

No. 160.

AN ACT

Concerning the removal of the seat of justice in Delaware county.

WHEREAS, The present location of the seat of justice of the county of Delaware, immediately on one verge of the county, has, during many years past, been a source of great dissatisfaction and complaint to many of the inhabitants of said county, who, on several occasions, have petitioned the legislature to grant them relief, by enacting a law authorizing their seat of justice to be removed to a more central situation, which relief has been constantly denied to said petitioners:

Preamble.

And whereas, Two consecutive grand juries, and the court of quarter sessions of said county, have concurred in recommending the erection of a new jail, which, together with the alterations now required to be made to the old court house, will necessarily involve the county in a heavy expenditure of public money:

And whereas, Under existing circumstances it is just and reasonable that a site for the seat of justice of said county should be fairly and permanently fixed and decided upon before the contemplated improvements are made; 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 it shall and may be lawful for the qualified voters of the county of Delaware, to determine, by ballot, at the next general election, whether their seat of justice shall be continued, as at present, within the borough of Chester, or be removed to a point on or not more distant than one-half of a mile from the farm attached to the house for the support and employment of the poor of said county, and not more distant than one-half of a mile from the state road leading from Philadelphia to Baltimore, in the manner following, to wit: Those voters in favor of removal, shall each vote a written or printed ticket, labelled on the outside "seat of justice," and containing the words "county property in Upper Providence," and those opposed to a removal, shall each vote a written or printed ticket, labelled on the outside as aforesaid, and containing the word "Chester;" the said tickets to be deposited in a box which shall be provided for that purpose, at each and every of the election polls of said county; and the returns of said election shall be made in the same manner, by the return judges thereof, as in the case of the election of county officers.

Qualified voters may determine the removal of the seat of justice.

By voting for or against a removal

SECTION 2. It shall be the duty of the commissioners of Delaware county to receive, on behalf thereof, all such proposals for the sale or donation of land, within the limits before named; and also all such subscriptions or offers of money or materials as may be made, conditionally or otherwise, towards defraying the expenses of providing buildings for the county's accommodation, at either of the proposed sites; which said proposals, subscriptions or offers shall be binding on those who make them, according to the terms thereof; and proper evidences of all such proposals, subscriptions or offers shall be by the said commissioners published for three successive weeks immediately preceding

County commissioners may receive donations.

the next general election, in all the newspapers published in the county of Delaware.

SECTION 3. If, upon the meeting of the return judges of the said election, it shall appear that "the county property in Upper Providence" has a majority of the votes polled, then the fourth and fifth sections of this act shall be of full force and effect; but if it shall appear that a majority of the votes polled have been given in favor of "Chester," then the fourth and fifth sections of this act shall be null and void; and the commissioners of the said county shall be required to erect a new jail at the present seat of justice.

SECTION 4. It shall be the duty of the commissioners of the said county of Delaware, to definitely fix and determine on the exact location for new public buildings for the accommodation of the said county, within the limits named in the first section of this act, and to receive assurance to the county of a tract or tracts of land, adjacent to and surrounding the same, not exceeding, in the whole, one hundred acres; and they shall lay out a portion of the whole of said tract or tracts in town lots, of the usual size and form, and proceed to erect on the lot or square most eligible for that purpose, a court house, jail and offices, for the safe keeping of the public records, on the most improved plan of construction; and when the same shall be completed, it shall be their duty to file a report thereof in the court of common pleas of said county; and said court being satisfied that said buildings are fully completed, according to the true intent and meaning of this act, and a record thereof being made by endorsement on said report, the commissioners and sheriff of said county shall thereupon cause the prisoners, if any there be confined in the old prison, to be safely removed to the new, and the public papers and records then remaining in the public offices at Chester, to be safely deposited in the new buildings so, as aforesaid, built and prepared for the reception thereof; and from thenceforth the public offices heretofore kept, and the several courts heretofore held at Chester, in and for the said county of Delaware, shall be kept and held in the new buildings erected for their accommodation, as aforesaid.

SECTION 5. It shall be lawful for the commissioners of said county, and they are hereby required to enforce the payment or recovery of all such subscriptions in money, land or materials, according to the terms thereof, as may be offered towards the erection of the public buildings aforesaid; and they shall also have full power and authority to sell, at public auction, at such time and upon such terms as they shall deem most conducive to the public interests, all the real estate and public buildings belonging to the said county of Delaware, in the borough of Chester, the proceeds whereof shall be paid into the treasury of the said county. The said county commissioners shall also have full power and authority to sell, at public auction, from time to time, as they shall deem most conducive to the interest of the people of said county, the lots of land directed to be laid out by the foregoing section of this act, the proceeds to be applied towards the erection of the new public buildings, aforesaid, or paid into the treasury of the county for county purposes, according as the sales shall be made, before or after the completion of the said public buildings.

SECTION 6. The fines and penalties for illegal voting, and for neglect or fraud on the part of the judges, inspectors and clerks in the elections authorized by this act, on the subject of the removal of the seat of justice of the county of Delaware, shall be the same, in all respects, as are provided in the act relating to the elections of this commonwealth,

passed the second day of July, in the year one thousand eight hundred and thirty-nine.

SECTION 7. The commissioners of the county of Delaware are hereby prohibited from taking any action towards the erection of a new jail, at the present seat of justice in said county, until the question of removal of the seat of justice thereof shall have been fully settled and determined, as aforesaid.

SECTION 8. It shall be the duty of the sheriff of said county, to cause this act to be published in all the newspapers printed in said county, once a week for three successive weeks immediately preceding the next general election, and also to be noticed in his proclamation for the general election.

Sheriff to publish this act.

JAMES COOPER,
Speaker of the House of Representatives.

CH. GIBBONS,
Speaker of the Senate.

APPROVED—The third day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

No. 161.

AN ACT

To repeal so much of the fifth section of an act, entitled "An Act taxing dogs in certain counties, as relates to taxing dogs in the several townships in Butler county, and relative to the taxing of dogs in West Middleton, in the county of Washington."

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 so much of the fifth section of an act, passed and approved the twenty-first day of April, one thousand eight hundred and forty-six, taxing dogs in certain counties, and for other purposes, as relates to the different townships in Butler county, be and the same is hereby repealed; and that the different boroughs in said county, and in the borough of West Middleton, in the county of Washington, shall have power to pass such laws, in relation to dogs, as will be to their best interests; and that all assessments made and levied, in relation to such law, in the different townships in said county, be null and void.

JAMES COOPER,
Speaker of the House of Representatives.

CH. GIBBONS,
Speaker of the Senate.

APPROVED—The third day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.