

diately, or produce goods and chattels sufficient whereon to levy the said forfeiture, together with cost, then the said alderman or justice of the peace shall commit the offender to the jail of the county, wherein the offence was committed, there to be kept at hard labor, for the space of thirty days.

Appeal.

SECTION 2. Any person who shall be convicted as aforesaid, and shall think himself or herself aggrieved by such conviction, may remove the proceedings, by *certiorari*, to the next court of quarter sessions, held for the city or county wherein the offence shall have been committed; and on the hearing of the *certiorari*, the court may, if they think proper, examine testimony; but no judgment shall be reversed for any matter of form, if it shall be proved to the satisfaction of the court, that the offence charged has been committed by the defendant.

Forfeitures.

SECTION 3. One moiety of the forfeitures in money accruing, and becoming due for any offence against this act, shall be paid to the overseers or guardians of the poor of the city, borough or township, wherein the offence shall have been committed, and the other moiety to the person or persons who shall prosecute and sue for the same.

Fees of sealers in Allegheny co.

SECTION 4. That the sealers of weights and measures of Allegheny county, shall be allowed, under the provisions of the act, entitled "An Act authorizing the secretary of the commonwealth to distribute copies of the standard of weights and measures, and for the appointment of sealers," passed the fifteenth day of April, Anno Domini, one thousand eight hundred and forty-five, the following fees, to wit: for each set of platform scales, drawing not exceeding one hundred pounds, twenty-five cents; each set drawing over one hundred pounds, and not exceeding five hundred pounds, fifty cents; each set drawing over five hundred pounds, and not exceeding fifteen hundred, one dollar; for each additional one hundred pounds, ten cents.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WM. S. ROSS,

Speaker of the Senate.

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

FRS. R. SHUNK.

No. 378.

AN ACT

Providing for the expenses of roads and poor, in Pitt township, in the county of Allegheny.

Annually elect a supervisor.

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 there shall be but one supervisor of the roads in the township of Pitt,

in the county of Allegheny, who shall be elected annually, for the purpose of supervision of said roads, and reporting the condition thereof, and the performance and omissions of contractors, in his own proper hand writing, to the auditors, to be filed with the town clerk; and the supervisor now in office, and any one hereafter elected, shall not act until he shall give bond to said township in the sum of one thousand dollars, conditioned for the faithful discharge of his duty, as aforesaid, personally, during his term of office; and he shall not have the power to expend any money, or draw any warrants, whereby said township may be made liable; and the place of any supervisor, vacated by his neglect to give bond within twenty days after notice of this act, or of his election, shall be supplied by election, on the usual notice; and those elected at the annual election, in the present year, are hereby disqualified from acting, unless the present supervisor shall fail, or be unable to comply with this act, in which case, the person elected supervisor for three years, at the spring election lately holden, shall be qualified to act; and the person elected as supervisor for two years, shall be the guardian of the poor for the current year. Powers and duties.

SECTION 2. The work of opening, making and repairing the roads, shall be done as follows:—on the fourth Monday of May, in the present year, and at the annual settlement of accounts, in each year hereafter, the auditors of said township shall estimate the value of the work they may believe necessary to be done upon the roads, and the probable expense of supporting the poor in said township, and fix the annual salary of the township officers, and the commission of the treasurer, not above five per cent. for the ensuing year, and the rates of the road and poor tax, not to exceed seven mills on the county assessment, for both purposes; and shall advertise for four weeks, by one hundred hand-bills posted throughout said township, and by two newspapers of Pittsburg, of opposite political parties, having the greatest number of subscribers in said township, inviting sealed proposals for opening all roads, which have been previously confirmed, and for finishing the same, according to specifications or drafts; and also, for keeping in repair all other township roads; and no work shall be done for said township, otherwise, than by proposals, under which the auditors shall give the contracts to the lowest and best bidder, who shall execute the work on the roads, as supervisors are now bound to do; and such road contractors, as to each and every road undertaken by them, respectively, shall have the same powers and privileges only, and be subject to the same duties and privileges, and the same rights and remedies shall exist, for and against them, as if each one of them were supervisor of said road. Duties of township auditors.

SECTION 3. The township of Pitt may sue and be sued by that name, as its corporate title; contractors with it shall be paid, after estimates duly made, when provided for by agreement, by a surveyor, whom the auditors may appoint when necessary, by orders drawn by said auditors, and attested by the town clerk, who shall act for them only, on the treasurer, to be issued every thirty days, if required, and made payable to such contractors, or their order, and not otherwise, with a reference to the contract on which they accrued: the salary of the said clerk shall not exceed one hundred and fifty dollars, annually, and he shall record all the proceedings of said auditors, and all contracts, and minute the date, amount and payees of all orders; and all the books and accounts of said township, shall be opened within business hours, at a township office, within business hours. Powers, &c. of contractors.

SECTION 4. The contractors shall give bond to the township of Pitt, in double the amount of his contract, with two sufficient sureties, to be approved by the auditors, conditioned for the performance of their en- Payments, how made.

Salary and duties of clerk.

Contractors to give bonds.

hire contract, and for the payment of any damages which may accrue to said township, or to any individual, from the non-performance thereof; and said township, or any person aggrieved by the acts or omissions of any contractor, may maintain an action on said bond, and recover special damage, in the manner provided by the act relative to bonds, with penalties and official bonds.

Auditors to give security.

SECTION 5. The auditors who have been, or may be elected, shall not serve as such, until they give bond to said township, in double the amount of taxes levied the year previous, conditioned for the faithful discharge of the duties of their office, besides the oath now required by, sworn or affirmed, to discharge the duties required by law, with fidelity to the township, and impartiality to all persons having dealings with it; and shall not receive pay for more than thirty days to any one of them, in any year; and any taxable may appeal from any settlement or allowance made by them, under the same restrictions as other appellants, including in the costs to be paid by the failing appellant, one dollar per day, for the actual attendance of one auditor in defending said appeal.

Appeal.

Annually elect guardian of the poor.

SECTION 6. The electors of said township, at the annual township election in every year hereafter, shall elect, by a majority of the votes polled, one guardian of the poor, who shall discharge all the duties of overseer of the poor, under the act of thirteenth of June, eighteen hundred and thirty-six, relating to the employment of the poor, at a salary not exceeding two hundred dollars, annually; and the expenses incurred in providing for the poor, shall be paid by orders drawn by the auditors, and recorded as before mentioned as to road orders, in favor of such guardian, after his filing, to be recorded by the clerk, a detailed account and receipt for all his expenditures, to be passed by said auditors; and no assumption or debt, for any purpose, shall be established against such township, without allowance by said auditors, according to this law; and said guardian shall likewise give bond to said township for its use, and the use of any person aggrieved by his default, with two sufficient sureties, to be approved as before mentioned, in double the amount of the poor tax assessed for the year of his election, conditioned for the faithful performance of his duty, and a correct application of any moneys received by him, to be suable as road bonds.

Salary.

How expenses of poor to be paid.

Guardian to give bond.

Power to contract for the employment of the poor.

SECTION 7. The said township of Pitt, or any other township of Allegheny county, acting by its auditors, may contract with the city of Pittsburg, or any other city or township of said county, for the provision and employment of their poor, or agree together for the purchase of ground, and erection and management of an asylum for the poor; and the auditors and agents of said city, may elect directors of said asylum, who shall have all the powers and restrictions of the directors and commissioners, mentioned in the act to provide for the erection of a house for the employment and support of the poor, in the county of Allegheny.

Erect asylum.

Road viewers to assess damages.

SECTION 8. The viewers appointed to examine and report upon the opening of any district, or other road within said township, shall have power to assess upon any person, who may be benefitted by said road, the amount of said benefit; such assessment to be regulated and collected, according to the second section of the act for opening Ferry street, Pittsburg, passed the first day of April, eighteen hundred and thirty-one, and paid over to said township, to be applied to opening and constructing said road.

Repeal.

SECTION 9. The proviso attached to the second section of the act of the eleventh of March, eighteen hundred and forty-four, exempting supervisors from fines in certain cases, and all other acts or clauses of acts, conflicting with this act, are hereby repealed; and the auditors of

said township shall obtain and preserve printed copies of the laws in force, respecting officers of said township, and deliver to each of them, on being sworn into office, one copy of said laws, to be delivered, with all property of the township, to their successor, under the same penalty as enacted against notaries refusing to deliver up their records: *Provided*, That the provisions of this act shall not be so construed, as to interfere in any way with the duties of any of the officers of said Pitt township, until the expiration of the term for which the present officers were elected.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WM. S. ROSS,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 379.

A N A C T

Relative to the estate of George Frey, deceased.

WHEREAS, George Frey, of Middletown, in the county of Dauphin, in this commonwealth, who died in the year eighteen hundred and six, left a large estate, for the purpose of establishing and conducting an institution for the gratuitous support and education of destitute orphans, and other poor children in Pennsylvania, which institution, by the express provisions of the will, is to be connected with the Lutheran church; its mode of tuition to be modified and conformed to the orthodox belief of said church; its principal and tutors, forever, to be members in good standing in the said church, and its pupils, in addition to their general education, to be instructed in the Evangelical Lutheran religion: *And whereas*, Experience has proved that the repairs and improvements of the farms, mills and houses, together with the salary of the principal, consume nearly all the proceeds of the estate under existing arrangements, and the estate is still in debt upwards of nine thousand dollars; therefore,

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 court of common pleas of Dauphin county, are hereby authorized to appoint two reputable citizens of said county, as trustees, under the will of George Frey, late of Middletown, of said county, deceased, to serve for two years, and two such citizens as trustees under said will, to serve for four years, on the nomination of the respective synods of the Lutheran church, lying east and west of the Susquehanna, in this

Preamble.

Court of common pleas of Dauphin county to appoint trustees.