

CHAPTER MCXL.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR RAISING COUNTY RATES AND LEVIES."¹

(Section I, P. L.) Whereas in and by the act of general assembly, entitled "An act for raising county rates and levies,"¹ which was passed in the late province of Pennsylvania during the year of our Lord one thousand seven hundred twenty and four, it was directed and enacted that if any commissioner of any of the counties should refuse to act, or should misbehave, or die, during the time for which he might be chosen, that the other remaining commissioners and the assessors of the proper county for the time being should at their next meeting after such death, refusal, misbehavior or neglect, in every such case appoint another commissioner to act in his stead, so dying, refusing to serve, misbehaving or neglecting:

(Section II, P. L.) And whereas in and by an act of general assembly of this commonwealth, entitled "A supplement to an act for funding and redeeming the bills of credit of the United States of America and for providing means to bring the war to an happy conclusion,"² passed on the nineteenth day of December, one thousand seven hundred and eighty, it was enacted that the office of county assessors should thenceforth cease and that the commissioners of the several counties should thenceforth do and perform the several duties formerly done by the said county assessors whereby the appointing of county commissioners to supply vacancies happening as aforesaid hath devolved upon the two commissioners, who at the time when such vacancy shall happen may be in office:

And whereas it would be more consistent with the constitution of this commonwealth that the appointment of county com-

¹ Passed March 20, 1724-5, Chapter 284.

² Passed December 19, 1780, Chapter 919.

missioners so to be made by the remaining commissioners of the proper county should be available until the next general election and no longer than that such appointment should as heretofore supply the vacancy until the next triennial rotation in the said office as the same is regulated and established by the act first before recited:

Wherefore:

[Section I.] (Section III, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the passing of this act if any of the commissioners of any of the counties of this state shall happen to die, or shall misbehave in his said office and shall therefore be legally removed, or shall remove his place of abode out of the bounds of the proper county, or if such commissioner shall on account of sickness or bodily infirmity or other good cause be excused or dismissed from his said office by the other commissioners of the county (such dismissal to be approved of by the justices of the peace of the same county met in quarter sessions) or if any person who shall from and after the passing of this act be duly elected or appointed to serve as one of the commissioners shall neglect or refuse to take upon himself the said office, that in any of the cases aforesaid and in any other case wherein a vacancy in the number of commissioners of any county shall happen, that the remaining commissioners of the same county shall at their next meeting nominate and appoint some suitable person to fill such vacancy and if two vacancies in the office of county commissioners shall happen to be in the same county at the same time then such vacancy shall be filled by the nomination and appointment of two or more of the justices of the peace of such county with the remaining commissioner, and every such appointment by the said justices and commissioner, in case the person so appointed shall take upon himself the said office, shall be certified by the other commissioners under their hands and seals (within twenty days after such person shall take the oath or affirmation of office) to the justices of the peace of the county and the said certificate, together with the said oath or affirmation in writing

taken before two justices of the peace of the county shall be filed in the office of the clerk of the quarter sessions and the justices of the peace of the county at their next quarter sessions of the peace shall direct the certificates of such appointment to be recorded as in case of returns into the said office by the judges of elections is directed by the act of assembly first before recited.

(Section IV, P. L.) Provided always, That no such appointment of any county commissioner or commissioners as aforesaid shall be available for any longer time than the next ensuing general election of this commonwealth when the office of every such commissioner so appointed shall cease and determine.

[Section II.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That at every general election in any county wherein any vacancy or vacancies in the office of commissioners of the same county shall have happened during the year preceding the freemen of the said county duly qualified to vote shall supply the vacancy or vacancies which have happened as aforesaid by choosing such and so many proper persons to be commissioners of the said county as may be requisite, such persons to continue in office for and during the residue of the term of three years according to the triennial rotation of commissioners of counties directed and established by the said first recited act and no longer.

[Section III.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act if any person who shall be duly elected or appointed to the office of commissioner of any of the counties of this state shall refuse or neglect to take upon himself the duties of said office for thirty days after he shall have notice of such election or appointment or if any such person having taken upon himself the duties of the said office shall refuse or neglect to perform and discharge the duties thereof according to law he shall forfeit and pay any sum not less than ten pounds nor exceeding fifty pounds for every such refusal or neglect to be adjudged, levied and recovered in the same manner as the fines imposed and inflicted by the act aforesaid for raising county rates and

levies is directed, which fines, when recovered, shall be paid to the treasurer of the proper county and considered and accounted for as part of the county stock.

(Section VII, P. L.) And whereas irregularities, abuses and frauds have of late greatly affected the general election of the different counties of this state and in some cases the choice of county commissioners hath been thereby rendered uncertain and no easy and summary method hath been heretofore provided for examining, inquiring into and determining thereupon, whereby there may be vacancies for long and inconvenient spaces of time in the full number of commissioners of the county wherein such irregularities, abuses and frauds may happen.

[Section IV.] (Section VIII, P. L.) Be it therefore enacted by the authority aforesaid, That the returns of the elections of the commissioner or commissioners of any county made into the office of the clerk of the quarter sessions of the peace, of the county, by the proper returning officer according to law shall be subject to the inquiry, determination and judgment of the justices of the peace of the county, or [of] any three or more of the said justices, due notice of the time and place of such inquiry having been first given to every of the justices of the peace of the county, by one or more of the commissioners of the same county, who, upon their own knowledge or upon the complaint in writing of fifty or more of the freemen of the said county of undue election or return of a person or persons to serve as commissioner or commissioners of the county, shall call together the justices of the peace of the county to make inquiry concerning the same and the said justices shall, in judging concerning such election, proceed upon the merits thereof, and shall determine concerning the same according to equity and good conscience; and the said justices shall cause their clerk to take the testimony of witnesses who may be examined concerning such election, in writing, and to file the same in his office and the officers of the said election and every of them, and every other person who may be capable of testifying concerning such election, or who shall be possessed of any papers, lists, tickets, books or other documents which may be useful as evidence upon any inquiry as aforesaid, shall, upon the sum-

mons or demand of the said justices, personally appear before them or shall deposit such papers, lists, tickets, books and other documents, of which each one severally may be possessed on pain of being attached and imprisoned for neglect, refusal or contempt therein.

(Section IX, P. L.) And whereas great parts of the lands in the frontier counties of this state are held by non-residenters as well as inhabitants, and the same lie unseated by which means such lands, so held, are not liable by the laws heretofore made to bear any part of the expense of supporting the county wherein the lands to lie:

And whereas it is but just and reasonable that all estates held and lying within any of the counties, [as] aforesaid, should bear a part of the expenses of said counties:

Therefore:

[Section V.] (Section X, P. L.) Be it enacted by the authority aforesaid, That from and after the passing of this act the commissioners of each county in this state shall and are hereby empowered and required as often as any county rates and levies are required for the support of such counties to assess and levy a proportionable part of county tax on all unseated tracts of land within their respective counties as well non-residenters as residenters and to recover the said tax in the same way and manner as they are empowered to do for the recovery of state tax by virtue of the act, entitled "An act for furnishing the quota of this state towards paying the annual interest of the debts of the United States and for funding and paying the interest of the public debts of this state,"¹ passed the sixteenth day of March, one thousand seven hundred and eighty-five, any law of this state, or custom, to the contrary in anywise notwithstanding.

Passed March 25, 1785. Recorded L. B. No. 2, p. 471, etc.

¹ Passed March 16, 1785, Chapter 1137.