

person suing for the same, and the other half to the county in which suit may be brought; and on failure to pay forthwith, the amount of the judgment, with costs, it shall be the duty of the justice to issue his warrant of commitment, directed to any constable, who is hereby required to execute the same, and to commit the person, so offending, to the county jail, where he shall be imprisoned for thirty days, and shall not be discharged unless he shall pay the amount of the judgment and costs.

Courts of quarter sessions to receive remonstrances against granting licenses.

SECTION 4. In every application to any court of quarter sessions for a license to keep an inn or tavern, it shall be the duty of the court to receive all remonstrances against granting such license, and give the same such consideration in deciding on the application, as the facts set forth in such remonstrances shall be entitled to.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

DANIEL L. SHERWOOD,

Speaker of the Senate.

APPROVED—The twenty-first day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 360.

AN ACT

In relation to certain public officers and their sureties.

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*

Powers of courts of common pleas.

the court of common pleas of the county, in which any prothonotary, sheriff, county treasurer, brigade inspector, or other public officer may reside, from whom, by law, security is required for the performance of his official duties, shall have the power to examine into the manner of the performance of said official duties, and the ability and solvency of the sureties of any such officer, at any time during his tenure of office, and to require from him such other, or such additional security, for the performance of his official duties, as they shall deem expedient; and such jurisdiction shall be exercised in the following manner, to wit: whenever any person or persons shall apply to the said court by petition, verified by affidavit, and setting forth that the solvency of such public officer, or of any one or more of his official sureties, has become impaired or diminished, since the execution and approval of their official bond, or that such officer has become liable for neglect of duty, or become a drunkard, and that the reason thereof, the said officer and his sureties are not worth the amount of penalty of his said bond, or that said sureties are likely to suffer loss on account of misconduct of such officer, it shall be lawful for said court, or any judge thereof in

Jurisdiction, how to be exercised.

vacation, to award a citation to such officer and his sureties directed, commanding them to appear at the next term of the said court, to answer the matters alleged in said petition, and shew cause why the said officer shall not give other and further security, which shall be served and returned, as is directed by law, in regard to citations in the orphans' court; and on the return thereof, or such time as shall be fixed for the purpose, the said court shall hear the said parties, and examine the facts of the case; and if said court shall be satisfied that the sureties of such officers are insufficient, or have become liable for neglect of duty of such officer, or likely to become so from his intemperance, said court shall order and direct, that he shall, within such time as shall be fixed by said court, enter into a new official bond, with sureties, to be approved by the court, or two of the judges thereof, in lieu of the former bond; and upon the execution and approval of such bond, it shall be recorded or filed in the proper office, in like manner as the original bond of such officer, and the sureties therein, shall be responsible in the same manner as the sureties in such original bond, who shall, upon the approval of such new bond, be discharged from all responsibility; and in case the said officer shall neglect or refuse to give such other security as aforesaid, the said court shall transmit to the governor of the commonwealth, an exemplification of their proceedings in the premises, and the governor shall thereupon remove such delinquent from office, and shall give the proper and legal notice of such removal; and the vacancy thereby occasioned in such office, shall be filled as is directed by existing laws, in regard to vacancies occurring by death or resignation. May direct an issue.

SECTION 2. That in all proceedings under this act, the said court shall, at the request of said officer or his sureties, direct an issue to be made on the facts set forth in said petition, to be tried by a jury, without delay, and shall have power to make such decree respecting the payment of all costs in said proceedings, as may be just and equitable. Appeal from final decree in equity to supreme court.

SECTION 3. That any person or body corporate aggrieved by any final order or decree in equity, under the general or special equity powers conferred upon the several district courts, and courts of common pleas of this commonwealth, other than those of the city and county of Philadelphia, in any suit or proceedings now pending, or which may hereafter be instituted, shall be entitled to an appeal to the supreme court, in the same manner, and upon the same terms, as appeals are allowed from the orphans' court.

SECTION 4. That every person who has been, is now, or may be a justice of the peace or alderman, and who has removed or shall remove out of the district, for which he was, is, or may be commissioned, shall, upon demand made by any person, deliver or cause to be delivered his dockets, and all official records connected therewith, to the nearest justice or alderman in his said district; and if any person shall fail, for twenty days, to comply with the provisions of this section, he shall forfeit and pay one hundred dollars, to be recovered by action of debt, for the use of any person who may sue for the same; and shall further be subject to be compelled to deliver such dockets and records, by a decree and attachment against him, which may be made and issued by any court of common pleas, or by any judge thereof in vacation, on application being made therefor by any person; and said court, or any judge thereof in vacation, shall have power, in the same manner, to enforce a delivery of such dockets and records, against any person in possession of the same, and being about to remove out of the state, without making the delivery thereof hereby required; and the same proceedings as are herein authorized may be had, to compel the delivery. Relative to dockets of justices of the peace and aldermen.

ery of all justices' dockets in the hand of any other person, who has removed or may remove, or be about to remove out of the proper district, where such dockets belong.

Courts of common pleas may compel aldermen and justices of the peace to give additional security.

SECTION 5. Whenever upon petition and due proof, if it shall be made to appear to the court of common pleas of the proper county, that any justice of the peace or alderman of any city or county, who has not been required to give security, has become, or is likely to become insolvent; or that any surety of any justice or alderman has removed from the state, or become insolvent, or is likely to become insolvent; and when upon the petition of any surety, of any justice or alderman, and proof as aforesaid, it shall appear such justice or alderman has become, or is likely to become insolvent, such court may require any such justice or alderman to give security, or additional security, or counter security, to indemnify the surety so petitioning against loss by reason of his suretyship. as the case may be, in the manner provided by the sixth section of the act, entitled "An Act providing for the election of aldermen and justices of the peace," in such sum, and by such time as the court may think necessary and proper.

Dockets of alderman and justice of the peace, to be delivered to successor in office.

SECTION 6. That so much of the tenth section of the act of June twenty-first, one thousand eight hundred and thirty-nine, entitled "An Act providing for the election of aldermen and justices of the peace," as provides for the delivery of the dockets and papers of an alderman or justice of the peace, to his successor in office, shall be, and the same is hereby deemed and construed to extend to all cases of succession in office, whether by death, resignation, removal or otherwise; and in case of the decease of any alderman or justice of the peace, the said delivery shall be made by his legal representative, to the person who is or may be elected, and commissioned to succeed him in said ward, borough or township.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

DANIEL L. SHERWOOD,

Speaker of the Senate.

APPROVED—The twenty-first day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 361.

AN ACT

Relative to certain real estate.

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 Samuel Wagner, esquire, of the borough of York, in the county of York, be and he is hereby authorized to sell, at public sale, all the real estate of Henry Deitz, deceased, late of Spring Garden township, in*

Samuel Wagner, authorized to sell real estate of Henry Deitz, deceased.