amount
of

Auction'rs in
Allegheny &
Birmingham

SECTION 7. If any person not commissioned and authorized as aforesaid, shall after the first day of April, one thousand eight hundred and forty-three, make sale by auction or public outcry, of any merchandise, estate or property whatever, or shall in any manner use, or exercise, the business or occupation of an auctioneer within the limits above named, he shall upon conviction thereof, for every such offence, forfeit and pay not less than two nor more than five hundred dollars, to be recovered in any court having jurisdiction thereof, as debts are by law recoverable, one half for the guardians of the poor of the said county, and the other half for the use of the commonwealth.

Penalty for
violating this
act

SECTION 8. In case any holder of a commission under this act, shall neglect or refuse to pay the sum or sums of money at the time and in the manner directed in this act, or shall neglect or refuse to render to the State Treasurer, a quarterly account of all the effects and property subject to duty sold by him, and to pay to said Treasurer the amount of duties payable on such sale or sales, according to the provisions of the several acts of assembly in such cases made and provided, the said holder of a commission as aforesaid, shall immediately cease to use and exercise the business of an auctioneer, under the penalties heretofore imposed by the second section of this act, upon persons unlawfully using or exercising the said business.

Penalty for
auctioneer
refusing to
render an
account

SECTION 9. The provisions of the second, third and fourth sections of an act, entitled "An act relating to auctions and auctioneers," passed the second day of April, one thousand eight hundred and twenty-two, are hereby made part of this act, and shall have the same form and effect as if the same had been recited at length.

Act of 1822
adopted

SECTION 10. That all laws authorizing the appointment of special auctioneers, by the Governor of this Commonwealth, for the county of Allegheny, as is altered by this act, be and same is hereby repealed.

SECTION 11. That the election of Commissioners of the Time of holding the general election in the said district, and shall be conducted in the same manner, and by the same officers as shall be selected for conducting the general elections, and it shall be lawful for the qualified voters of said district annually to elect five citizens to serve for a term of three years, as commissioners thereof, or until their successors shall be duly qualified.

Time of hold-
ing election
in Southwark
for commis-
sioners

SECTION 12. That the term of service of the commissioners, who were elected in April, one thousand eight hundred and forty, shall expire immediately after the election of their successors.

Term of
Service of
Com'issioners

successors in October, one thousand eight hundred and forty-two; the term of service of the commissioners who were elected in March, one thousand eight hundred and forty-one, shall expire immediately, after the election of their successors in October, one thousand eight hundred and forty-three; and the term of service of the commissioners who were elected in March, one thousand eight hundred and forty-two, shall expire immediately after the election of their successors in October, one thousand eight hundred and forty-four.

Duties of
Judges of
election

to give cer-
tificates of
election

SECTION 13. That it shall be the duty of the judges of said election, to meet at the commissioners hall in said district, at ten o'clock in the morning of the Thursday next after the election, and then and there add together the votes given for commissioners, which said judges shall within two days thereafter give to each of the five persons having the highest number of votes, certificates of their election, and shall deposite with the clerk of the board of commissioners, a copy of the returns of said election; and the commissioners so elected shall with the commissioners whose terms of office may not have expired, meet together on the second Thursday after such election, and enter upon the duties of their office.

Books of
Com'issioners
to be used in
evidence

SECTION 14. That the books of the commissioners of the district of Southwark, shall be evidence of all work done and materials furnished, and of all other things for which claims are filed, under and in pursuance of the act of assembly, of the sixteenth day of April, A. D. one thousand eight hundred and forty, and judgment obtained thereon as provided by the second section of the act of the twenty-eighth of March, one thousand eight hundred and thirty-five, and that in all such cases the costs of collection shall also, and in like manner be a lien upon the estate chargeable as therein provided.

Notaries
public to
perform du-
ties in any
part of city
and county of
Philadelphia

SECTION 15. That it shall be lawful for the notaries public residing in the city and county of Philadelphia, to affix their notarial seal, and do and perform all acts appertaining to their office, in any part of the city and county of Philadelphia: *Provided*, That their place of residence shall be in the districts for which they were appointed.

Com'issioners
to locate the
seat of Justice
in the county
of Wyoming

SECTION 16. That Samuel F. Headley, of Columbia county, Thomas Grattan, of Monroe county, and John H. Broadhead, of Pike county, be and they hereby are constituted commissioners, to view, select and locate a proper and convenient site for a seat of justice, for the county of Wyoming, and for a court house, prison and county offices, within the said county, as near the centre as in their opinion the situation and other advantages thereof will warrant, and before said commissioners enter upon the aforesaid duty, they shall severally

take and subscribe an oath before some justice of the peace, judge or alderman, well and truly to discharge the duties herein assigned them, to the best of their judgment and ability; and after having viewed the relative advantages of the several situations contemplated by the people, shall on or before the first day of July next, by a written report, under their hands and seals, or under the hands and seals of the majority of them, describe and limit the site or lot of land, which they shall have chosen for the purpose aforesaid, and shall transmit the said report to the Governor of this commonwealth, and the persons herein named as commissioners, shall receive three dollars per diem for their services, out of the funds of said county, and the third section of an act, entitled "An act erecting a new county out of the northern part of Luzerne county, to be called Wyoming," be and the same is hereby repealed.

SECTION 17. That if the board of directors of the "Bank of Middletown" shall deem it expedient, it shall be lawful to remove the said bank to the borough of Harrisburg.

Bank of
Middletown
may be removed to Harrisburg

SECTION 18. That the treasurer of the county of Lebanon, shall be and is hereby authorized and directed to commence on the second Monday in August, in the year one thousand eight hundred and forty-two, and at the expiration of every two years thereafter, and adjourn from day to day, if it shall be found necessary so to do, and make public sale of the whole, or any part of such tract or tracts of unseated lands situate in the said county of Lebanon, as will pay the arrearages of the taxes, any part of which shall then have remained due and unpaid for the space of one year before, together with all costs necessarily accruing by reason of such delinquency; and so much of the act of the third April, one thousand eight hundred and four, entitled "An act directing the mode of selling unseated lands for the taxes," and supplements thereto passed, as hereby altered, be and the same is hereby repealed, so far as respects the said county of Lebanon.

The treasurer
of Lebanon
County
authorised to
sell unseated
land

SECTION 19. That the Secretary of the Commonwealth, shall immediately after their passage, cause all acts and parts of acts of the general assembly, which are of a public and general nature, to be published in one newspaper published at Harrisburg, by one insertion, the expense of which shall be paid in the same manner that the printing of the laws is paid for, and all such acts and parts of acts which have been passed, at the present session of the legislature shall be published as aforesaid: *Provided*, That the sum to be paid for such publication, shall not exceed the sum of one hundred dollars, for the publication of the laws of any one year.

Secretary of
Common'th
to publish
general laws

16th Div.
Militia divi-
ded into three
brigades

Election of
officers

SECTION 20. That from and after the passage of this act, the sixteenth division of the militia of Pennsylvania, shall be divided into three brigades, the county of Butler shall form the first brigade, the county of Mercer shall form the second brigade, and the county of Beaver shall form the third brigade. The Brigade Inspector of the first brigade shall perform all the duties of brigade inspector in the third brigade, until a brigade inspector shall be elected, and commissioned in said brigade; and the militia of the several brigades of the said division shall hold their elections for division, brigade, regimental, battalion and company officers, and make return of the same according to law. The regimental battalion and company training in the said division shall be held in May next, in the same manner as they have heretofore been done, without being affected by the provisions of this act.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

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

DAVID R. PORTER.

[No. 91.]

A SUPPLEMENT

To an act, entitled "An act authorizing the Governor to incorporate the Tioga Navigation Company," passed the twenty-six day of February, one thousand eight hundred and twenty-six, and for other purposes.

Service of
writ on com-
pany

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 whenever any summons or other process against the Tioga Navigation Company shall be placed in the hands of the sheriff, or other proper officers for service, it shall be lawful for him, when he cannot find the president secretary, or chief clerk, in the county of Tioga, to serve the same upon the principal engineer of the company having supervision of their rail road, or upon the general or any acting