



John Adams  
Library,



IN THE CUSTODY OF THE  
BOSTON PUBLIC LIBRARY.



SHELF N<sup>o</sup>

*Adams*

*171.16*







Saml Ewing

*[Decorative flourish]*

ADMS 1715



A C T S

O F T H E

GENERAL ASSEMBLY

O F T H E

Commonwealth

O F

PENNSYLVANIA:

PASSED AT A SESSION, WHICH WAS BEGUN AND HELD AT THE BOROUGH OF  
LANCASTER ON TUESDAY, THE FIRST DAY OF DECEMBER, IN THE YEAR  
OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND ONE, AND  
OF THE INDEPENDENCE OF THE UNITED STATES OF  
AMERICA THE TWENTY-SIXTH.

Published by Authority.

LANCASTER:  
PRINTED BY ROBERT BAILEY, CENTRE-SQUARE.

1802.

ADAMS 171-16



BY virtue of a Resolution of the General Assembly of the Commonwealth of Pennsylvania, approved and signed the nineteenth day of February 1802; I hereby authorise ROBERT BAILEY, of the borough of Lancaster, Printer, to print and publish the Laws passed during the last session of the said General Assembly.

*Given under my hand and the left seal of the Commonwealth, at Lancaster, the twenty-seventh day of March, in the year of our Lord, eighteen hundred and two.*

THOMAS M'KEAN.

By the Governor:  
T. M. THOMPSON, *Sec. Com.*

---

I CERTIFY, that in obedience to the directions of an act of the General Assembly of the Commonwealth of Pennsylvania, I have collated with, and corrected by, the original rolls, the proof sheets of the printed copies of this edition of the Laws and Resolutions, of the General Assembly, passed during their last session.

T. M. THOMPSON,  
*Secretary of the Commonwealth.*

*Secretary's Office, Lancaster, }  
June 1st, 1802. }*



# A C T S

O F T H E

## GENERAL ASSEMBLY

O F

### PENNSYLVANIA.

---

#### CHAPTER I.

*An ACT to tax the office of the Prothonotary or Clerk of the Supreme Court.*

Section 1. **B**E 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 prothonotary or clerk of the supreme court, shall from and after the first day of April next ensuing the date of this act, keep, or cause to be kept, a fair and accurate account of all the fees received in his office; and shall once in each and every year thereafter, furnish a copy thereof upon oath or affirmation, to the register and comptroller-general.

Prothonotary to keep an account of fees.

Sec. 2. *And be it further enacted by the authority aforesaid, That the register and comptroller-general, shall proceed with the account so furnished by the prothonotary or clerk of*

Yearly amount  
above 2000  
dollars to be  
taxed 75 per  
cent.

the supreme court, in the following manner, that is to say: Of the amount of fees received by the said prothonotary or clerk during the space of one year, two thousand dollars shall be and remain clear of tax, and shall be deducted from the amount of fees so received during one year, and the remainder of the said account shall be taxed seventy-five per cent. which said taxes shall be charged to the said prothonotary or clerk, in the books of the comptroller and register-general; and the said prothonotary or clerk, shall forthwith upon the settlement of his account as aforesaid, pay into the state-treasury the amount of the said taxes: *Provided always*, That the arrears of fees which may be due to the said prothonotary or clerk, on the thirty-first day of March next ensuing the date hereof, and which may be paid after that day, are not intended to be included within the provisions of this act.

Proviso as to  
fees due.

Powers of the  
register and  
comptroller.

Sec. 3. *And be it further enacted by the authority aforesaid*, That the register-general shall have the same powers to compel the said prothonotary or clerk, to furnish his account for settlement, and the comptroller-general to compel the payment thereof as they have in other cases.

Tax of one dol-  
lar on every  
writ, &c. to  
cease.

Sec. 4. *And be it further enacted by the authority aforesaid*, That so much of the act for the more speedy and effectual administration of justice, passed the twenty-fifth day of September, one thousand seven hundred and eighty-six, as directs the prothonotary of the supreme court to pay into the state-treasury, the sum of one dollar upon every writ of *capias ad respondendum*, summons or other writ, shall cease, determine, and become void, on the first day

day of April, next ensuing the date of this act:  
*Provided always,* That the arrears of the tax <sup>Proviso as to</sup>  
 which may then be due under the said act, shall <sup>arrears due.</sup>  
 not be affected thereby.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

JOHN WOODS, *Speaker*  
*of the Senate.*

---

IN THE HOUSE OF REPRESENTATIVES.

Monday, December 7th, 1801.

Mr. Thompson, the Secretary of the commonwealth, being introduced, presented to the chair, a message from the Governor, which was read as follows, viz.

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN,

THE bill, entitled "An Act to tax the office of prothonotary or clerk of the supreme court;" which was presented to me near the close of the last session, has not been sent back within three days after your present meeting, so that it is now become a law. I have directed it to be returned to the house of representatives in which it originated.

This is intended as an additional evidence of the deference I pay to the opinion of the legislature, by preferring it to my own.

THOMAS M'KEAN,

Lancaster, December 5th, 1801.

*Extract from the Journal,*

MATTHEW HUSTON, C. H. R.  
 CHAP-



## CHAPTER II.

*An ACT for the relief of Edmund Milne.*

WHEREAS, Edmund Milne hath by his petition set forth that he paid to John Nicholson, then comptroller-general, the balance of a judgment obtained against him, which still continues a lien on his property and from which it cannot be relieved, unless an act be passed declaring the said judgment satisfied; and as by the receipt of the said comptroller, it appears that the money was paid by the said Edmund Milne.

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 attorney-general cause satisfaction to be entered on record, in the suit instituted in the name of John Hazlewood in behalf of the commonwealth, against Edmund Milne and John Vandereen.*

ISAAC WEAVER, *junior Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—December the nineteenth, 1801 :

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*



## CHAPTER III.

*An ACT altering the manner of electing a Treasurer of the corporation of the city of Philadelphia.*

Section 1. **B**E 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 fourth section of an act of assembly, passed on the eleventh day of April, one thousand seven hundred and ninety-nine, entitled "An Act to supply certain defects in the acts incorporating the city of Philadelphia and sundry towns and boroughs within this commonwealth, and to explain and amend an act, entitled "An Act to alter and amend the several acts of the general assembly of this commonwealth, incorporating the city of Philadelphia, and for other purposes;" as provides that the treasurer of the corporation of the city of Philadelphia shall be appointed as heretofore, be, and the same is hereby repealed.

Repeal of part  
of former law.

Sec. 2. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the treasurer of the said corporation shall be appointed annually by the joint votes of the members of the select and common councils of the said city, in the same manner as the constitution of this commonwealth prescribes for the appointment of the

Treasurer to be  
appointed by  
joint vote.

state.

state-treasurer, and not otherwise, any law to the contrary notwithstanding.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—January the seventh, 1802:

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

#### CHAPTER IV.

*An ACT for the establishment of a College at Canonsburg, in the county of Washington, in the Commonwealth of Pennsylvania.*

**W**HEREAS, the establishment of a college at Canonsburg, in the county of Washington, for the instruction of youth in the learned languages, in the arts and sciences, and in useful literature, would tend to diffuse information and promote the public good: 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 there be erected, and hereby is erected and established in Canonsburgh, in the county of Washington, in this Commonwealth, a college*

A college  
erected at Ca-  
nonburg.

lege for the education of youth in the learned languages, the arts, sciences, and useful literature; the style name and title of said college, and the constitution thereof shall be, and are hereby declared to be as is herein after mentioned and defined, that is to say: The said college shall be under the management, <sup>Trustees appointed.</sup> direction, and government of a number of trustees, not exceeding twenty-one, and the first trustees of the said college shall consist of the following persons, to wit: Reverend John M'Millan, Joseph Patterfon, Thomas Marquis, Samuel Ralston, John Black, James Powers, James Dunlap, and John M'Pharrin; James Edgar, John M'Dowell, James Allifon, William Findley, Craig Ritchie, John Hamilton, Joseph Vance, Robert Mahon, James Kerr, and Aaron Lyle, esquires; Alexander Cooke, John Mercer, and William Hughes.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the said trustees and their successors to be elected in the manner herein after mentioned, shall forever hereafter, be and they are hereby erected, established and declared, to be one body politic and corporate, with perpetual succession, in deed and in law, to all intents and purposes whatsoever, by the name, style, and title, of "The trustees of Jefferson college, in Canonsburgh, in the county of Washington," by which name and title, they the said trustees, and their successors, shall be competent and capable at law and in equity, to take to themselves and their successors, for the use of the said college, any estate in any messuages, lands, tenements, heriditaments, goods, chattels, monies, or other effects, by the gift, grant, bargain, sale, conveyance, assurance, will, devise, or bequest of any person or <sup>Trustees incorporated.</sup> persons



persons whomsoever or wheresoever : *Provided*, The same do not exceed in the whole, the yearly value of six thousand dollars, and the same messuages, lands, tenements, heriditaments, and estate, real and personal, to grant, bargain, sell, convey, assure, demise and to farm-let, and to place out on interest, or otherwise dispose of, for the benefit of the said college, in such manner as to them or a majority of them, shall seem most beneficial for the institution ; and to receive the rents, issues, profits, income and interest thereof, and to apply the same to the proper use and support of the said college ; and by the same name, to sue, prosecute and defend, implead and be impleaded, in any court or courts of law or equity and in all manner of suits or actions, whatsoever, and generally, by and in the same name, to do and transact all and every the business, touching or concerning the premises, as fully and effectually, as any natural person, or body politic or corporate, within this commonwealth may or can do : and to hold, enjoy and exercise, all such powers, authorities and jurisdictions, as are customary in other colleges, in the United States of America.

Sec. 3. *And be it further enacted by the authority aforesaid*, That there shall be a meeting of the said trustees, at least once in every year, at the town of Canonsburgh, at such time as the said trustees or a majority of them shall appoint, of which notice shall be given, either by public advertisements, in one of the public newspapers of the town of Washington, in the county of Washington, four weeks before such meeting, or by notice in writing, signed by the clerk or other officer, whom the said trustees for that purpose may appoint, and to be left at  
the

Corporation to  
meet yearly.

the dwelling house of each trustee, at least ten days before the time of such intended meeting, and if at such meeting, eleven of the said trustees shall not be present, those present shall have power to adjourn the meeting to any other day, as fully and effectually, to all intents and purposes, as if the whole number of trustees, for the time being, were present; but if eleven or more of the said trustees shall meet at the said appointed times, or at any other time of adjournment, then such number so met, shall be a board or quorum, and a majority of them shall be capable of doing and transacting all the business and concerns of the said college, not otherwise provided for by this act; and particularly of making and enacting ordinances for the government of said college, of filling vacancies in the board of trustees, occasioned by death, resignation, or otherwise; of electing and appointing the principal and professors of the said college; of agreeing with them for their salaries and stipends, and removing them for misconduct, or breach of the laws of the institution; of appointing committees of their own body to carry into execution, all and every the resolutions of the board; of appointing a treasurer, secretary, stewards, managers, and other necessary and customary officers, for the taking care of the estate, and managing the concerns of the corporation: and a majority of the board or quorum, of the said trustees at any annual or adjourned meeting, after notice given as aforesaid, shall determine all matters and things (although the same be not herein particularly mentioned) which shall occasionally arise, and be incidentally necessary to be determined and transacted by the said trustees: *Provided always,* That no ordinances shall be of force, which shall be repugnant

to the laws of the United States, or of this state.

Style of the  
masters.

Powers of the  
faculty defined

Who may be  
elected trust-  
tees

Sec. 4. *And be it further enacted by the authority aforesaid,* That the head or chief master of the college, shall be called and styled the principal of the college, and the masters thereof, shall be called and styled professors; but neither principal nor professors, while they remain such, shall ever be capable of holding the office of trustee: The principal and professors, or a majority of them, shall be called and styled the faculty of the college, which faculty shall have the power of enforcing the rules and regulations adopted by the trustees for the government of the pupils, by rewarding or censuring them, and finally, by suspending such of them, as after repeated admonitions, shall continue refractory, until the determination of a quorum of trustees can be had; and of granting and confirming, by and with the approbation and consent of a board of the trustees signified by their mandamus, such degrees in the liberal arts and sciences, to such pupils of the college, or others, as by their proficiency in learning or meritorious conduct, they shall think entitled to them, as are usually granted and conferred in other colleges, in the United States of America; and to grant to such graduates, diplomas or certificates, under their common seal, and signed by the faculty: All persons of every religious denomination, shall be capable of being elected trustees, nor shall any person, either as principal, professor or pupil, be refused admittance, for his conscientious persuasion in matters of religion: Provided he shall demean himself, in a sober, orderly manner,



ner, and conform to the rules and regulations of the college.

Sec. 5. *And be it further enacted by the authority aforesaid,* That whenever a vacancy shall happen, occasioned by disqualification, resignation or decease, of any clergyman, hereby appointed a trustee, such vacancy shall be filled by the choice of another clergyman of any christian denomination, and so as often as such vacancy shall happen, whereby the number of eight clergymen hereby appointed trustees, shall never be lessened nor augmented; nor shall any missioner of the said corporation, defeat or annul, any gift, grant, devise or bequest, to or for the use of the said corporation: *Provided,* The intent of the parties shall sufficiently appear upon the face of the gift, grant, will, or other writing, whereby any estate or interest, was intended to pass to or from the said corporation; nor shall any disuser or nonuser, of the rights, liberties, privileges, jurisdictions and authorities, hereby granted to the said corporation, or any of them, create or cause a forfeiture thereof: and the constitution of the said college, herein and hereby declared and established, shall be and remain the inviolable constitution of the said college forever, and the same shall not be altered, or alterable, by any ordinance or law of the said trustees, nor in any other manner than by an act of the legislature of the commonwealth.

Number of clergymen appointed trustees to be kept up.

Gifts, devise &c. to be construed favorably.

Constitution not to be altered.

Sec. 6. *And be it further enacted by the authority aforesaid,* That the said trustees shall cause to be made for their use, one common seal, with such devices and inscriptions thereon, as they shall think proper, under and by which, all deeds,

Corporate seal and powers, & quorum to do business.

deeds, diplomas, certificates and acts of the said corporation, shall pass and be authenticated and the same seal, at their pleasure from time to time, change and alter: The business of the said corporation, shall and may be transacted and performed, by the majority of a meeting, of at least eleven of the trustees, appointed by this act, and their successors duly elected, notified, called and convened, as aforesaid, and not otherwise: If any trustee shall accept, or take any charge or office under the said trustees, other than that of treasurer or secretary, his place shall thereby be vacated, and the trustees at their next meeting, shall proceed to supply such vacancy by election.

*Sec. 7. And be it further enacted by the authority aforesaid,* That from and after the passing of this act, all the property belonging to Cananburgh academy, of whatsoever nature the same may be, whether real, personal, or mixed, which hath been given, conveyed, devised or bequeathed, to the trustees, for the benefit and use of that institution, shall be vested, and hereby is vested in the trustees of the college aforesaid, and their successors in office: Subject always, nevertheless, to the uses, trusts, ends and purposes, for which the same property was originally given, conveyed, devised or bequeathed.

The property of Cananburgh academy vested in trustees of the college.

*Sec. 8. And be it further enacted by the authority aforesaid,* That the trustees herein before appointed, and their successors, the principal and professors, and every of them, now appointed, or hereafter to be appointed, in the manner and form herein before directed and required, before they enter upon the duties of their offices, shall, before some one judge of the court

Manner of qualifying the trustees.



court of common pleas, or before some justice of the peace of the county of Washington, take and subscribe the oath or affirmation as directed by the eighth article of the constitution of this commonwealth, and the act of congress of the United States, passed the first day of June, one thousand seven hundred and eighty-nine; and the trustees are hereby enjoined and required to provide and keep a book, wherein their secretary shall well and truly record the certificates of the aforesaid qualifications.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—January the fifteenth, 1802:

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER V.

*An ACT to erect Penn township, in the county of Northampton, into a new election district.*

Section 1. **B**E 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 township of Penn, in the county of Northampton, shall be a separate election district, to be called Penn district; and the electors thereof shall hold their

New election district erected in Northampton county.

their general elections at the house now occupied by George Simon Wehr, in said township.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—January the fifteenth, 1802 :

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

CHAPTER VI.

*An ACT to erect a new election district in the  
county of Somerset.*

Section 1. **B**E 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 from and after the passing of this act, the township of Southampton, in the county of Somerset, shall be an election district; and the electors thereof shall hold their general elections at the house now occupied by Andrew Emrick, in said township of Southampton.

An election district established in Somerset county.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—January the fifteenth, 1802 :

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

CHAP.

## CHAPTER VII.

*An ACT to erect Half-moon and Patton townships, in the county of Centre, into a new election district.*

Section 1. **B**E 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 from and after the passing of this act, the townships of Half-moon and Patton, in the county of Centre, shall be a separate election district; and the electors thereof shall hold their general elections at the house now occupied by Abraham Elder, in Half-moon township.

A new election district erected in Centre county.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—January the nineteenth, 1802 :

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

## CHAPTER VIII.

*An ACT for erecting two election districts in the county of Montgomery.*

Section 1. **B**E it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly

The seventh  
election dis-  
trict established  
in Montgome-  
ry county.

*sembly met, and it is hereby enacted by the au-  
thority of the same, That the townships of Li-  
merick, Skippack and Perkiomen, and that part  
of Providence township, which lies west of  
Skippack and Perkiomen creeks; shall be a se-  
parate election district, to be called the seventh  
district; and the electors thereof shall hold their  
general elections at the house now occupied by  
David Dewees, in the township of Providence  
aforesaid.*

The eighth  
election dis-  
trict established

*Sec. 2. And be it further enacted by the au-  
thority aforesaid, That the township of Upper-  
Hanover, Marlborough, Upper-Salford, and  
Franconia, in the county aforesaid, shall be a  
separate election district, to be called the eighth  
district; and the electors thereof shall hold their  
general elections at the house now occupied by  
John Scheid, in Summeny town, in Marlbo-  
rough township aforesaid.*

ISAAC WEAVER, *junior, Speaker,  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—January nineteenth, 1802:

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania,*

## CHAPTER IX.

*A SUPPLEMENT to the act, entitled " An  
Act to erect the town of Sunbury, in the county  
of Northumberland, into a borough."*

Section 1. **B**E it enacted by the Senate and  
House of Representatives of the  
Commonwealth of Pennsylvania, in General As-  
sembly



sembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, similar rights, privileges and immunities, as are now exercised, holden and enjoyed, by the burgeses, freeholders and inhabitants of the borough of Reading, in and by the ninth section of the act, establishing the said borough, shall and may from henceforth, be exercised, holden and enjoyed, by the burgeses, freeholders and inhabitants of the borough of Sunbury in the county of Northumberland; and the yearly fairs in the said borough of Sunbury, shall commence on the Tuesday following the fairs holden in the borough of Reading.

An additional privilege granted to the inhabitants of the borough of Sunbury.

ISAAC WEAVER, *junior, Speaker*  
of the House of Representatives.

SAMUEL MACLAY, *Speaker*  
of the Senate.

APPROVED—January the twenty-second, 1802:

THOMAS M'KEAN, *Governor*  
of the Commonwealth of Pennsylvania.

## CHAPTER X.

A SUPPLEMENT to the act, entitled “ An Act  
“ to erect part of Washington county, into a  
“ separate county.”

Section 1. **B**E it enacted by the Senate and  
House of Representatives of the  
Commonwealth of Pennsylvania, in General As-  
VOL. V. D sembly

Alteration in the line between the counties of Washington and Greene.

*sembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the following alteration shall take place, in the line between the counties of Washington and Greene, viz. beginning at the present line, on the ridge that divides the waters of Ten-mile and Whelen creeks, near Jacob Bobbetts; thence a strait line, to the head waters of Hunter's fork, of Whelen creek; and thence down the same, to the mouth thereof, where it meets the present county line.

So much of the county of Greene as is re-united to Washington county, to what townships annexed.

*Sec. 2. And be it further enacted by the authority aforesaid,* That from and after the passing of this act, so much of the county of Greene, which by this act, is re-united to the county of Washington, as lies west of the road, called Ryerson's road is hereby annexed to Findley township; and shall, hereafter, be a part of the district, called Stephenson's election district; and that part thereof, which lies east of said road, is hereby annexed to Morris township, and shall hereafter be a part of the Washington election district, any thing, in any former law, to the contrary, in any wise notwithstanding.

Commissioners to be appointed to run the new boundary line.

*Sec. 3. And be it further enacted by the authority aforesaid,* That the Governor is hereby authorized and required, to appoint two commissioners, to run and mark the aforesaid line, according to the directions of this act, who shall make report of their proceedings, under hand and seal to the prothonotaries of the said counties of Washington and Greene, on or before the first day of June next, who shall file the same, in their respective offices; and the expence of running, and marking the said

said alterations, in the aforefaid line, shall be paid, one half out of the treasury of the county of Washington, and the other half out of the Treasury of the county of Greene.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—January the twenty-second, 1802 :

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER XI.

*An ACT limiting the operation of Caveats entered in the Land-office of this Commonwealth, against the issuing of Patents.*

**W**HEREAS, the provision heretofore made by law, for allowing caveats to be entered in the land-office of this commonwealth, against the issuing of patents, has in many instances, produced great inconvenience and embarrassment, to warrantees and purchasers, as well as delay in completing titles to lands, by suffering the said caveats to remain as a bar, for an indefinite length of time, without any process had thereon: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Penn-*



Limitation of  
the operation  
of caveats now  
on record.

*Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That no caveat or note on survey, now on record, or otherwise, either in the office of the secretary, or in the office, of the surveyor-general of the land-office, for this commonwealth, shall continue to bar the issuing of a patent or patents, to those, or their legal representatives, against whom the same has been entered, during a longer term than two years, from and after the passing of this act; unless the person or persons, who has or have entered such caveat or note, or his, her or their, legal representative or representatives, or others, holding or claiming the estate, shall within the said term of two years, take out a citation and prosecute the same to effect.

Limitation of  
the operation  
of caveats  
hereafter to be  
entered.

*Sec. 2. And be it further enacted by the authority aforesaid,* That no caveat, note on survey, or writing in the nature of a caveat, hereafter to be entered in either of the offices of the land-office, of this commonwealth, shall continue to bar the issuing of a patent, to the person or persons, or his, her or their, legal representative or representatives, against whom such caveat may be entered, during a longer period, than two years from the entry of such caveat, in the land-office aforesaid; unless the party or parties, interested in the land, or his, her or their, agent or agents, assignee or assignees, shall within the term aforesaid, take out a citation thereon, in order to bring such dispute to a decision, and prosecute the same to effect.

*Sec. 3. And be it further enacted by the authority aforesaid,* That it shall be the duty of the



the secretary of the land-office, to publish an abstract of this act, in one or more of the public newspapers of Philadelphia, Lancaster, Harrisburgh and Pittsburgh, for the period of six weeks, from and after the passing of this act.

An abstract of this act to be published, &c.

ISAAC WEAVER, *junior, Speaker,*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—January the twenty-second, 1802 :

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

## CHAPTER XII.

An ACT to repeal part of an act, entitled “ An Act to prevent the destruction of Rock-fish and Oysters.”

Section I. **B**E 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 act, entitled “ An Act to prevent the destruction of rock-fish and oysters,” passed the ninth day of March in the year of our Lord, one thousand seven hundred and seventy-one; as relates to the offering for sale any rock-fish under a certain

Part of a former law repealed.

certain described size therein mentioned, be,  
and the same is hereby repealed.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—January the twenty-sixth, 1802:

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

### CHAPTER XIII.

*An ACT to extend the time for patenting lands,  
and for other purposes.*

Section 1. **B**E 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 act, entitled "An Act to extend the time for patenting lands," passed the twenty-first day of March, Anno Domini, one thousand seven hundred and ninety-two, and all matters and things therein contained; shall be, and the same are hereby further extended to the first day of January in the year of our Lord, one thousand eight hundred and four, and from thence to the end of the next session of the general assembly.

Time for patenting lands extended to the 1st January 1804.

Sec. 2. *And be it further enacted by the authority aforesaid, That the time limited by the*  
tenth

tenth section of the act, entitled "An Act for  
 " the sale of the vacant lands within this com-  
 " monwealth," passed the third day of April,  
 one thousand seven hundred and ninety-two, for  
 actual settlers under the said act to make ap-  
 plication for warrants; be, and the same is  
 hereby extended to the third day of April,  
 Anno Domini, one thousand eight hundred and  
 five, and from thence to the end of the next  
 session of the general assembly, and no longer.

Time within  
 which applica-  
 tion is to be  
 made for war-  
 rants extended  
 to the 3d of  
 April 1805.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—January the twenty-sixth, 1802 :

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

#### CHAPTER XIV.

*An ACT to alter and amend the Health-laws of  
 this State, so far as respects vessels, goods and  
 passengers coming from any port or place, in the  
 State of Delaware.*

WHEREAS, the proviso contained in the  
 fourth section of an act, of the gene-  
 ral assembly of this commonwealth, passed the  
 nineteenth day of February, in the year of  
 our Lord one thousand eight hundred and one,  
 entitled "An Act to incorporate a company  
 " for the purpose of cutting and making a canal  
 " between



“ between the river Delaware and the Chesapeake bay, and to authorise the clearing of obstructions in the river Susquehanna, down to the Maryland line, and for other purposes therein mentioned ;” has been deemed by some of the citizens of the state of Delaware, susceptible of a construction injurious to their interests, and it is the wish of the legislature of this commonwealth to remove every reasonable cause of complaint on the part of the citizens of a sister state : 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 proviso contained in the fourth section of the act, entitled “ An Act, to incorporate a company for the purpose of cutting and making a canal, between the river Delaware and the Chesapeake bay, and to authorise the clearing of obstructions in the river Susquehanna, down to the Maryland line, and for other purposes therein mentioned ;” and every matter and thing, therein contained, be, and the same is hereby repealed : And that in future, such vessels and crews, goods and passengers, with their beds, bedding and apparel, as shall appear by the certificate of the board of health, or health-officer, or (where there is no board of health, or health-officer) by that of any regular physician, and three justices of the peace, at any port or district in the state of Delaware, (reciting the quantity and quality, and if any, the marks and numbers of such goods, beds, bedding and apparel, and the names of the crew and passengers) to have been landed at least fifteen days, within the said state or district, and the said crew and passengers  
to

Part of former law repealed ; and future regulations as to vessels stopping in the state of Delaware.

to be in a healthy state; and the said goods, beds, bedding and apparel, to be well aired, and purified, and to the best of their knowledge and belief, to be free from contagion and infection; shall upon due examination of such certificate, by the resident physician or other proper officer, at the lazaretto of the port of Philadelphia, be permitted to proceed to Philadelphia, or the port or place of their destination, in the same manner as if the said landing, airing and purification, had taken place, at the said lazaretto: *Provided*, That nothing herein before contained, shall prevent the proper officers at the lazaretto, aforesaid, in cases where after any bill of health as aforesaid, has been granted, at any port or place, in the state of Delaware, any infectious or contagious disease, shall exist or be suspected to exist, on board any such vessel, from directing such further quarantine or detention, cleansing, airing and purification, as in the judgment of the said officers and board of health, shall be requisite and necessary for the preservation of the people of the city and port of Philadelphia, from pestilential and contagious diseases.

ISAAC WEAVER, *junior*, *Speaker*  
of the House of Representatives.

SAMUEL MACLAY, *Speaker*  
of the Senate.

APPROVED—January the twenty-seventh, 1802:

THOMAS M'KEAN, *Governor*  
of the Commonwealth of Pennsylvania.

## CHAPTER XV.

*An ACT for the relief of Peter Williams.*

**W**HEREAS, it appears by the petition of Peter Williams, formerly a drummer in the third Pennsylvania regiment, that he has lost a certificate, number four hundred and seventy-one, for the sum of eighty-eight pounds one shilling and nine pence, granted him for the depreciation of his pay, and on which one year's interest hath been paid: And whereas, it also appears, by information from the comptroller-general, that the said certificate hath not been redeemed by this commonwealth: Therefore,

The Governor to draw his warrant in favour of Peter Williams for £. 88 : 1 : 9 with interest.

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 Governor be, and he is hereby authorized to draw his warrant upon the state-treasurer, in favor of Peter Williams, for the sum of eighty-eight pounds one shilling and nine pence, together with lawful interest on the said sum, from the first day of July, one thousand seven hundred and eighty-four, until the first day of August, one thousand seven hundred and ninety-two.*

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—February the second, 1802 :

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

CHAP.



## CHAPTER XVI.

*An ACT further to encourage the killing of Wolves.*

Section 1. **B**E 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 from and after the passing of this act, any person or persons, who shall kill any wolf or wolves, within the bounds of any county within this commonwealth, and who shall produce the head or heads thereof, before any justice of the peace in and for any county as aforesaid, it shall be the duty of such justice, to examine such person or persons, on oath or affirmation, touching the time when, and place where such wolf or wolves was or were caught and killed; and if the place of such catching and killing shall be found to be within the bounds of the county in which such justice has jurisdiction, and if the wolf be full grown, it then shall be the duty of such justice, after destroying such head or heads, to give such person or persons a certificate thereof, and to sign an order for eight dollars, on the treasurer of the county in which it shall have appeared such wolf or wolves was or were caught and killed, for each and every head produced and destroyed as before mentioned; and for every wolf-puppy that shall be produced and destroyed as before mentioned, he shall sign an order on the treasurer aforesaid, for the sum of two dollars fifty cents: and it shall be the duty of such treasurer, and he is hereby directed to pay the amount of the said order, out of the money in the treasury appropriated for county purposes.

The proof necessary to entitle, and the reward given for killing wolves.

The fund designated out of which it is to be paid.

Sec.

Repeal of so much of former law as is hereby altered.

Sec. 2. *And be it further enacted by the authority aforesaid,* That so much of the act, entitled "An Act more effectually to encourage the killing of wolves," passed the thirteenth of April, one thousand seven hundred and eighty-two, as is hereby altered or amended, is hereby repealed.

Limitation of the act.

Sec. 3. *And be it further enacted by the authority aforesaid,* That this act shall be and continue in force for three years, and from thence to the end of the next session of the general assembly.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—February the second, 1802:

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER XVII.

*An ACT to authorise the sale of the estate of Catharine Erringer, a lunatic, and for other purposes therein mentioned.*

**W**HEREAS, it appears by an inquisition taken at the alms-house, in the county of Philadelphia, on the twenty-first day of September, one thousand seven hundred and ninety-five, by virtue of a commission of lunacy, under



der the seal of the court of common pleas, for the said county, that Catharine Erringer was, at the time of taking said inquisition, a lunatic: And whereas, it has been represented to the legislature, by the petition of Frederick Erringer, of the city of Philadelphia, and of the guardians of the poor in the said city, that the said Catharine Erringer, sister of the said Frederick, for several years last past, hath been, and still is, a charge to the said city and liberties; and that she is seized in fee, of one undivided sixth part of a certain three story brick house, and lot or piece of ground thereto belonging, situate on the east side of Delaware Third-street, continued a little to the northward of Callowhill-street, in the Northern-Liberties of the said city; late the estate of her father, Jacob Erringer, deceased, which property the petitioners conceive ought to be applied to her support; but inasmuch as the said Catharine is a lunatic, and incapable of disposing of the same, the said petitioners have prayed that the legislature would be pleased to authorise the sale of the share of the said Catharine, in the premises, and that the monies arising therefrom, may be applied towards her support: 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 Peter Browne, of the township of the Northern-Liberties, in the county of Philadelphia, esquire, be, and he is hereby authorized and empowered to sell and convey the share and estate of the said Catharine Erringer, of and in the said house and lot or piece of ground, to such person or persons, for such price or prices, and on such terms and conditions as he may deem most advantageous

Peter Browne  
empowered to  
sell the estate  
of C. Erringer.

advantageous to the parties concerned; and that the conveyance to be made by him, shall be as good and effectual in law, to all intents and purposes, as if the said Catharine Erringer was of sound mind, and a party to the said conveyance; but shall have no greater or other force or effect whatsoever.

Purchase money to be applied to her support.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the monies arising from such sale, shall be applied to the maintenance and support of the said Catharine Erringer, and that the same shall be duly paid over to the guardians of the poor, in the city of Philadelphia, for the purposes aforesaid.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—February the second, 1802 :

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

## CHAPTER XVIII.

*An ACT to direct the manner, time and places, of holding elections for Electors of President and Vice-President of the United States.*

**W**HEREAS, the constitution of the United States directs, That for the purpose of choosing a president and vice-president of the United

United States, " Each state shall appoint in  
 " such manner, as the legislature thereof may  
 " direct, a number of electors, equal to the  
 " whole number of senators and representa-  
 " tives to which the state may be entitled in  
 " the congress : " 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 an election shall be held in the city of Philadelphia, and the several counties of this commonwealth, by the citizens qualified to vote for members of the general assembly, at the same places at which the said members shall have been voted for at the last preceding election, on the fifth Friday, preceding the first Wednesday in December, which will be in the year one thousand eight hundred and four, and on the fifth Friday preceding the first Wednesday in December in every fourth year thereafter, for the purpose of electing electors of a president and vice-president of the United States ; of which elections due notice shall be given by the sheriffs of the respective counties, and the several judges, inspectors and clerks, who shall have attended at the last election for members of the general assembly, shall attend and perform at the said election of electors, the like duties, and be subject to the like penalties for neglect or misconduct, as they are or shall be liable to, at the election of members of the general assembly.

Places where,  
 and time when,  
 election for  
 president and  
 vice-president  
 of the U. S. to  
 be held and by  
 whom.

Sec. 2. *And be it further enacted by the authority aforesaid,* That at every such election, every citizen qualified as aforesaid, shall be entitled to vote by delivering to the proper officer,  
 a written

Who may vote  
 and manner of  
 voting.



How returns  
of the election  
are to be made.

a written or printed ticket or ballot, containing the names of a number of persons, equal to the whole number of senators and representatives, to which this state may be entitled in congress of the United States; and the same proceeding shall be had with the said tickets, as is or shall be by law directed, at the election of members of the general assembly, and as soon as all the votes shall have been read off and counted, the judges of each district shall make out a certificate signed by the said judges or a majority of them, of the number of votes which have been given for each candidate, which numbers shall be expressed in words at length, and one of the said judges shall take charge of said certificate, and on the Monday next after said election shall have been holden, produce the same in a meeting of one judge from each district within the said county, at the court-house, and for the city and county of Philadelphia at the state-house, for which service each judge shall be allowed ten cents for every mile he shall have travelled in performing the same, and the judges of the several districts of the said county, so met, shall add together the number of votes which shall appear to have been given for each candidate, and make out triplicate returns on paper or parchment, signed by the said judges, or a majority of them, containing the names of the persons voted for, and the number of votes given for each expressed in words at length; two of which returns shall be delivered forthwith, by one of the said judges, to the prothonotary of the proper county, who shall file one of them in his office, and within two days after he shall have received the said returns, deposit one of them in the nearest post-office, to be forwarded to the office of the secretary of the commonwealth, to be there  
filed;



filed; and the third return shall forthwith be delivered by one of the judges, to the sheriff of the proper county, endorsing thereon, the time of delivering the same, who shall by himself or his deputy deliver the same to the Governor within fourteen days after the election shall have been holden; and the said prothonotary and sheriff, shall receive for transmitting, depositing and delivering, the said returns to the post-office and the Governor as aforesaid, the same compensation as is allowed for similar services, by the act, entitled "An Act to regulate the general elections within this commonwealth," passed the fifteenth day of February, one thousand seven hundred and ninety-nine; and the prothonotaries and sheriffs respectively, shall be subject to like penalties for neglect or misconduct, as are prescribed in similar cases, by the said recited act, and the Governor shall enumerate and ascertain the number of votes given for each and every person so as aforesaid voted for, and shall thereupon declare by proclamation, the names of the persons duly elected and chosen, and shall cause a notification of their election to be delivered to the persons so chosen, on or before the last Wednesday in the month of November, next after such election.

Compensation to prothonotary & sheriff for making return.

And penalty for neglect or misconduct.

Persons elected to be proclaimed and notified by the Governor.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the electors who shall be chosen as aforesaid, shall at twelve o'clock on the day, which is or may be directed by the congress of the United States, meet at the seat of government of this state, and shall then and there perform the duties enjoined upon them by the constitution and laws of the United States.

Electors when and where to perform their duties.

Sec. 4. *And be it further enacted by the authority aforesaid,* That each of the said electors shall, before the hour of nine o'clock, A. M. on the day next preceding the day of election of president and vice-president of the United States, give notice to the Governor, that he is at the seat of government, and ready to perform the duties of an elector, and it shall be the duty of the Governor, on the day of the meeting of the said electors, between the hours of nine and ten o'clock, A. M. to inform the legislature (if in session) who of the electors are at the seat of government, and if by that information it shall appear that any one or more of the electors be absent from the seat of government, the legislature shall forthwith proceed to choose by a joint vote, a person or persons to fill up such vacancies, as may have occurred by the non-attendance of one or more of the electors, and immediately after such choice shall have been made by the legislature, the name or names of the person or persons so chosen, shall be transmitted to the Governor, whose duty it shall be forthwith to cause a notification of his or their election to be delivered in writing to each and every of the electors last chosen as aforesaid; and the said person or persons so notified, and not the person or persons in whose places he or they shall be chosen as aforesaid, shall be electors, and shall meet on the same day, together with the other electors, and perform the duties enjoined on them by the constitution and laws of the United States.

To give notice of their arrival at the seat of government to the Governor,

who shall inform the legislature thereof.

The absence of one or more of the electors, how to be remedied.

Sec. 5. *And be it further enacted by the authority aforesaid,* That in case of any election of a president and vice-president of the United States, at any other periods than those herein before specified, the same shall in all respects be held,

Elections held at any other than the usual periods, to be conducted in like manner.

held, conducted and concluded, as is provided by this act, in the case of an election held at the ordinary period prescribed by the constitution and laws of the United States, for holding the same.

Sec. 6. *And be it further enacted by the authority aforesaid,* That each of the said electors shall receive three dollars daily wages, when travelling to, remaining at, and returning from the place of meeting aforesaid, the same to be paid by the treasurer of the state, on a warrant or warrants signed by the president of the meeting of the said electors, if any they shall choose, or by a majority of such electors, exclusive of persons in whose favor the warrant is drawn.

Compensation  
of the electors.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—February the second, 1802 :

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER XIX.

*An ACT declaring the holding of offices or appointments under this State, incompatible with the holding or exercising offices or appointments under the United States.*

WHEREAS, the eighth section of the second article of the constitution of this commonwealth, provides that no person holding or exercising



exercising any office of profit or trust under the United States, shall at the same time hold or exercise any office in this state, which the legislature thereof shall declare incompatible with offices or appointments under the United States: Therefore,

Persons holding an office of profit or trust under the government of the U. S. disqualified for holding certain offices under this commonwealth.

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 every person who shall hold any office or appointment of profit or trust, under the government of the United States, whether a commissioned officer or otherwise, a subordinate officer or agent, who is or shall be employed under the legislative, executive or judiciary departments of the United States, and also every member of congress, is hereby declared to be incapable of holding or exercising, at the same time, the office or appointment of justice of the peace, mayor, recorder, burghess or alderman of any city, corporate town or borough, resident-physician of the lazaretto, constable, judge, inspector or clerk of election, under this commonwealth.

The holding any such offices under this state declared to be incompatible with any office, &c. under the United States.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the holding of any of the aforesaid offices or appointments under this state, is hereby declared to be incompatible with any office or appointment under the United States; and every such commission, office or appointment, so holden under the government of this state, contrary to the true intent and meaning of this act, shall be, and the same is hereby declared to be null and void.



Sec. 3. *And be it further enacted by the authority aforesaid,* That if any person, after the expiration of six months from the passing of this act, shall exercise any offices or appointments, the exercise of which is by this act declared to be incompatible, every person so offending, shall for every such offence, being thereof legally convicted in any court of record, forfeit and pay any sum not less than fifty nor more than five hundred dollars, at the discretion of the court; one moiety of the said forfeiture to be paid to the overseers, guardians, or directors of the poor of the township, district, county or place where such offence shall have been committed, to be applied to the support of the poor, and the other moiety thereof to the prosecutor who shall sue for the same.

Penalty for exercising any office or appointment by this act declared to be incompatible.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

---

IN THE HOUSE OF REPRESENTATIVES.

Wednesday, February 3d, 1802.

Mr. Thompson, the Secretary of the commonwealth, being introduced, presented to the chair, a message from the Governor, which was read as follows, viz.

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN,

I HAVE read and considered the act of the general assembly, entitled "An Act declaring the holding of offices or appointments under this state, incompatible with  
" the

“ the holding or exercising offices or appointments under the United States.” I have reconsidered and deliberated most seriously its operation, and do not approve of it. I have directed it to be returned to the house of representatives, in which it originated, together with my objections, which are as follow, to wit:

First—Since the present constitution of Pennsylvania was established, on the second day of September, 1790, until this period, no complaint or application has been made, by petition or otherwise, to any branch of our government, suggesting that any officer under the government of the United States, or member of congress, held an office in this state, that was supposed to have a tendency to effect the sovereignty or freedom thereof; from which I conclude that the separation made by the constitution between the government of the United States and of this state, with respect to the administration of their respective powers, has been carried far enough, and is perfectly satisfactory to the people.

Second—I cannot conceive a reason for introducing such an act at this time, when the good people of this commonwealth, can entertain no apprehensions, of a wish of the present providential and most fortunate representation in the executive and legislative departments of our national government, to impair the constitutional sovereignty of the individual states.

It appears to me to intimate an unreasonable jealousy and distrust, not only of the virtuous and great chief-magistrate of the union, but also of the chief-magistrate of Pennsylvania; both chosen by the people themselves, and known to be

be unequivocally disposed to secure and promote their happiness.

Third—Because a few months ago I persuaded a gentleman, not less distinguished for probity than talents, to accept the commission of recorder of the city of Philadelphia, *during his good behaviour*, though then attorney of the United States, for the eastern district of Pennsylvania, in the holding of which, at the same time, I am not happy enough to discover any collision or incompatibility; and therefore it must appear very extraordinary indeed, in me, to cooperate in an act that declares his commission shall not only be vacated, but, if he exercises the office for a time, he shall be considered as a criminal; when there has not been, nor can be, even the slightest suggestion of misbehaviour or incapacity.

Fourth—There are at present, in my recollection, but two gentlemen of this state, who have been appointed by me, that can be effected by this act, one has been mentioned; another, a member of congress, was lately appointed resident-physician at the lazaretto. What possible evil can arise to Pennsylvania from these appointments, I do not comprehend; especially when it is considered that these gentlemen have been distinguished for patriotism, talents, and attachment to our revolutionary and republican principles. It will be very difficult to find a gentleman of the law qualified for the office of recorder of the city of Philadelphia, that has not been admitted to practice in some of the courts of the United States; and all such are excluded by this act. Nor can I perceive the danger to be apprehended for the liberties of the state, from the same person officiating as constable,



constable, &c. under both branches of our government.

Fifth—I conceive the act to be not only unnecessary and inexpedient, but in the precedent alarming to all persons holding offices during good behaviour. The tenure of such commissions ought not to depend on every gale that blows. The legislature cannot vacate or impair a contract solemnly made between the commonwealth and an individual; having even the power, will not sanction it. Besides, as at present advised, I very much doubt its constitutionality. The office may be abolished in many cases, but the officer cannot be removed without being convicted of a misdemeanor in office, unless where otherwise specially provided in our state constitution; and I cannot, from a confidence in the legal knowledge, integrity and fortitude of my former brethren in the supreme court, risk my character in a judicial decision on this question, when I do not foresee any advantage to be derived to my country from a possibility of success. What conscience warns me not to do, I must avoid; however anxious to gratify a legislature, by me, so much respected and esteemed.

THOMAS M'KEAN.

Lancaster, February 3, 1802.

Ordered to lie on the table,

Whereupon, On motion of Mr. Mitchell, seconded by Mr. Conrad, the house, in conformity to the mode prescribed (in such cases) by the twenty-second section of the first article of the constitution of this commonwealth, proceeded to the reconsideration of the said bill, returned by the Governor; which was read, and  
On



On motion of Mr. F. Smith, seconded by Mr. Rose, Ordered, That the further consideration thereof, be postponed until Wednesday next.

Wednesday, February 10, 1802.

In conformity to the twenty-second section of the first article of the constitution, relative to bills returned by the governor (without having received his approbation or signature, and with his objections to the same) the house again resumed the consideration of the bill, entitled “ An Act declaring the holding of offices or appointments under this state, incompatible with the holding or exercising offices or appointments under the United States;” and

On the question,—“ *Shall this bill pass?*”

Agreeably to the mode prescribed by said constitution, the votes were taken by yeas and nays, when it appeared the yeas were seventy-six, nays four.

So there being a constitutional majority, it was determined in the affirmative, and

*Ordered*, That said bill pass, and that it be transmitted to the senate, with the Governor’s objections to the same, as directed by the twenty-second section of the first article of the constitution of this commonwealth aforesaid.

Lancaster, February 10, 1802.

*Extract from the Journal,*

MATTHEW HUSTON, C. H. R.

## IN SENATE.

Thursday, February 11, 1802.

Mr. Hufton, clerk of the house of representatives (agreeably to the twenty-second section of the first article of the constitution of this commonwealth, in the case of bills returned by the Governor without having received his approbation and signature) presented the bill, entitled "An Act declaring the holding of  
 " offices or appointments under this state, incom-  
 " patible with the holding or exercising offices  
 " or appointments under the United States," together with the Governor's objections to the same; and informed the senate that the house of representatives had re-considered the said bill, and by a constitutional majority, passed the same; and the said bill, and the Governor's objections were severally read, Whereupon,

It was moved by Mr. Barton, seconded by Mr. Gurney, and agreed,

That the further consideration thereof at this time be postponed, and that the same be the order of the day for to-morrow.

Friday, February 12, 1802.

According to the order of the day, the senate proceeded to the further consideration of the bill, entitled "An Act declaring the hold-  
 " ing of offices or appointments under this state,  
 " incompatible with the holding or exercising of-  
 " fices or appointments under the United States," together with the Governor's objections to the same.

After

After debate,

The question,—“*Shall this bill pass?*” being put, agreeably to the twenty-second section of the first article of the constitution, the yeas and nays were taken; and there appeared to be eighteen yeas and seven nays.

So that the said bill was passed by a constitutional majority, Whereupon,

*Ordered*, That the said bill be returned to the house of representatives, with information that the senate hath passed the same by a constitutional majority.

*Extract from the Journal,*

GEORGE BRYAN, C. S.

## CHAPTER XX.

*An ACT for the relief of William Hill of the State of Massachusetts, and Esther his wife, and to confirm in Burton Wallace and his heirs for ever, the title to a certain messuage and lot of ground therein mentioned.*

**W**HEREAS, William Hill now resident in the state of Massachusetts, and Esther his wife, have, by their petition, represented that at the time of the intermarriage of the said petitioners, the said Esther was under the last will of her late father the reverend Jacob Duché, deceased, seized in fee of a moiety of a certain messuage and lot of ground situated in Chestnut-street, in the city of Philadelphia, and possessed of a moiety of certain personal estate,  
consisting



consisting of forty-six shares in the capital stock of the president, directors and company of the bank of Pennsylvania, one share in the capital stock of the president, directors and company of the bank of North-America, and a mortgage executed by John Bernard Gilpin to her said father, for the principal sum of four hundred and sixty-one pounds one shilling and fourpence, which said real and personal estate, by a certain indenture, tripartite, made the seventh day of August, seventeen hundred and ninety-eight, between the said Esther, of the first part, the reverend William White, doctor of divinity, and bishop of the protestant episcopal church of Pennsylvania, and Miers Fisher, of the city of Philadelphia, gentleman, of the second part, and the said William Hill, of the third part, were conveyed to the said William White and Miers Fisher, their heirs, executors and administrators, in trust; nevertheless, to permit the said petitioners, parties thereto, to receive the profits of the said estate, real and personal, during their marriage, and further to convey and assure the same to such person or persons, for such estates and interests, and in such shares and proportions as the said Esther, whether covert or sole, should by any writing in the nature of her last will and testament, order, direct and appoint, and for want of such appointment, to all and every one or more child or children of the said Esther, which should be living at the time of her death, in equal shares, if more than one, and for want of a child then living, to the said William Hill, his heirs, executors and administrators, to his own use for ever, if he be then living; and if he should be then dead, then to the right heirs and legal representatives of the said Esther; that the said petitioners, having since the execution of the said indenture, re-

moved



moved from the state of Pennsylvania, and holding merely a moiety of the said real and personal estate, the other moiety being the property of Sophia, the wife of John Henry, now in the state of Massachusetts, and only sister of the said Esther, who with her said husband, had determined to dispose of their interest in the same, have found the terms of the settlement, and the nature of the trust, raised and established by the said indenture, extremely burthenfome and inconvenient, inasmuch as they are thereby prevented from making that beneficial application of their property, which the place of their residence and other circumstances render advisable, the said indenture making no provision for any declaration of uses thereupon; but by the last will and testament of the said Esther; that the persons jointly interested with the said petitioners, in the messuage and lot of ground aforesaid, having determined to dispose of their share in the same, made it necessary to the said petitioners, to prevent a general sacrifice, to join in the sale, and they did accordingly, by deed of bargain and sale, bearing date the eighth day of August, in the year of our Lord eighteen hundred and one, for a valuable consideration, which has been fully paid, convey their moiety in the said messuage and lot of ground, to Burton Wallace, of the city of Philadelphia, gentleman, and his heirs, in fee-simple; and the said petitioners have prayed, that an act may be passed to confirm the title of the said Burton Wallace, in the said moiety, of the said messuage and lot of ground, in him and his heirs for ever, in fee-simple, and to direct and authorise the said William White and Miers Fisher, the trustees abovementioned, to convey and assign over to such person or persons, as the said Esther, by deed or any writing, in  
 the

the nature of her last will and testament, shall order, direct and appoint, the moiety of the said personal estate, so conveyed, to the said trustees as above recited; and the said William White and Miers Fisher, the trustees abovementioned, have fully expressed their consent and approbation to the said prayer to the petitioners: Therefore,

The title of a moiety of a messuage and lot of ground in Philadelphia confirmed in B. Wallace and his heirs.

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 title to the said moiety of the said messuage and lot of ground, situate in Chestnut-street, in the city of Philadelphia, be, and the same is hereby confirmed in the said Burton Wallace, of the city of Philadelphia, gentleman, and his heirs and assigns for ever, to and for his and their own use, as fully and amply as the said Esther was entitled to, and held and enjoyed the same before her marriage and the execution of the said indenture, under the last will and testament of the said reverend Jacob Duché, deceased, free, disencumbered and discharged from the said trust; any contingency or other matter or thing, in the said indenture contained, notwithstanding.

W. White and M. Fisher the trustees, empowered to assign over the personal estate vested in them.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the said William White and Miers Fisher, the trustees above named, be and they are hereby authorized and directed to assign over, transfer and convey, to such person or persons, and in such shares and proportions, as the said Esther, by any deed or writing, in the nature of her last will and testament, shall order, direct and appoint, all the said personal estate so vested

vested in them, as aforesaid, by the said indenture, herein before recited and referred to; and all the proceeds of the same, if any part thereof should have been heretofore sold or invested in other funds or securities, free, disencumbered and discharged from the said trust; any contingency or other matter or thing, in the said indenture contained, notwithstanding.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—February the third, 1802 :

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER XXI.

*An ACT to facilitate the settlement of the accounts of the former and present county Treasurers for arrears of State taxes.*

Section 1. **B**E 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 comptroller and register-generals be and they are hereby authorized to recommend to the Governor, for his approbation and appointment, a competent agent or agents (for whose conduct the said comptroller and register-generals shall be accountable)

The comptroller & register to recommend to the Governor a competent agent or agents for adjusting the accounts of county treasurers.



Agents duties.

Penalty on treasurers neglecting or refusing to exhibit their books and papers.

to examine and adjust the accounts of the former and present county treasurers, for the arrears of state taxes; which agent or agents shall, as soon as conveniently may be, attend in those counties where the said comptroller and register-general shall deem necessary, which are in arrears in the payment of state taxes, and shall proceed to examine and adjust the said accounts of the former and present county treasurers, as well for ascertaining the amounts assessed, levied and collected, as in whose hands any balance remains; and it shall be the duty of the comptroller and register-generals, at least twenty days previous to the time of such agent or agents coming into any county where such accounts are to be adjusted, to give notice thereof to the said treasurers; and if on demand made by the said agent or agents, the treasurers, commissioners or auditors, for auditing, settling and adjusting the public accounts of county treasurers and commissioners, shall neglect or refuse to produce and exhibit any of their books, accounts or papers, by them kept, as county treasurers, commissioners or auditors, as aforesaid, for every such neglect or refusal of the said county treasurers, commissioners or auditors, they shall, on conviction thereof in any court of record of this commonwealth, severally forfeit and pay to the treasurer of the state, for the use thereof, any sum not less than three hundred, nor more than one thousand dollars, at the discretion of the court before whom such conviction may be had.

Agents to be furnished with the necessary documents.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the comptroller and register-generals, shall, on or before the first day of May next, furnish the said agent or agents, with certified copies of all the documents in their

*sembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the district of Southwark, be, and they are hereby authorized and empowered to appoint one or more proper officer or officers, for such time, and under such security and penalties, as to them may appear necessary, for the inspection and measurement of all cord-wood which may be landed or offered for sale within any part of the district aforesaid; and the officer or officers so appointed, shall be entitled to receive, as a compensation for his or their services, at the rate of fourpence per cord, for all wood so measured and inspected, one moiety thereof to be paid by the feller, and the other moiety by the purchaser.

Commissioners of Southwark empowered to appoint wood-corders;

Sec. 2. *And be it further enacted by the authority aforesaid,* That every person appointed a corder or inspector of wood, agreeably to the provision of this act, shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation, before some justice of the peace, that he will perform his duty with fidelity and impartiality.

who shall take and subscribe an oath or affirmation to perform the duties of the office with fidelity.

Sec. 3. *And be it further enacted by the authority aforesaid,* That if any person or persons shall, from and after the first day of March next, exercise the office of corder or inspector of cord-wood within the district aforesaid, unless he or they be duly authorized by the commissioners thereof, he or they so offending, shall on conviction thereof, forfeit and pay the sum of two dollars for every such offence, one moiety thereof to the overseers of the poor of the said district, and the other

Penalty on persons not authorized, exercising said office.

moiety to the person who shall sue for the same.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—February the thirteenth, 1802 :

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER XXVII.

*An ACT erecting the township of Conemaugh, in the county of Somerset into a separate election district.*

Section 1. **B**E 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 from and after the passing of this act, Conemaugh township, in the county of Somerset, shall be an election district, and the electors thereof shall hold their general elections at the house now occupied by John Horner, junior, in the town of Conemaugh, in said township, and shall henceforth be called Conemaugh district.

Conemaugh township in Somerset county made an election district.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—February the thirteenth, 1802 :

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

CHAP.



CHAPTER XXVIII.

An ACT erecting certain election districts in the county of York.

Section 1. **B**E 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 townships of War-

Place for holding elections within the fifth district of York county.

rington, Reading and Huntingdon, shall be a separate district, to be called the fifth election district, and the electors thereof shall hold their general elections at the house of James M'Millen, in Rosstown.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the township of Manahan, shall be a separate district, to be called the sixth election district, and the electors thereof shall hold their general elections at the house now occupied by Leonard Eichelberger, in said township.

Sixth election district erected.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the township of Shrewsbury, shall be a district, to be called the seventh election district, and the electors thereof shall hold their general elections at the house of the late Thomas Ehrhart, deceased, of said township.

Seventh district

Sec. 4. *And be it further enacted by the authority aforesaid,* That the township of Codorus, shall be a separate election district, to be called the eighth district, and the electors thereof shall hold their general elections at the house now occupied by Adam Zigler, in said township.

Eighth district.

Sec. 5.

Ninth district. Sec. 5. *And be it further enacted by the authority aforesaid,* That the township of Dover, shall be a separate election district, to be called the ninth district, and the electors thereof shall hold their general elections at the house now occupied by Patrick M'Farlin, in Dovertown, in said township.

ISAAC WEAVER, *junior, Speaker,*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—February the thirteenth, 1802 :

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

## CHAPTER XXIX.

*An ACT for the relief of Michael Cox.*

WHEREAS, it hath been represented to the legislature, that a certain Joseph Terrance, purchased at public sale, of the agents of forfeited estates, one hundred and fifty-six acres and one half of an acre of land, with the appurtenances, situate in German township, in the county of Fayette, which had been confiscated to this commonwealth, as the estate of Anthony Yeldall, and which by deed poll, dated the twenty-third day of February, in the year one thousand seven hundred and ninety-three, was, under the hand of Thomas Mifflin, then governor,

governor, and the great seal of the said commonwealth, conveyed in fee-simple to the said Joseph Terrance, who, together with his wife, by indenture, conveyed the same to William Oliphant, who, together with his wife, conveyed the same to the said Michael Cox, who, on the thirteenth day of December, in the year one thousand and eight hundred, was, in due form of law, evicted from the said tract of land, by a title paramount in a certain Edward Green: And whereas, by the laws of this commonwealth, the said Michael Cox is entitled to be paid out of the treasury of the state, the value of the said tract of land at the time of the said eviction: 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, in and for the said county of Fayette, is hereby authorized and required, on the petition of the said Michael Cox, to award a writ of appraisement, directing the sheriff of the said county, to summon an inquest to appear and ascertain, on oath or affirmation, the value of the said tract of land, containing one hundred and fifty-six acres and one half of an acre, with the appurtenances, situate in German township, in the county aforesaid, at the time of the said eviction, and also the value of the mesne profits of the said tract, in the hands of the said Michael Cox, and to make a due return thereof; and the said court, if they approve of the same, shall certify all the proceedings had in pursuance of this act, to the Governor, who shall thereupon deduct the mesne profits from the valuation of the said tract, and draw a warrant

The value of the land from which M. Cox was evicted & also of the mesne profits to be ascertained,

for amount of which, deducting the mesne profits, he is to have a warrant on the treasury

on



on the treasurer of the state for the remainder of the valuation, in favor of the said Michael Cox, to be paid out of any unappropriated monies of this commonwealth, as a full satisfaction and compensation for all costs and damages, which may have been sustained through the defect and invalidity of the deed of conveyance, made as aforesaid, to the said Joseph Terrance.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—February the nineteenth, 1802 :

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER XXX.

*An ACT to enable James Wickersham, Samuel Garretson and Ezekiel Kirk, to convey a certain piece of land in the township of Newbury, York county.*

**W**HEREAS, James Wickersham, Samuel Garretson and Ezekiel Kirk, trustees appointed by the monthly meeting of the society of the people called Quakers, held at Warrington meeting-house, in the township of Warrington, in the county of York, have by their petition to the legislature, represented that a certain tract of land was granted to John Garretson

son and Joseph Hutton (now deceased) by patent dated the twentieth day of May, in the year of our Lord one thousand seven hundred and ninety-six, in trust for the use of said society, in the township of Newbury, in the county aforesaid, for the purpose of a place of meeting and burying ground; and that the said society, at the last mentioned place, ordered and directed them the said trustees to sell a part of the said tract, amounting to thirteen acres and two perches, to defray the expences incurred by patenting the same, as well as certain expences incurred on account of some poor persons assisted by the society at the said last mentioned place; and that in pursuance of the said order and direction, they did sell the said thirteen acres and two perches of land, to a certain Cornelius Garretson, for the sum of sixty-four pounds one shilling and three-pence; and therefore the said trustees respectfully solicit that an act may be passed, to vest the title of the said society in the premises in the said Cornelius Garretson, in fee-simple: 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 said James Wickersham, Samuel Garretson and Ezekiel Kirk, the survivor or survivors of them, shall be, and they are hereby empowered to convey in fee-simple, by deed reciting this act, to the said Cornelius Garretson, thirteen acres and two perches of land, by metes and bounds, being part of a certain tract of land, patented to John Garretson and Joseph Hutton, on the twentieth day of May, in the year of our Lord one thousand seven hundred and ninety-six, in trust for the use of the society of the people called

J. Wickersham  
and others em-  
powered to  
convey in fee-  
simple a piece  
of land situate  
in York county

called Quakers, in Newbury township, in the county of York, for the purpose of a place of meeting and burying ground; which said thirteen acres and two perches, have been sold by them to the said Cornelius Garretson, in order to defray certain expences incurred in necessary and benevolent purposes, as set forth in their petition to the legislature, in obedience to the order and direction of the said society.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—February the nineteenth, 1802:

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER XXXI.

*An ACT to erect the town of Canonsburg, in the county of Washington into a borough.*

Section 1. **B**E 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 town of Canonsburgh, in the county of Washington, shall be, and the same is hereby, erected into a borough, which shall be called the "Borough of Canonsburgh," and shall be comprised within the following bounds, to wit: Beginning at

The town of Canonsburg erected into a borough and its boundaries described.



at the mouth of Bush-run; thence up said run, to the division line between Craig Ritchie's land and Samuel Witherspoon's lot; thence along the line of said lot, so as to include the same, to Thomas Briceland's land; thence along the line of said land, until it strikes Wells's road; thence to the corner of Nathan Andrews's lot; thence along the north side of the same, to the lot attached to the old brew-house; thence along said lot, so as to include the same, to the west end of the town lots, on the west side of the principal street; thence along the end of said lots, to the Washington road; thence along the said road south-west, to a white-oak marked G, at the south-west end of Miller's improvement on Darr and Ogle's land; thence a direct course to Chartier's creek; thence down the same, to the place of beginning.

Sec. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for all persons having resided within the said borough six months next preceding the election, and being entitled to vote for members of the general assembly, on the first Monday of May, in each and every year hereafter, to meet in one of the rooms of the college in the said borough, and then and there elect, by ballot, between the hours of twelve and six o'clock in the evening, one reputable citizen, residing therein, who shall be styled the burghers of the borough, and five reputable citizens to be a town council, and shall also elect a high constable; but previous to the opening of any such election, the said inhabitants shall elect three reputable citizens, one of whom shall preside as judge, one to act as inspector, and the other to perform the duty of clerk, according to the directions of the general election laws of this commonwealth, so far

When & what borough officers shall be chosen & manner of choosing them.

as relates to receiving and counting votes, and shall be subject to the same penalties for malpractices, as by the said election laws are imposed; and the said judge, inspector and clerk, before they enter on the exercise of their respective duties, shall take an oath or affirmation, before any justice of the peace of the county of Washington, to perform the same with fidelity, and shall hold the said elections from time to time, as occasion shall require, receive and count the ballots, and declare the persons having the greatest number of votes, to be duly elected; whereupon duplicate certificates thereof shall be signed by the said judge, inspector and clerk, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation, for their safe keeping, and in case of vacancy, by death, resignation, refusal to accept, or removal from the said borough, of any of the said officers, the burgeses, or in his absence or inability to act, the first named of the town council, shall issue his precept, directed to the high constable, requiring him to hold an election to fill such vacancy, he giving at least ten days previous notice, by advertisements set up at four of the most public places within the said borough.

Incorporation  
of the borough  
officers & their  
corporate pow-  
ers defined.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the burgeses and town council, duly elected as aforesaid, and their successors forever hereafter, shall be one body politic and corporate in law, by the name of "The burgeses and town council of the borough of Canonsburgh, in the county of Washington," and shall have perpetual succession; and the said burgeses and town council aforesaid, and their successors forever, hereafter shall be capable in law, to have, get, receive, hold and

and possess, lands, tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors, in fee-simple or otherwise, also goods, chattels and other things, of what nature or kind soever, not exceeding the yearly value of three thousand dollars, and also to give, grant, let, sell and assign the same lands, tenements, hereditaments, rents, goods and chattels; and by the name aforesaid, they shall be capable in law, to sue and be sued, plead and be impleaded, in any of the courts of this commonwealth, in all manner of actions whatsoever, and to have and use one common seal, and the same, from time to time, at their will, to change and alter.

Sec. 4. *And be it further enacted by the authority aforesaid,* That if any person duly qualified to elect and be elected, whether the burghers or a member of the town council as aforesaid, having been notified as before directed, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, every person so refusing or neglecting, shall forfeit and pay the sum of twenty dollars, which fine, and all other fines and forfeitures incurred and made payable in pursuance of this act, or of the bye-laws and ordinances of the town council, shall be for the use of the said corporation.

Penalty for refusing to act as a borough officer, to be applied to the use of the corporation.

Sec. 5. *And be it further enacted by the authority aforesaid,* That the burghers, town council, and high constable, and each of them, shall take an oath or affirmation, before any one of the judges or justices of the peace for the county of Washington, to support the constitution of the United States and of this state, and well and truly to execute the duties of

Qualifications of the borough officers.



of their respective offices in the borough of Canonsburgh, before they shall enter on the execution thereof, and the certificate of such oath or affirmation, shall be recorded in the books of the said corporation.

Further & general powers given them.

Sec. 6. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the town council to meet as often as occasion may require, and may appoint a town clerk, and such other officers as may be necessary to regulate the digging and gathering of coal, in the coal-banks adjacent to the said town, by the inhabitants thereof, in such manner that the private rights of individuals be not injured or impaired, and manage the concerns of the coal-banks, so far as the right of the inhabitants of the said borough extends to the same; for repairing the streets, lanes and alleys, and for removing nuisances and obstructions therefrom; for regulating partition walls and fences; to enact such bye-laws, and make such rules, ordinances and regulations; assess, apportion and appropriate such taxes as shall be thought, by a majority of the town council, best calculated to promote the foregoing purposes, and to do every matter and thing incident to, and for the good of the said borough, for the preservation of peace and good government within the same; which bye-laws, rules, ordinances and regulations, shall not be repugnant to the constitution and laws of the United States or of this state, and the same to revoke and annul, alter and make anew, as occasion may require; but no person shall be punishable for any breach of the bye-laws, rules, ordinances and regulations, unless after the passing of any ordinance, the same be set up on the market-house, and on two other of the most public places within the said borough;

rough; and no bye-law or ordinance shall have any effect sooner than three weeks after such publication: *Provided nevertheless*, That no tax shall be laid in any one year, on the valuation of taxable property, exceeding one cent in the dollar, unless some object of general utility should be thought necessary; in such case a majority of the taxable inhabitants of said town, by writing, under their hands, shall certify the same to the town council, who shall proceed to assess the same, as before directed.

Sec. 7. *And be it further enacted by the authority aforesaid*, That the burgess elect, agreeably to the directions of this act, is hereby authorized and empowered to issue his precept to the high constable, commanding him to collect all taxes assessed from time to time, as aforesaid, and all fines and forfeitures that may become due by this act, or by the ordinances or regulations of the corporation, and the same to pay over to the treasurer to be appointed by the town council, and to carry into effect whatsoever is enjoined on him for the well ordering and good government of the said borough: *Provided nevertheless*, That it shall and may be lawful to and for the justices of the peace of the said borough, and all and every the justice or justices of the peace aforesaid, residing or being in the said borough, to do and execute every act or acts, as pertaining to their office, agreeably to the powers conferred on them by the constitution and laws of this commonwealth.

How taxes, &c.  
are to be collected and to whom paid.

Sec. 8. *And be it further enacted by the authority aforesaid*, That the burgess shall be, and he is hereby required to cause the bye-laws, rules, ordinances and regulations, made as aforesaid, to be recorded in a book to be kept for that

Bye-laws, &c.  
to be recorded.

Duties of the town clerk & high constable, and penalty for the non performance of them,

that purpose; and he shall carry the same into full execution, without delay, after the publication thereof, as directed by the sixth section of this act: And it shall be the duty of the town clerk to attend all meetings of the town council, when assembled on business of the corporation, and perform the duties of clerk thereto, and keep and preserve the common seal, records, papers, books and other documents relating to said corporation, under the penalty of being answerable to any person concerned, for all damages, and of removal from office by the burghers, on complaint of a majority of the council; and the high constable shall perform all the duties on him enjoined by this act and the bye-laws and ordinances of the town council, under the like penalties and manner of removal:

appeal allowed.

*Provided always,* That if any person shall think himself or herself aggrieved by any thing done in pursuance of this act, he or she may appeal to the next court of quarter sessions to be holden for the county of Washington, he or she giving surety, according to law, to prosecute his or her appeal with effect, which court shall take such order therein, as shall be just and reasonable, which order or judgment shall be conclusive to all parties.

The act relating to public roads and highways not to extend to this borough.

Sec. 9. *And be it further enacted by the authority aforesaid,* That nothing contained in an act of the general assembly, entitled "An Act for opening and better amending and keeping in repair the public roads and highways within this province," passed in the year of our Lord one thousand seven hundred and seventy-two, shall be deemed, construed or taken to extend to the public roads, streets, lanes or alleys within the said borough, or to the assessing the inhabitants thereof, for the purposes therein mentioned,



mentioned, or to any matter or thing to be done or performed therein.

ISAAC WEAVER, *junior, Speaker*  
of the House of Representatives.

SAMUEL MACLAY, *Speaker*  
of the Senate.

APPROVED—February the twenty-second, 1802:

THOMAS M'KEAN, *Governor*  
of the Commonwealth of Pennsylvania.

## CHAPTER XXXII.

An ACT declaring Ten-mile creek, from the mouth thereof, to Jacob Adams' mill, in the county of Greene, a public highway.

Section 1. **B**E 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 from and after the passing of this act, Ten-mile creek, from the mouth thereof, at the Monongahela river, up to the main fork, and thence up the south branch of said creek, as far as Jacob Adams' mill, near Waynesburgh, in the county of Greene, shall be, and the same is hereby declared to be a public highway, under the limitations and restrictions hereinafter specified; and it shall and may be lawful for any person or persons desirous of improving or using the navigation of said creek, to remove all natural and artificial obstructions (excepting mill-

Part of Ten-mile creek declared a public highway.

dams

dams already built) out of the bed of said creek, from the mouth thereof to the main fork, and thence up the south branch, to the said Jacob Adams' mill, and also to erect such slopes at the mill-dams already built, and keep them in repair, as may be necessary for the passage of boats and rafts and the ascent of fish: *Provided always*, That such slopes be so constructed and repaired, as not in any wise to injure the said dams.

Provision in favour of persons having a right to erect mill-dams.

Sec. 2. *And be it further enacted by the authority aforesaid*, That nothing in this act contained, shall be deemed, taken or understood to prevent any person or persons, their heirs or assigns, possessing lands on said creek, who before the passing of this act had a lawful right to erect a dam or dams, from erecting any such dam or dams that he, she or they may think proper: *Provided always*, That every such dam be so constructed and kept in repair, as that there shall be a slope to each dam, at least thirty feet in width, and extending four times the distance down the creek that such dam may be in perpendicular height, and sufficient for the passage of boats and rafts, and the ascent of fish.

ISAAC WEAVER, *junior*, *Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—February the twenty-second, 1802:

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

CHAPTER XXXIII.

*An ACT regulating the office of Justice of the Peace, and for other purposes.*

Section 1. **B**E 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 from and after the first day of August next, no justice of the peace shall act as such unless he shall reside within the limits of the district for which he was commissioned.

Justices of the peace not to act out of the district for which they were appointed.

Sec. 2. *And be it further enacted by the authority aforesaid,* That from and after the first day of July next, no licence for keeping a tavern or public house of entertainment, shall be granted to any person either directly or indirectly, who at the same time holds a commission of the peace; and if any justice of the peace or alderman, shall keep his stated office in any tavern or public house of entertainment, or any building appertaining thereunto, he shall for every such offence, on conviction thereof, in any court of quarter sessions of the peace, or mayor's court of the proper city or county, forfeit and pay the sum of fifty dollars, one moiety thereof to the overseers, guardians or directors of the poor of the township, district or county where such offence shall have been committed, to be applied to the support of the poor,

Not to keep tavern or hold their offices in any tavern, &c. and penalty for so doing.



and the other moiety thereof to the prosecutor.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—February the twenty-second, 1802 :

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

CHAPTER XXXIV.

*An ACT to provide for the education of Poor  
Children gratis.*

WHEREAS, by the first section of the seventh article of the constitution of this commonwealth, it is directed “ That the legislature shall, as soon as conveniently may be, provide by law for the establishment of schools throughout the state, in such manner as that the poor may be taught gratis :” 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 from and after the passing of this act, the guardians and overseers of the poor of the city of Philadelphia, the district of Southwark and township of the Northern-Liberties, and every town-*  
ship

Those children whose parents or guardians shall be judged unable to educate them, to be taught gratis.

ship and borough within this commonwealth, shall ascertain the names of all those children whose parents or guardians they shall judge to be unable to give them necessary education, and shall give notice in writing to such parents or guardians, that provision is made by law for the education of their children or the children under their care, and that they have a full and free right to subscribe, at the usual rates, and send them to any school in their neighborhood, giving notice thereof, as soon as may be, to the guardians or overseers, of the term for which they have subscribed, the number of scholars, and the rate of tuition; and in those townships where there are no guardians or overseers of the poor, the supervisors of the highways shall perform the duties herein required to be done by the guardians or overseers of the poor.

Sec. 2. *And be it further enacted by the authority aforesaid,* That every guardian overseer of the poor, or supervisor of the highway, as the case may be, in any township or place where any such child or children shall be sent to school as aforesaid, shall enter in a book, the name or names, age, and length of time such child or children shall have been so sent to school, together with the amount of schooling, school-books and stationary, and shall levy and collect, in the same way and manner, and under the same regulations as poor taxes or road taxes are levied and collected, a sufficient sum of money from their respective townships, boroughs, wards or districts, to discharge such expences, together with the sum of five per cent. for their trouble.

How the expences thereof are to be ascertained, levied and collected.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the guardians or overseers

Guardians or overseers of the poor, in what manner to settle their accounts.

seers of the poor for the time being, or supervisors of the highways, as the case may be, shall use all diligence and prudence in carrying this act into effect, and shall settle their accounts in the same way and manner as by the existing laws of the state, the guardians, overseers of the poor and supervisors of the highways, are authorized and required to settle their accounts.

Limitation of the act.

Sec. 4. *And be it further enacted by the authority aforesaid, That this act shall continue in force for the term of three years, and from thence to the end of the next sitting of the general assembly, and no longer.*

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—March the first, 1802 :

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER XXXV.

*An ACT altering the place of holding elections in the fourth district, in the county of Northampton.*

Section 1. **B**E 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



*thority of the same,* That the electors of the fourth election district, in the county of Northampton, shall from and after the passing of this act, hold their general elections at the house now occupied by Ulrich Houser, in the township of Lower Smithfield aforesaid; any thing to the contrary thereof in any former law notwithstanding.

Place where elections are to be held within the fourth district, Northampton county.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—March the first, 1802:

THOMAS M'KEAN, *Governor,*  
*of the Commonwealth of Pennsylvania.*

CHAPTER XXXVI.

An ACT altering the place of holding elections in the fifth district, in the county of Cumberland.

Section 1. **B**E 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 from and after the passing of this act, the electors in the townships of Juniata, Greenwood, and that part of Buffalo township lying above the Falls-hill, in the county of Cumberland, shall hold their general elections at the house now or lately occupied by William

Place of holding elections in the townships of Juniata, Greenwood, &c. in Cumberland county

William Woods, at Millar's town, in the township of Greenwood aforesaid; any law to the contrary notwithstanding.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—March the eighth, 1802 :

THOMAS M'KEAN, *Governor,  
of the Commonwealth of Pennsylvania.*

## CHAPTER XXXVII.

*An ACT to authorise John Sherer, to erect a wing-dam on Monongahela river, in the county of Allegheny.*

Section 1. **B**E 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 John Sherer, his heirs and assigns, be, and they are hereby authorised to erect a wing-dam two feet high at low water mark, on Monongahela river, adjoining his own land in the county of Allegheny, about one mile below M'Kee's port, on the north-east side of said river, at a place known by the name of "Braddock's upper fording," and to extend the dam so far into the said river as may be necessary, not exceeding one-third of the width of

J. Sherer authorised to erect a wing-dam on the Monongahela river, so as not to impede the navigation thereof.

of said river, for his mill or mills: *Provided*, That the said John Sherer, his heirs and assigns, in erecting the said dam or keeping the same in repair, or in drawing off the water, shall not thereby, in any degree, injure or impede the navigation of the said river, or prevent the fish from passing up the same: *And provided also*, That the said John Sherer, his heirs and assigns, shall not thereby interfere with any private property on the said river.

Sec. 2. *And be it further enacted by the authority aforesaid*, That on complaint of any person or persons to the judges of the court of quarter sessions of the said county, it shall be the duty of the said judges to appoint three commissioners to view the said dam, and compare it with the limitations and provisions herein set forth and enacted, and report to them at their next sessions in the said county the state thereof; which report, if it contain an offence against this act, it shall be the duty of the court to direct a bill of indictment to be sent to the grand jury, and upon prosecution to conviction, the said John Sherer, his heirs or assigns, shall be liable to pay a fine not exceeding two hundred dollars, at the discretion of the court, who shall order so much of the said dam to be abated as shall bring the same within the limitations and provisions of this act, at the cost of the person so convicted.

Commissioners  
to be appointed  
on complaint  
of any person  
to view the  
dam, &c.

ISAAC WEAVER, *junior*, *Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—March the twelfth, 1802:

THOMAS M'KEAN, *Governor*,  
*of the Commonwealth of Pennsylvania.*

CHAP-



## CHAPTER XXXVIII.

*An ACT to erect Deer township, in the county of Allegheny, into a separate election district.*

Deer township  
in Allegheny  
county, erect-  
ed into an elec-  
tion district.

Section 1. **B**E 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 from and after the passing of this act, Deer township, in Allegheny county, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Thomas M'Connell, in said township.

ISAAC WEAVER, *junior*, Speaker  
of the House of Representatives.

SAMUEL MACLAY, *Speaker*  
of the Senate.

APPROVED—March the twelfth, 1802:

THOMAS M'KEAN, *Governor*

of the Commonwealth of Pennsylvania.

## CHAPTER XXXIX.

*An ACT altering the place of holding the general elections, in the second election district in the county of Westmoreland.*

Section 1. **B**E it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly

*sembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the electors residing within the second election district, composed of Washington and that part of Franklin township, that lies north of the new Frankstown road in the county of Westmoreland, shall hold their general elections at the house now occupied by John King, in Washington township aforesaid; any law or laws to the contrary notwithstanding.

Place where elections are to be held in the second election district, Westmoreland county.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—March the twelfth, 1802:

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

## CHAPTER XL.

*An ACT altering the place of holding the general election, in the district composed of Wheatfield and part of Fairfield townships, in the county of Westmoreland.*

Section 1. **B**E 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 electors residing within the district composed of Wheatfield and part of Fairfield townships, in the county of

Place for holding elections in Wheatfield and part of Fairfield townships, Westmoreland county.

Westmoreland, shall hold their general elections at the house now occupied by Richard Dimsey, in the town of Armagh; any law or laws to the contrary notwithstanding.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—March the twelfth, 1802:

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER XLI.

*An ACT for the relief of divers inhabitants  
of the county of Adams.*

**W**HEREAS, sundry of the inhabitants of the county of Adams have represented to the legislature that they hold lands in the said county which were settled and improved previously to the eighteenth day of June, in the year of our Lord one thousand seven hundred and forty-one, when a warrant issued for the erection of the manor of Mask, in the said county, the boundary of which was not ascertained till June, in the year of our Lord one thousand seven hundred and sixty-five: That during that period of uncertainty, as to the actual limits of the said manor, the present applicants or those under whom they claim, being supposed to be embraced by it, were precluded from paying the purchase



purchase money of their respective tracts, by the proper office being shut against the receipt thereof: That by order of the proprietor, a list descriptive of the names of the first settlers and the dates of their settlement was made and returned into the land-office, as evidencing the inception of title in the said manor: But that on the establishment of the boundary, some of the persons named in the said list, under whom the present applicants claim, found their settlements in whole or in part excluded from the said manor; and that the late proprietors in the adjustment of the purchase-money with the said settlers and their legal representatives who were included in the manor, thought it just and equitable to exonerate them from the payment of interest on their respective purchases during the period aforesaid: And whereas the same justice and equity is alike due to all who are similarly circumstanced: 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 an abatement of interest from the eighteenth day of June, in the year of our Lord one thousand seven hundred and forty-one, until the eighteenth day of June, in the year of our Lord one thousand seven hundred and sixty-five; shall be made on the purchase-money due by the original settlers and their legal representatives, who were excluded by the established boundary of the manor of Mask from being within the same, and who were prevented from perfecting their title in consequence of their dispute respecting the boundaries of said manor, of which prevention satisfactory proof shall be made, and that thereupon the proper officer

An abatement of interest allowed on the purchase money due for certain lands in Adams county on condition that the present proprietors take out their patents within 3 years.

officer credit the said purchases respectively, on their final adjustment with this exoneration: *Provided always nevertheless*, That the aforesaid original settlers or their legal representatives come forward and pay the purchase-money and remaining interest to the receiver-general of the land-office, and take out patents for their respective purchases within three years, from and after the passing of this act, otherwise to be excluded from the benefit and provisions therein contained.

ISAAC WEAVER, *junior, Speaker,*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—March the twelfth, 1802 :

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

## CHAPTER XLII.

*An ACT for the crection of certain clection districts in the county of Mercer.*

Section 1. **B**E 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 from and after the passing of this act, Wolf-creek township, in the county of Mercer, is hereby declared to be a separate

Wolf-creek township in the county of Mercer, declared to be a separate clection district.

separate election district, and the electors thereof shall hold their general election at the house now occupied by Charles Blair, in said township.

Sec. 2. *And be it further enacted by the authority aforesaid,* That Coolspring township, Coolspring township ditto. in the county aforesaid, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Peter Wilson, in said township.

Sec. 3. *And be it further enacted by the authority aforesaid,* That Sandy creek township, Sandy-creek township ditto. in the county aforesaid, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by David Condit, in said township.

Sec. 4. *And be it further enacted by the authority aforesaid,* That Salem township, Salem township ditto. in the county aforesaid, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by John Williamson, in said township.

Sec. 5. *And be it further enacted by the authority aforesaid,* That Pymatuning township Pymatuning and part of Neshanock township ditto. and that part of Neshanock township in the county aforesaid, which lies north of the donation land in the third donation district, be a separate election district, and the electors thereof shall hold their general election at the house now occupied by Vincent Robbins, in Pymatuning township.

Sec. 6. *And be it further enacted by the authority aforesaid,* That the township of Neshanock, Residue of Neshanock township ditto. in the county aforesaid, except that part already annexed to Pymatuning township, be a separate



separate election district, and that the electors thereof shall hold their general elections at the house now occupied by James Huston, in said township.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—March the twelfth, 1802:

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER XLIII.

*A SUPPLEMENT to the act, entitled " An  
" Act to authorise the Governor of this Com-  
" monwealth, to incorporate a company for  
" erecting a bridge over the river Delaware  
" at the borough of Easton, in the county of  
" Northampton."*

**W**HEREAS, the president, managers and company, for erecting a bridge over the river Delaware, at the borough of Easton, have represented by their petition to the general assembly, that by reason of certain unforeseen impediments, they have not been able to complete the said bridge within the period limited by the act aforesaid: And whereas it is just and proper, in order to prevent the failure of so useful an undertaking, and the loss of the money already expended

expended thereon, that the term for the completion of the said bridge should be enlarged.

Section 1. *Be it therefore 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* a further term of seven years, from and after the thirteenth day of March next, be and the same is hereby granted to the president, managers and company, for erecting a bridge over the river Delaware, at the borough of Easton, to complete the said bridge; any thing to the contrary hereof in the act to which this is a supplement notwithstanding.

Time for erecting a bridge over the river Delaware at Easton extended.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—March the twelfth, 1802 :

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

## CHAPTER XLIV.

An ACT altering the place of holding the general elections in Wyalusing district, in the county of Luzerne.

Section 1. **B**E it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly

Place where  
elections shall  
be held within  
the district of  
Wyalusing,  
Luzerne coun-  
ty.

*sembly met, and it is hereby enacted by the au-  
thority of the same, That from and after the  
passing of this act, the electors residing within  
the district of Wyalusing, in the county of Lu-  
zerne, shall hold their general elections at the  
house now occupied by Justus Gaylord, junior,  
in said district; any former law to the contrary  
notwithstanding.*

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—March the seventeenth, 1802 :

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER XLV.

*An ACT altering the place of holding the ge-  
neral elections, in the fourth election district,  
composed of the township of Bald-Eagle, in Cen-  
tre county.*

Section 1. **B**E it enacted by the Senate and  
House of Representatives of the  
Commonwealth of Pennsylvania, in General As-  
sembly met, and it is hereby enacted by the au-  
thority of the same, That from and after the  
passing of this act, the electors of the fourth  
election district, composed of Bald-Eagle town-  
ship, in Centre county, shall hold their general  
elections

Place for hold-  
ing elections  
within the  
fourth election  
district, Cen-  
tre county.



elections at the house now occupied by Casper Richards, in said district.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—March the seventeenth, 1802:

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

---

## CHAPTER XLVI.

*An ACT for the relief of Lewis Garanger.*

WHEREAS, the commonwealth of Pennsylvania received on loan from Lewis Garanger, a certain certificate of registered debt granted to him by the United States for his services in the revolutionary war, and for which the comptroller-general and treasurer of this state, on the first day of April, one thousand seven hundred and eighty-six, issued two new loan certificates, numbered seven thousand four hundred and fifty-five, and seven thousand four hundred and fifty-six, in favor of the said Lewis Garanger, for the sum of seven hundred and thirty-seven pounds twelve shillings and six-pence, bearing interest from the twenty-ninth day of September, one thousand seven hundred and eighty-one, and four years interest have been paid thereon by this state: And whereas the said certificate of registered debt hath not been re-exchanged for the said new loan certificates which remain unredeemed: 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 comptroller-general and register-general, be, and they are hereby authorized and directed to adjust and settle the principal and interest due on the said new loan certificates, and cancel the same; and that the Governor is hereby authorized and required to draw his warrant on the state-treasurer, in favor of the said Lewis Garanger, for the amount of the sum so adjusted and settled, to be paid out of any unappropriated money of this commonwealth.*

The comptroller and register empowered to adjust Lewis Garanger's claim, and warrant to issue for the amount.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—March the seventeenth, 1802:

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER XLVII.

*An ACT to enable the Trustees of the religious society of Moravians or United Brethren, in Mountjoy township, Lancaster county, to convey certain land therein mentioned, to Henry Meyer.*

**H**ENRY MEYER, of the township of Mountjoy, in the county of Lancaster, having represented to the legislature, that being seized

seized in fee of a certain tract of land, adjoining the glebe land belonging to the religious society of people called Moravians or United Brethren, and situated in the said township and county; and that for the mutual convenience and accommodation of himself and of the members of the said society, he did agree with the trustees of said society to exchange two acres, part of his land, for the like quantity of two acres, part of the glebe land aforesaid; which lands so exchanged, were ascertained by an accurate survey thereof, by courses and distances, bounds and limits, agreed upon between the said parties, and that in pursuance of the said agreement, the said Henry Meyer, by sufficient deed, did convey and assure to the trustees of the said society, in fee-simple, for the use of the said society, by metes and bounds, two acres of land, but that he is without a sufficient title for the land agreed to be conveyed to him in lieu thereof, for want of power in the said trustees to convey the same, and it is reasonable that the said Henry Meyer should be relieved in the premises: 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 Jacob Rixecker and John Rixecker, the present trustees of the religious society of Moravians or United Brethren, in Mountjoy township, in the county of Lancaster, to exchange with, and by a sufficient deed, to convey in fee-simple to Henry Meyer, of the said township and county, two acres of land in the said township and county, part of the glebe land belonging to the said society, and adjoining lands of the said Henry Meyer, according to the courses and distances,  
bounds

The trustees of the Moravian society in Mountjoy township, Lancaster county empowered to convey a piece of land to H. Meyer, &c.



bounds and limits, ascertained by an accurate survey thereof, and agreed upon by and between the said Henry Meyer and the said trustees, in consideration of the like quantity of two acres of land already conveyed by the said Henry Meyer to the said trustees for the use of the said society, in pursuance of an agreement made between the said parties to exchange the said lands for their mutual accommodation and convenience.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—March the seventeenth, 1802 :

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER XLVIII.

*An ACT granting unto Thomas Smith and John Smith, an island and bar, in the river Delaware.*

Section 1. **B**E 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 secretary of the land-office is hereby authorized and directed to issue a patent unto Thomas Smith and John Smith, (sons

Patent to issue to T. & J. Smith for an island in the river Delaware but the claims of others not to be affected thereby.

(sons and devisees of Thomas Smith, of Solebury township, Bucks county, yeoman, deceased) for an island and bar in the river Delaware, annexed to an act of assembly passed the twenty-fifth of September, one thousand seven hundred and eighty-six, to the township of Solebury aforesaid, containing ten acres, with allowance, as appears by a survey made by order of Thomas Mifflin, late governor of this commonwealth, (and deposited in the surveyor-general's office) in consideration of their paying to the receiver general, the sum of eight dollars per acre, the same, and every part and parcel thereof is hereby granted unto them, their heirs and assigns forever: *Provided always*, That nothing herein contained, shall be deemed or construed to bar or defeat any other person or persons, bodies politic or corporate, of any right, title, interest, claim or demand, which they may now have, in, or to the said island, or any part thereof.

ISAAC WEAVER, *junior*, *Speaker*  
of the House of Representatives.

SAMUEL MACLAY, *Speaker*  
of the Senate.

APPROVED—March the twenty-third, 1802 :

THOMAS M'KEAN, *Governor*  
of the Commonwealth of Pennsylvania.

## CHAPTER XLIX.

*An ACT to repeal so much of the act, entitled  
 “ A Supplement to the act, entitled “ An Act  
 “ to prevent the receiving any more applica-  
 “ tions, or issuing any more warrants, except  
 “ in certain cases, for lands within this com-  
 “ monwealth, passed September the twenty-se-  
 “ cond, one thousand seven hundred and ninety-  
 “ four, as interferes with the act, entitled “ An  
 “ Act directing the sale of certain islands in the  
 “ river Susquehanna, passed the sixth of March,  
 “ one thousand seven hundred and ninety-three.”*

Section 1. **B**E it enacted by the Senate and  
 House of Representatives of the  
 Commonwealth of Pennsylvania, in General As-  
 sembly met, and it is hereby enacted by the au-  
 thority of the same, That so much of the sup-  
 plement to the act, entitled “ An Act to prevent  
 “ the receiving any more applications, or issuing  
 “ any more warrants, except in certain cases, for  
 “ land within this commonwealth, passed Sep-  
 “ tember the twenty-second, one thousand seven  
 “ hundred and ninety-four, as prevents or bars  
 “ the issuing any warrant or warrants under the  
 “ direction of the act, entitled “ An Act direct-  
 “ ing the sale of certain islands in the river Sus-  
 “ quehanna, passed the sixth day of March, one  
 “ thousand seven hundred and ninety-three;” be,  
 and the same is hereby repealed and made void.

Part of a former law re-  
 pealed.

ISAAC WEAVER, *junior, Speaker  
 of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
 of the Senate.*

APPROVED—March the twenty-third, 1802:

THOMAS M'KEAN, *Governor  
 of the Commonwealth of Pennsylvania.*

CHAP-



## CHAPTER L.

*An ACT to empower the Trustees of the English Presbyterian church in Allen township, in the county of Northampton, to make conveyance and assurance of the tract or piece of land therein mentioned.*

WHEREAS, the trustees of the English presbyterian church, in Allen township, in the county of Northampton, by their petition to the general assembly, have represented that Samuel Wilson and Sarah his wife, by indenture, bearing date the second day of March, in the year of our Lord one thousand seven hundred and sixty-one, did grant, bargain, sell and convey unto Thomas Armstrong, late of Allen township aforesaid, esquire, and James Ralston, of the said township, yeoman, and their heirs, for the consideration therein mentioned, a certain tract or piece of land, situate in Allen township aforesaid, in the said indenture described as follows, to wit: Beginning at a stone, a corner of James Horner's land, and thence extending by the same, south one hundred and sixty perches, and the same course by Hugh Wilson's land, six perches, to a post; and thence continuing by the said Hugh Wilson's land, one hundred and sixteen perches, to a hickory tree; thence by the said Samuel Wilson's other land, the four courses and distances next following, viz. North eighty perches, to a post; east fifty-three perches, to a stone; north fifty degrees east twenty-six perches, to a post; and north sixty-nine perches, to a chesnut sapling in a line of the said James Horner's land; and thence by the same east forty-

four

four perches, to the place of beginning; containing by computation, eighty-two acres and sixty perches of land, or thereabouts, be the same more or less, with the appurtenances: And that the said Thomas Armstrong and James Ralston, by deed, bearing date the sixteenth day of February, in the year of our Lord one thousand seven hundred and sixty-seven, recorded in the office for recording of deeds, in and for the county of Northampton, in book F. vol. 1, page 355, did declare that they held the said tract or piece of land in trust for certain contributors to the purchase thereof, specially named in the said deed, and to the intent and purpose that they the said Thomas Armstrong and James Ralston, among other trusts therein declared, should sell and make a deed or deeds of conveyance of the same, as soon as, and not until a majority of the said contributors, or their representatives, according to a rule of representation therein mentioned and prescribed, should, by an instrument or instruments of writing, signed by their hands, signify that they choose so to dispose thereof: And that a majority of the said contributors in the said declaration of trust mentioned, or of the representatives of such contributors, according to the rule of representation in the said declaration of trust established and appointed by an instrument of writing, signed by their hands, bearing date in the month of February, in the year of our Lord one thousand seven hundred and ninety-seven, and recorded in the office for recording of deeds, in and for the county of Northampton, in book F. vol. 2, page 636, did testify and declare that the contribution aforesaid, and purchase of the said tract of land, was made solely for the use, benefit and behoof of the English presbyterian church in Allen township aforesaid: And

And inasmuch as the said church and congregation had, at the date of the said instrument of writing, been duly incorporated and made a body politic they the subscribers to the said instrument of writing, did thereby signify and declare their full and free consent unto the trustees of the said incorporated English presbyterian church, and their successors, if they should judge it necessary and beneficial for the said church, to sell and dispose of the said premises, to such person, and for such consideration as can be obtained, and to give good and lawful conveyances to the purchaser or purchasers, in fee: *Provided always*, That the monies arising from such sale, and the interests thereof, by the said trustees and their successors, be applied solely to and for the use and benefit of the said incorporated English presbyterian church in Allen township aforesaid, and the divine service therein to be performed, so long as the aforesaid congregation shall remain in being, and in case of a dissolution of the said congregation, the remainder of the principal arising from the sale of the said land, which shall not have been applied to such uses as aforesaid, shall be divided proportionably among the said contributors or their respective heirs: And whereas the said trustees of the English presbyterian church in Allen township, in the county of Northampton, have, by their petition, further represented, that conformably to the trusts and intention aforesaid, and the assent aforesaid of the said contributors, or their representatives, and deeming it to be beneficial for the said church, they have sold the said described tract or piece of land to Jacob Bear, of Allen township aforesaid, for a full and valuable consideration, and are desirous to convey the same to the said Jacob Bear, and his heirs, in fee-simple, by a good and valid conveyance, as



by their agreement with him they are bound to do; but that the said James Ralston, one of the trustees in the said first recited indenture named, having died in the life time of the said Thomas Armstrong, whereby the legal estate in the premises, by operation of law, survived to the said Thomas Armstrong and his heirs; and the said Thomas Armstrong having since died in distant parts, and his heirs being so numerous and so widely dispersed as that they cannot be found without great and inadequate labor and expence, it has become impracticable to convey and assure the legal estate in the said described tract of land to the said Jacob Bear and his heirs, without the aid of the legislature: And whereas the facts stated in the petition of the said trustees of the English presbyterian church in Allen township, in the county of Northampton, appear to be true, and it is reasonable and proper to apply a remedy in this behalf.

*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 trustees of the English presbyterian church in Allen township, in the county of Northampton, by deed in due form of law, under their corporate seal, or if they have no corporate seal, then under the hands and seals of the trustees of the said church, for the time being, respectively to grant, convey and assure unto the said Jacob Bear and his heirs and assigns, the said herein before described tract or piece of land, with the appurtenances thereunto belonging, which deed shall be good and available, to grant and assure to the said Jacob Bear, his heirs and assigns, the said tract or piece of land, in fee-simple, free and discharged of the*

The trustees of the English presbyterian church in Allen township Northampton county empowered to convey in fee-simple, a piece of land to Jacob Bear.

trust

rust afore said, and all the right and title there-  
 on, which lawfully passed from the said Samuel  
 Wilson and Sarah his wife, by virtue of the in-  
 denture first before recited.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—March the twenty-third, 1802:

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

CHAPTER LI.

An ACT to revive and continue an act, entitled  
 “ An Act to enable the Governor of this Com-  
 “ monwealth to incorporate a company for open-  
 “ ing a canal and water communication be-  
 “ tween the rivers Delaware and Schuylkill,  
 “ and for other purposes therein mentioned ;”  
 and also, “ An Act to enable the Governor of  
 “ this Commonwealth to incorporate a company  
 “ for opening a canal and lock navigation, be-  
 “ tween the rivers Schuylkill and Susquehanna,  
 “ by the waters of Tulpehoccon, Quittapahilla  
 “ and Swatara, in the counties of Berks and  
 “ Dauphin.”

WHEREAS, unforeseen occurrences have  
 hitherto prevented the president and  
 managers of the Delaware and Schuylkill canal  
 company, and the president and managers of  
 the

the company for opening a canal and lock navigation between the rivers Schuylkill and Susquehanna, from completing the said canals within the time limited by law: And in order that such valuable improvements may be prosecuted to full effect in future,

The act to enable the Governor to incorporate a company for opening a canal and water communication between the rivers Delaware and Schuylkill &c. revived & continued for 5 years.

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 act, entitled “ An Act to enable the Governor of this commonwealth to incorporate a company for opening a canal and water communication between the rivers Delaware and Schuylkill, and for other purposes therein mentioned;” excepting such parts thereof, as empowers the president and managers to conduct the water from the streams lying between the north bounds of the city of Philadelphia, and the distance of eight miles therefrom, to supply the said city and neighborhood thereof with water, shall be, and the same is hereby revived, continued and extended, for the space of five years from and after the passing of this act, and from thence to the end of the next session of the general assembly.

Revival of the act for incorporating a company for opening a canal, &c. between Schuylkill and Susquehanna.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the act, entitled “ An act to enable the Governor of this commonwealth to incorporate a company for opening a canal and lock navigation, between the rivers Schuylkill and Susquehanna, by the waters of Tulpehoccon, Quittapahilla and Swatara, in the counties of Berks and Dauphin,” shall be, and the same is hereby revived and extended for the space of five years from



from and after the passing of this act, and from thence to the end of the next session of the general assembly.

ISAAC WEAVER, *junior, Speaker*  
of the House of Representatives.

SAMUEL MACLAY, *Speaker*  
of the Senate.

APPROVED—March the twenty-third, 1802:

THOMAS M'KEAN, *Governor*  
of the Commonwealth of Pennsylvania.

## CHAPTER LII.

*An ACT to continue certain suits entered in the court of common pleas, for the county of Westmoreland, in the name of Thomas Mifflin, late Governor, and John Nicholson, late Comptroller-General of Pennsylvania.*

WHEREAS, three suits have been brought in the court of common pleas, to March term, 1797, one of them, entitled His excellency Thomas Mifflin, esquire, Governor of the commonwealth of Pennsylvania, against Jacob Jennings Clerk, and Hannah his wife, late Hannah Carnahan, and John Millegan, administrators, &c. of James Carnahan, deceased; and another, entitled His excellency Thomas Mifflin, esquire, Governor of the commonwealth of Pennsylvania, against Charles Foreman and David Vance, surviving obligors in a bond with  
William

William Perry, deceased; and the third, entitled John Nicholson, esquire, comptroller-general for the commonwealth of Pennsylvania, against Joseph Thompson and John Probst, surviving obligors in a bond with William Perry, deceased; in which suits respectively, the death of the plaintiffs is suggested, and in each of which, judgment has been rendered for such sum as may be found due; but doubts exist whether the said suits are not abated, though they are instituted upon official bonds in which the nominal plaintiffs have no real interest, and useless expence and unreasonable delay would result, unless the said doubts were removed.

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 persons interested in the said suits respectively, to prosecute the same to final judgment and execution, in the names of the said plaintiffs, for the use of the parties interested, on good surety or sureties being entered by them in the said respective actions, by recognizance, to abide the judgment of the court, in case the causes, or any of them, be decided in favor of the defendants.*

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—March the twenty-third, 1802 :

THOMAS M'KEAN, *Governor*

*of the Commonwealth of Pennsylvania.*

CHAP.

## CHAPTER LIII.

*An ACT to enable General John Steele and William Calhoun, to sell and convey a certain tract of land therein mentioned.*

Section 1. **B**E 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 general John Steele and William Calhoun, or either of them, be, and they are hereby authorized to sell and convey, on such terms, for such consideration, and to such person or persons as they shall deem proper, just and right, and most beneficial to the inhabitants of Drumore township, in the county of Lancaster, all that certain tract or parcel of land, situate in the township aforesaid, containing about one hundred acres, more or less, and which was conveyed by Bryan Quin, by deed, dated twenty-sixth December, one thousand seven hundred and sixty-seven, to Robert Long and Samuel M'Connel, then overseers of the poor of said township, and their successors in office for ever, after the death of said Bryan Quin; and the monies arising from the sale thereof, shall be applied towards reimbursing the said township for the expence necessarily incurred by them in supporting the said Bryan Quin and his children.

General Steele and Wm. Calhoun empowered to sell and convey a tract of land in Drumore township Lancaster county, for the use of said township.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—March the twenty-third, 1802 :

THOMAS M'KEAN, *Governor*

*of the Commonwealth of Pennsylvania.*

CHAP.



## CHAPTER LIV.

*An ACT incorporating the Magdalen Society  
in the city of Philadelphia.*

**W**HEREAS, a voluntary association of a number of the citizens of Philadelphia and its neighborhood, under the name and title of the Magdalen society, has for some time existed in the said city, for the purpose of meliorating the distressed condition of those unhappy females, who have been seduced from the paths of virtue and are desirous of returning to a life of rectitude: And whereas the members of this benevolent society have by their memorial to the legislature, prayed to be perpetuated and brought into legal existence, by being incorporated and established by law, with perpetual succession, for the purpose of receiving, holding and improving, in such way as to them may seem proper, all such real and personal estate as the members and other liberal and well-disposed persons may give, grant, devise or bequeath to them, for the purposes of this institution: 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* William White, Robert Coe, Arthur Howell, Joseph Clerk, Joseph Budd, Jacob Shoemaker, Samuel Powell Griffiths, Benjamin Kite, Jeremiah Paul, George Williams, John Litchworth, Benjamin Price, Edward Garrigues, Samuel Garrigues, junior, Abraham M. Garrigues, Emmor Kimber, Richard Freeman, William Savery, Thomas Attmore, Samuel Smith,

The Magdalen society of Philadelphia incorporated with the general powers incident to a corporation.

Smith, John Evans, Robert Ralston, John Inskcep, Christopher Marshall, Charles Marshall, Benjamin Rush, Joseph Cowperthwait, James Rowland, William T. Donaldson, Peter Keyser, Jesse Clever, Thomas Savery, William Garrigues, James Milnor, James Smith, John Clement Stocker, Robert Wharton, Philip S. Physick, Thomas Allibone, Benjamin Say, Ashbel Green, John Cooke, Malcolm M'Donald, Thomas Willing, Isaac T. Hopper, William Young, Joseph Lowns, Levi Hollingsworth, Samuel F. Bradford, Thomas Dobson, Isaac Pearson, Philip S. Bunting, Newberry Smith, Jacob Baker, Samuel Wheeler, Ellis Yarnall, Gilbert Gaw, John Wistar, junior, Lawrence Herbert, John Davis, Joseph Simmons, Samuel Harvey, John Perot, William Chancellor, John Hart, Casper Wistar, junior, George Krebs, William Rawle, Elias Boudenot, David Lewis, Thomas Hodgson, Joseph Price, John M. Price, Josiah Baldwin, William Curree, William Penrose, Alexander Steel, Thomas Cumpston, John M'Mullin, Joseph Townsend, John Townsend, William Linnard, Richard Price, Daniel Dawson, Eben Griffith, Robert Coe, junior, Joseph Parker Norris, Robert Hare, Thomas Billington, Aaron Muffgrave, junior, Godfrey Haga, William Poyntell, Joseph Huddell, Robert Waln, James Bringham, James Taylor, Peter Browne, James Traquair, John Wagner, James Poupard, Thomas Smith, David Jackson, Charles Swift, Ebenezer Ferguson, James Stokes, John T. Mifflin, Isaac Parish, John Harris, Enoch Wheeler, Thomas Ansty, and their successors for ever, be, and are hereby created and made one body politic and corporate in deed and in law, by the name, style and title of "The Magdalen Society of Philadelphia," and by the same name shall have

perpetual succession, and are hereby made able and capable in law to have, purchase, receive, take, hold, possess, enjoy and retain, to them and their successors, lands, rents, tenements, hereditaments, stock, goods, chattles and effects of what kind, nature or quality soever, whether real, personal, or mixed, by gift, grant, demise, bargain and sale, devise, bequest, testament, legacy, or by any other mode of conveyance or transfer whatever: *Provided*, The yearly income arising from the same and subject the annual disposition of the said society, shall not exceed the sum of ten thousand dollars, money of the United States, and the same to give, grant, bargain, sell, demise, convey, assure, transfer, alien and dispose of to others, for the whole or any less estate than they have in the same, and also to improve and augment the same in such manner and form as the said society by their bye-laws and regulations shall order and direct, and shall and may apply the same, with the rents, issues and profits, income and interest of such estate, and the monies arising from the sales or alienation of any part thereof, to the uses, ends, intents and purposes of their institution, according to the rules, order, regulation and constitution of their society now in force, or which, according to the provisions hereinafter made, shall from time to time be declared and ordained, touching and concerning the same, as fully and effectually as any natural person or body politic and corporate within this state, by the constitution and laws of the commonwealth can do and perform; and the said society, by the name, style and title aforesaid, shall and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity within



within this commonwealth or elfewhere ; and alfo to make, have and ufe a common feal, and the fame to break, alter and renew at their plea- fure; and alfo to ordain, eftablifh, change and put in execution fuch bye-laws, ordinances and regulations, as fhall to them or a majority of fuch quorum of them (as has already or fhall hereafter be directed) feem meet and convenient for the government of the faid corporation, not being contrary to the conftitution and laws of this commonwealth, and generally to do and execute all and fingularly acts, matters and things which to the faid corporation fhall or may ap- pertain, fubject nevertheless to the rules, regu- lations, reftriptions, limitations and provifions herein prefcribed and declared.

Sec. 2. *And be it further enacted by the au- thorifed aforefaid,* That the officers of the faid fo- ciety fhall confift of a president, a vice-president, a treasurer, and a fecretary, with fuch other offi- cers as the faid fociety fhall from time to time hereafter elect and appoint; which president, vice- president, treasurer, and fecretary, fhall be chofen annually, by a majority of votes of the whole number of members who fhall be prefent at the ftated meeting of the fociety for that purpofe, agreeably to the conftitution thereof; but in cafe of the removal, death, refignation or abfence from the United States of any or all of the faid officers, it fhall and may be lawful for the faid fociety to elect another or others in his or their room, to ferve until the next annual election.

The officers of the corporation and how to be elected.

Sec. 3. *And be it further enacted by the au- thority aforefaid,* That the firft election of of- ficers of the faid fociety fhall be at their ftated meeting

Place and time of holding the firft election for officers.

meeting in the second month next, commonly called February; and the said society shall and may hold their future meetings and elections at such place as shall be directed by their bye-laws and ordinances.

Until an election, the present officers continued and this act to be construed in the most favourable manner for the society, &c.

Sec. 4. *And be it further enacted by the authority aforesaid,* That until the election of officers as aforesaid, pursuant to this act, the present officers of the said society, viz. William White, president; Elias Boudinot, vice-president; John Evans, treasurer, and Samuel Harvey, secretary, shall be, and are hereby continued and confirmed; and also that this act shall in all things be construed in the most favorable and liberal manner to and for the said society, in order to effectuate the privileges hereby granted to them, and that no misnomer of said corporation in any deed, will, testament, gift, grant, devise, or other instrument of contract or conveyance, shall vitiate or defeat the same, if the said corporation shall be sufficiently described to ascertain the intent of the party or parties, to give, devise, bequeath or assure to or contract with the said corporation hereby created by the name aforesaid; nor shall any of the non-uses of the said privileges hereby granted, create any forfeiture of the same, but the same may be exercised by the said corporation; and notwithstanding any failure to meet at any of the times appointed herein or by the bye-laws and ordinances of the said society, to hold their annual or other meetings for elections or other subjects for consideration, the officers then in office shall continue to hold and exercise their respective offices until others shall be duly elected to succeed them at some then future meeting of the said society, which the said corporation

tion is hereby empowered to hold for such purpose.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—March the twenty-third, 1802 :

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

CHAPTER LV.

*An ACT to erect Allegheny township, in the  
county of Armstrong, into an election district.*

Section 1. **B**E 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 electors residing within the township of Allegheny, in Armstrong county, shall hold their elections at the house of George Painter, miller, near the mouth of Cherry-run, in said township.

Allegheny township in Armstrong county erected into an election district.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—March the twenty-ninth, 1802 :

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*



## CHAPTER LVI.

*An ACT authorising the Comptroller and Register-Generals, to receive certain evidences of State debt due to individuals, in discharge of the sureties of the former Comptroller-General, John Nicholson.*

WHEREAS, it hath been represented to the legislature, by the representatives of David Jackson and Barnabas Binney, deceased, that certain certificates, being evidences of state debt, due to individuals, were obtained by the said David Jackson, from John Nicholson, the former comptroller-general, whose sureties for the performance of his official duties, they the said David Jackson and Barnabas Binney had been : And whereas the representatives of the said David Jackson and Barnabas Binney, are willing to give up the said certificates, provided they shall be exonerated from the obligations given to the state by the said David Jackson and Barnabas Binney, as sureties for the said John Nicholson : And whereas it is deemed expedient that the offer aforesaid should be embraced by the legislature : 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 comptroller and register-generals, be, and they are hereby authorised to receive from the representatives of David Jackson and Barnabas Binney, deceased, certain certificates of evidences of state debt, due to individuals, amounting,*

The comptroller & register-generals empowered to receive certain certificates from the representatives of D. Jackson & B. Binney, deceased.

amounting, including interest thereon, to thirty-seven thousand seven hundred and fourteen dollars and sixty-one cents, and the Governor, on being certified thereof, shall cause certain bonds or obligations entered into by David Jackson and Barnabas Binney, as sureties for the said John Nicholson, for the faithful performance of his official duties, to be cancelled. *Provided always*, That this act shall not be of any force or effect unless it shall appear that the said certificates are the private property of the said John Nicholson, and that the same have not already been paid and redeemed by this state.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—March the twenty-ninth, 1802 :

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

## CHAPTER LVII.

*An ACT for the relief of the estate of Sarah Caldwell.*

WHEREAS, in and by a certain act of assembly, passed the fourth day of October, one thousand seven hundred and eighty-eight, entitled "An Act for the relief of Sarah Caldwell," it is recited, That it appeared  
that

that the said Sarah Caldwell was the holder of certain certificates issued from the office of the comptroller-general, of Pennsylvania, agreeably to the act of the general assembly, passed the first day of March, one thousand seven hundred and eighty-six: And whereas it is further recited in and by the said act, That she the said Sarah Caldwell lost the said certificates, and that it was probable they had totally perished: And whereas it was amongst other things provided in and by the said recited act, that the interest accrued and to accrue on the aforesaid certificates, should be paid to the said Sarah Caldwell or her legal representatives, upon certain terms and conditions, which she the said Sarah Caldwell (now deceased) in her life-time complied with: And whereas in and by a certain other act of assembly, passed the thirtieth day of September, one thousand seven hundred and ninety-one, it was provided, That upon sufficient security being given to indemnify the commonwealth against the said certificates, the comptroller-general should (if required) deliver up the certificates of the United States which were received by the state in exchange for the state certificates mentioned in the above recited acts to the state-treasurer, who was required to subscribe the same in the name of the commonwealth, and in trust for the legal representatives of the said Sarah Caldwell, to the loan proposed by congress to domestic creditors: And whereas the provisions of the last recited act have been in all things complied with by the representatives of the said Sarah Caldwell: And whereas it is represented by Thomas Leiper, the administrator of said Sarah Caldwell's estate, that there are debts due which cannot conveniently be paid without acquiring a transfer of the capital amount of the said United States certificates:



cates: And whereas from the said state certificates mentioned in the act first recited, never having been exhibited by any person whatever, the commonwealth can sustain no possible loss in granting the prayer of the said Thomas Leiper: 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 state-treasurer, for the time being, shall, if so required, transfer or cause to be transferred, the capital amount of the said United States certificates at present held by him, in trust for the representatives of the said Sarah Caldwell, to the said Thomas Leiper, as administrator of the said Sarah Caldwell's estate, for the use and benefit of the said estate, he the said Thomas Leiper indemnifying the commonwealth against the re-production of the certificates so as aforesaid, said to be lost by the said Sarah Caldwell, in such manner as the Governor of this commonwealth shall order and direct.

The state-treasurer authorized to transfer the amount of certain U. S. certificates held by him in trust for the representatives of S. Caldwell, to her administrator, &c.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—March the twenty-ninth, 1802:

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

## CHAPTER LVIII.

*An ACT to erect the town of Beaver, in the county of Beaver, into a borough, and for other purposes.*

Section 1. **B**E 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 town of Beaver, in the county of Beaver, shall be, and the same is hereby erected into a borough, which shall be called the borough of Beaver, and the lines of the out-lots of the reserve tract of land at the mouth of Big Beaver creek, which have been already sold, and the lines of the tract of five hundred acres of land, appropriated by this commonwealth for the use of a school or academy, in Beaver town, together with the in-lots of said town, shall be the bounds and compose the borough of Beaver.

The town of Beaver in the county of Beaver erected into a borough & its boundaries described.

Sec. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for all persons entitled to vote for members of the legislature, who have resided in said borough six months previously to such election, to meet at the house now occupied by Jonathan Coulter, on the first Monday in May in each year, until a court-house shall be erected, after which the elections shall be held therein, and then and there to elect, by ballot, between the hours of twelve and six o'clock in the evening, one reputable citizen residing therein, who shall be styled the burghers of the said borough, and five reputable citizens, to be a town council, and

Borough officers how to be elected.

and also shall elect as aforesaid, a high constable, but previously to any such election, the inhabitants shall elect three reputable citizens, one of whom shall preside as judge, one act as inspector, and the other discharge the duty of clerk, according to the general election law of this commonwealth, so far as relates to receiving and counting the votes, and shall be subject to the same penalties for mal-practices, as by the said election laws are imposed, and the said judge, inspector and clerk, before they enter on the duties of their respective offices, shall take an oath or affirmation, before any justice of the peace in the county of Beaver, to perform the same with fidelity, and shall hold said elections from time to time, as occasion may require, and receive and count the ballots, and declare the persons having the greatest number of votes, to be duly elected; whereupon duplicate certificates thereof shall be signed by the said judge, inspector and clerk, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation, for their safe keeping; and in case of vacancy, by death, resignation, refusal to accept, or removal from said borough, of any of said officers, the burgess or in his absence, or inability to act, the first named of the town council, shall issue his precept, directed to the high constable, requiring him to hold an election to fill such vacancy, he giving at least ten days notice, by advertisements set up at four of the most public places in said borough.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the burgess and town council, duly elected as aforesaid, and their successors for ever, shall be one body politic and corporate in law, by the name of "The burgess

Burgess and town council & their successors made a body corporate & their powers defined.



“ gers and town council of the borough of Beaver, in the county of Beaver,” and shall have perpetual succession; and the said burgeses and town council aforesaid, and their successors for ever, shall be capable in law, to have, get, receive, hold and possess, lands, tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors, in fee-simple or otherwise, also goods, chattels and other things of what nature and kind soever, not exceeding the yearly value of three thousand dollars, and also to give, grant, let, sell and assign the same lands, tenements, hereditaments, rents, goods and chattels, and by the name aforesaid, they shall be capable in law, to sue and be sued, plead and be impleaded, in any of the courts of this commonwealth, in all manner of actions whatsoever, and to have and to use one common seal, and the same from time to time, at their will, to change and alter.

Penalty for refusing or neglecting to serve when elected as a borough officer.

Sec. 4. *And be it further enacted by the authority aforesaid,* That if any person duly elected, whether the burgeses, or a member of the town council, as aforesaid, having been notified as before directed, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, every person so refusing or neglecting, shall forfeit and pay the sum of twenty dollars, which fine, and all other fines and forfeitures incurred and made payable in pursuance of this act, or of the by-laws and ordinances of the town council, shall be for the use of the said corporation.

Qualifications of the borough officers.

Sec. 5. *And be it further enacted by the authority aforesaid,* That the burgeses, town council and high constable, and each of them, shall take

take an oath or affirmation, before any justice of the peace of said county, to support the constitution of the United States and of this state, and well and truly to execute the duties of their respective offices in the borough of Beaver, before they enter on the execution thereof, and the certificate of such oath or affirmation, shall be recorded in the books of said corporation.

Sec. 6. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the town council to meet as often as occasion may require, and enact such bye-laws, and make such rules, ordinances and regulations, assess, apportion, and appropriate such taxes as shall be determined by a majority of the town council necessary to promote the peace, good order, benefit or advantage of said borough, and also to appoint a town clerk, and such other officers as may be deemed necessary by a majority of the town council, but no bye-law, rule or ordinance, enacted as aforesaid, shall be repugnant to the constitution or laws of the United States, or of this state, and no person shall be punished for the breach of any bye-law or ordinance enacted for the regulation of said borough of Beaver, unless a true copy thereof, be set up at three of the most public places in said borough; and no bye-law or ordinance shall be carried into operation, in less than three weeks after such publication: *Provided nevertheless,* That no tax shall be laid in any one year on the valuation of taxable property, exceeding one cent in the dollar, unless some object of general utility should be thought necessary; in such case a majority of the taxable inhabitants of said borough, by writing, under their hands shall certify the same to the town council,

Empowered to make bye-laws assess taxes, & to appoint a town clerk, &c.

Provido as to the amount of tax.

cil, who shall proceed to assess the same as  
aforesaid.

Two lots out  
of the reserved  
tract of land,  
including fe-  
veral streams  
or springs, to  
be laid off for  
the use of the  
borough.

Proviso in fa-  
vour of the  
right of private  
property.

Manner of col-  
lecting taxes,  
fines and for-  
feitures.

Sec. 7. *And be it further enacted by the au-  
thority aforesaid,* That the surveyor-general  
is hereby authorized and required to cause to be  
surveyed and laid off, at the expence of said  
corporation, in a convenient manner, a part of  
the said reserved tract of land, in two separate  
lots, containing in the whole not more than  
fifteen acres, on the north side of the in-lots of  
said town of Beaver, so as to include several  
streams or springs of water that arise in or pass  
through said lots, which lots of ground, and  
the waters thereon, shall be, and they are here-  
by granted to the inhabitants of said borough  
for ever, with full liberty and privilege to carry  
and conduct the waters from said streams or  
springs to any part of said borough: *Provided  
nevertheless,* That the right of private property  
shall not be in any degree affected or impaired  
thereby, without the consent of the owner or  
owners first obtained for that purpose: *And  
provided also,* That the said lots shall not be sold  
or conveyed by the said corporation, but remain  
for the uses aforesaid.

Sec. 8. *And be it further enacted by the au-  
thority aforesaid,* That the burgeses, elected  
agreeably to this act, is hereby authorized and  
empowered to issue his precept, directed to the  
high constable, commanding him to collect all  
taxes assessed from time to time, as aforesaid,  
and all fines and forfeitures that may become  
due by virtue of this act, or by the ordinances  
or regulations of the corporation, and the same,  
to pay over to the treasurer to be appointed by  
the town council, and to carry into effect what-  
soever is enjoined on him for the well ordering  
and governing the said borough: *Provided ne-  
vertheless,*



*vertheless*, That it shall and may be lawful to and for the justices of the peace residing in or near the said borough, to do and execute all and every act or acts appertaining to their office, agreeably to the powers conferred on them by the constitution and laws of this commonwealth.

Sec. 9. *And be it further enacted by the authority aforesaid*, That the burgeses shall be, and he is hereby required to cause the bye-laws, rules, ordinances and regulations, made as aforesaid, to be recorded in a book to be kept for that purpose, and he shall carry the same into full execution, without delay, after the publication thereof, as directed by this act; and it shall be the duty of the town clerk to attend all meetings of the town council when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal, records, papers, books and other documents relating to said corporation, and in default he shall be answerable to any person concerned, for all damages, and removed from office by the burgeses, on complaint of a majority of the council; and the high constable shall perform all duties on him enjoined by this act, and also by the bye-laws and ordinances of the town council, under the like penalties. *Provided always*, That if any person or persons shall think him, her or themselves aggrieved by any thing done in pursuance of this act, he, she or they may appeal to the next court of quarter sessions to be held for the proper county, on giving security according to law, to prosecute his, her or their appeal with effect, which court shall take such order therein as shall be just and reasonable, which order or judgment

Bye-laws, &c. to be recorded & carried into full effect, and duties of the town clerk and high constable.

Persons thinking themselves aggrieved may appeal to the court of quarter sessions.

judgment shall be conclusive against all parties.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—March the twenty-ninth, 1802:

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER LIX.

*A SUPPLEMENT to an act, entitled "An Act to repeal part of an act of the Assembly of the late Province of Pennsylvania, entitled "An Act declaring the river Susquehanna and other streams therein mentioned, public highways, for improving the navigation of the said river and streams, and preserving the fish in the same."*

**W**HEREAS, the legislature, on the twenty-first day of March, one thousand seven hundred and eighty-three, repealed so much of an act, entitled "An Act declaring the river Susquehanna and other streams therein mentioned, public highways, for improving the navigation of the said river and streams, and preserving the fish in the same," as declares the Raystown branch of Juniata, from the lower end or limits of John Wilt's plantation to the town of Bedford, in the county of Bedford,

ford, to be a public highway, for the purpose of enabling the said John Wilt to erect certain water-works, which now belong to Peter Arnolt: And whereas doubts have arisen in construing the act to which this is a supplement: Therefore, to remedy any defect therein contained,

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 Peter Arnolt, his heirs and assigns, and they are hereby authorized and empowered to erect, support, and for ever maintain a mill-dam, not exceeding the height of three feet, across Raystown branch of Juniata; Peter Arnolt authorized to erect a mill-dam across Raystown branch of Juniata;

and also to lead off from the same on his own land, so much water of the said creek, as may be found necessary for his water-works already erected, or that may be erected on the south bank of the said river: *Provided always,* That the said Peter Arnolt, his heirs and assigns in erecting the said dam, or in keeping the same in repair, shall always construct the same with a platform or slope, so as not to injure the navigation of said river, or the property of individuals, and in such manner as that boats and rafts may safely pass over the said slope: *And provided always,* That the said dam be so constructed as not to prevent the passage of fish up the said stream. but the navigation of the river or the property of individuals not to be injured thereby.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the said Peter Arnolt, his heirs and assigns, shall for ever maintain and keep in good order, on the body of the said dam, in a convenient part of the same, for rafts

Conditions annexed to the privilege.



to pass over, a complete slope of twenty-five feet in breadth, extending one rod down stream for every foot the dam shall be raised in height, and shall build the dam one foot higher at each side, to convey the water into the slope; and shall also construct the slope one foot and an half higher at each side thereof, to keep the water thereon, until it meets the level of the bottom of the river, for the passage of boats and rafts as aforesaid.

How persons  
aggrieved may  
obtain redress.

Sec. 3. *And be it further enacted by the authority aforesaid,* That on the complaint of any person or persons, to the judges of the court of quarter sessions of the said county, it shall and may be lawful for the said judges, to appoint three commissioners to view the said dam, and to compare it with the limitations and provisions herein set forth and enacted, and report to them, at their next sessions, in the said county, the state thereof, which report, on oath or affirmation, if it contain a statement of facts constituting an offence against this act, shall be sufficient ground for the court to direct a bill of indictment to be sent to the grand jury, and upon prosecution to conviction, the said Peter Arnolt, his heirs or assigns, shall be liable to pay a fine, not exceeding two hundred dollars, at the discretion of the court; and the court shall adjudge so much of the said dam to be abated and altered as shall bring the same within the limitations and provisions of this act.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—March the twenty-ninth, 1802:

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

CHAP.

## CHAPTER LX.

*An ACT for the relief of Isaac Wiley and James Calhoun.*

WHEREAS, it appears that Isaac Wiley, of Cumberland county, was wounded on the second day of May, in the year of our Lord one thousand seven hundred and eighty-two, while serving as a militia man, under the command of captain Samuel Leaman, in colonel Samuel Hunter's battalion, defending the frontier inhabitants of Northumberland county against the Indians: And whereas it appears that James Calhoun, now resident in Westmoreland county, was in the month of May, in the year of our Lord one thousand seven hundred and seventy-eight, wounded and taken prisoner by the British, at the Crooked Billet, while serving as a militia man under captain Robert M'Coy, in colonel Watt's regiment: And whereas it further appears, that the aforesaid Isaac Wiley and James Calhoun, in consequence of the wounds received in defence of this state, as aforesaid, are unable to get a livelihood, and are now in very indigent circumstances, and that neither of them have ever received any pension from this state: 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 aforesaid Isaac Wiley and James Calhoun, be, and they are hereby allowed an annuity of forty dollars each, during the remainder of their lives respectively, to be paid half yearly

to

An annuity for life of forty dollars each, allowed to I. Wiley & J. Calhoun.

to them or any of their lawful attornies respectively, not interested therein, on warrants drawn by the Governor, out of any monies in the treasury of this commonwealth.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—March the twenty-ninth, 1802:

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER LXI.

*An ACT to erect a separate election district,  
in the county of Allegheny.*

Section 1. **B**E 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 parts of Versailles, Elizabeth and Mifflin townships, included in the following bounds, viz. Beginning at the mouth of Turtle creek; thence up the same to where the state-road crosses said creek; thence along said road, to the line of Westmoreland county; thence by said line, to Youghiogeny river; thence down the same to the mouth of Long run; thence a direct line, across said river to the mouth of Pine run, in Mifflin township; thence up said run, including the south branch of the same, to Matthew Calhoun's mill; thence  
a direct

A new election district established in Allegheny county to be called M'Keesport district.



a direct line to the mouth of Butter-milk run ; and thence across the Monongahela river, to the place of beginning ; shall be a separate election district, and called M'Keesport district ; and the electors thereof, shall hold their general elections at the house now occupied by Adam Johnston, esquire, in M'Keesport ; any law or laws to the contrary notwithstanding.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—March the twenty-ninth, 1802 :

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER LXII.

*A SUPPLEMENT to " An Act for securing  
the city of Philadelphia and the neighbour-  
hood thereof, from damage by Gun-powder ;"  
and also, to " An Act for providing for the in-  
spection of Gun-powder."*

Section 1. **B**E 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 from and after the passing of this act, the inspector of gun-powder, in and for the port of Philadelphia and his successors for the time being, shall be, and they are hereby authorized,

Duties enjoined  
on the inspec-  
tor of gun-  
powder in and  
for the port of  
Philadelphia :

additional compensation allowed.

authorised, directed and enjoined, upon the reasonable request and at the proper costs and charges of the owner or occupier of any manufactory of gun-powder, erected, or to be erected within the county of Philadelphia, to repair to such manufactory from time to time, so often as the same may be necessary, and there to inspect and mark, all gun-powder which shall be manufactured thereat, in the manner directed by the act, entitled "An Act for providing for the inspection of gun-powder;" and the said inspector and his successors in office, shall receive for travelling expences, at the rate of ten cents for each and every mile, in going and returning from the public magazine, in the said city of Philadelphia, to such manufactory, besides the fees heretofore allowed for the inspection of gun-powder at the said magazine.

Owners of inspected gun-powder authorised to convey to the place of exportation, subject to the established regulations.

Sec. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, to, and for the owner or owners, of any gun-powder, which shall be so inspected as aforesaid, to remove and convey such gun-powder immediately from such manufactory to the place of exportation, or on board the ship or vessel intended to export the same: Subject to the same rules, regulations and penalties, contained in the several acts of assembly, to which this is a supplement.

Penalty if the superintendant his deputy, &c. be concerned in manufacturing or selling gun-powder.

Sec. 3. *And be it further enacted by the authority aforesaid,* That no superintendant or keeper of the said magazine, his deputy or other person employed in the said magazine, shall during the time of holding or exercising the said office or employment, be concerned directly or indirectly, in manufacturing, buying or selling gun-powder, in gross or by retail, under

der the penalty of forfeiting the sum of fifty dollars for every offence, to be recovered with costs of suit, from the person so offending, as debts under twenty pounds are directed by law to be recovered; the one half thereof to the use of the commonwealth, and the other half to the person who shall sue for the same.

Sec. 4. *And be it further enacted by the authority aforesaid,* That the superintendant or keeper of the said magazine, shall not for the future, receive any fee or emolument for the delivery of any gun-powder; but shall only charge for the storage of such powder so deposited in the said magazine, any law to the contrary notwithstanding.

The superintendant in future to receive no fee for the delivery of gun-powder, but only for the storage.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—March the twenty-ninth, 1802 :

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

### CHAPTER LXIII.

*An ACT dissolving the marriage between David M'Kiffick and Margaret his wife.*

WHEREAS, the said David M'Kiffick was duly convicted at a court of oyer and terminer held in and for the county of Westmoreland, of having committed a rape, and was therefore sentenced to undergo a confinement in the jail and penitentiary house of the city of Philadelphia, for the space of fifteen years; and the said Margaret



garet M'Kisfick, hath prayed for a divorce from the said David, who escaped on the way to confinement and hath not since been retaken or surrendered himself: And whereas, the commission of a crime, so wicked, by a married man, justly entitles his injured partner to a divorce, and the law now existing has not expressly provided relief in the premises: Therefore,

The marriage of David and Margaret M'Kisfick dissolved.

Proviso in favour of children born during the coverture.

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 marriage of the said David M'Kisfick and Margaret M'Kisfick, be, and the same is hereby declared to be void and annulled, to all intents, constructions and purposes whatsoever, and they are hereby respectively, declared to be separate, set free, and totally discharged from the matrimonial contract, and from all duties and obligations arising therefrom, as fully, effectually and absolutely, to all intents and purposes, as if they had never been joined in matrimony, or by any other contract whatsoever; any law, usage or custom, to the contrary notwithstanding: Provided always, That nothing herein contained, shall be construed to extend to, or effect or render illegitimate, any child or children, born of the body of the said Margaret during the coverture.*

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—April the second, 1802:

THOMAS M'KEAN, *Governor,*  
*of the Commonwealth of Pennsylvania.*

## CHAPTER LXIV.

*An ACT for erecting certain election districts in the counties of Northampton and Bedford.*

Section 1. **B**E 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 from and after the passing of this act, Lower-Saucon township, in the county of Northampton, shall be a separate election district; and the electors thereof shall hold their general elections at the house now occupied by Frederick King, in the said township.

Lower-Saucon township in Northampton county erected into an election district.

Sec. 2. *And be it further enacted by the authority aforesaid,* That that part of Providence and Colerain township, in Bedford county, comprised within the lines following, viz. Beginning where the line of Hopewell township, crosseth the Warrior ridge; thence south along said ridge, to the house now occupied by Robert Culbertson; thence south across the river Juniata, and up the same to the line of Colerain township; thence along Turris mountain, to the Maryland line, so as to include that part of Colerain township, which lies east of the said mountain, shall be a separate election district; to be called the eighth district, and the electors thereof shall hold their general elections at the

The eighth election district established in Bedford county

house now occupied by Daniel Davis, in the township of Providence aforesaid.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—April the second, 1802 :

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER LXV.

*An ACT in aid of the congregation of Bangor church, in Carnarvon township, in the county of Lancaster.*

Section 1. **B**E 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 minister, church-wardens and vestry-men, of the protestant episcopal church of Bangor, Carnarvon township, in the county of Lancaster, in the commonwealth of Pennsylvania, to vest a certain legacy of one hundred pounds, bequeathed to said church by a certain Nathan Evans, late of said township, in stock of the United States or of this state, or any other safe and productive fund that the said congregation



gregation may think proper and direct, and to apply the interest arising therefrom annually, in aid of their voluntary contributions, towards the support of the officiating minister of said church for ever.

ISAAC WEAVER, *junior, Speaker*  
of the House of Representatives.

SAMUEL MACLAY, *Speaker*  
of the Senate.

APPROVED—April the second, 1802 :

THOMAS M'KEAN, *Governor*  
of the Commonwealth of Pennsylvania.

## CHAPTER LXVI.

*An ACT authorising executors and administrators, in certain cases, to convey lands sold by their decedents by order of Orphans' Court.*

WHEREAS, it sometimes happens, that administrators who sell real estates of intestates, pursuant to an order of orphans' court, die before any conveyance is made; and that inconveniences have been thereby experienced by purchasers: For remedy whereof,

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*  
in

Where an administrator sells the estate of his intestate or any part thereof, under an order of orphans' court, and dies before a deed is made, the administrator de bonis non or the executor or administrator of the first administrator empowered to convey to the purchaser.

in all cases hereafter, where a sale shall be duly made according to law, by virtue of an order of orphans' court, enabling the administrator of any intestate, to make sale of the real estate of such intestate or any part thereof; and the administrator selling the same, under such order, shall happen to die before a deed of conveyance is made to the purchaser or purchasers, it shall be lawful, to, and for an administrator "Of the goods not administered on" of such intestate when such administration shall be granted, to and for the executor or administrator of the person or persons so dying, to make and execute to the purchaser or purchasers of any such estate, a deed or deeds of conveyance for the same.

Similar cases occurring heretofore provided for.

Sec. 2. *And be it further enacted by the authority aforesaid,* That in all cases where a sale hath been heretofore duly made, in pursuance of an order of orphans' court, of the real estate of any intestate, and the execution of the necessary deed or deeds of conveyance, hath been prevented by the death of the party legally authorized to make sale, and so making sale thereof, it shall be lawful, to, and for an administrator "Of the goods not administered on" of such intestate, when such administration shall be granted for the executors or administrators of such party, to make and execute to the purchaser or purchasers, the necessary deed or deeds of conveyance, for the estate so sold as aforesaid.

In what cases the sheriff of the county shall convey.

Sec. 3. *And be it further enacted by the authority aforesaid,* That in all cases where any administrator or administrators, having sold lands by order of orphans' court, as aforesaid, shall die intestate, not having executed a conveyance thereof, and no person shall within three months thereafter, be appointed administrator "Of the goods

“goods not administered on,” or apply and be appointed to administer the estate of such administrator or administrators so dying as aforesaid, it shall thereupon be the duty of the orphans’ court of the proper county, on petition to be presented by the purchaser, setting forth the original proceedings, under the order of court, to direct the sheriff of the county, for the time being, to make and execute the necessary deed or deeds of conveyance to such petitioner.

Sec. 4. *And be it further enacted by the authority aforesaid,* That every deed made in pursuance of, and agreeably to the provisions of this act, shall vest the property therein described in the grantee, as fully and effectually, as if the same had been made by the person or persons, who may hereafter sell or heretofore have sold, any such estate circumstanced as aforesaid.

The operation of conveyances made in pursuance of this act.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—April the second, 1802 :

THOMAS M’KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER LXVII.

*An ACT to erect the township of Brecknock and part of the township of Cocalico, in the county of Lancaster, into a separate election district.*

Section 1. **B**E it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly



The ninth  
election district  
established in  
Lancaster  
county.

*sembly met, and it is hereby enacted by the authority of the same, That the township of Brecknock and all that part of the township of Cocalico, beginning at the township line, above Michael Haag's mill; thence past said mill in Cocalico township, and down the great road past Jacob Hagey's tavern; from thence past Miller's tavern and Wright's tavern, to the line of Earl township, in the county of Lancaster; are hereby erected into a separate election district, to be called the ninth district; and the electors thereof, shall hold their elections at the house now occupied by Jacob Stahley, in Reamstown, in the township of Cocalico, any thing in any law to the contrary notwithstanding.*

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—April the second, 1802:

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER LXVIII.

*An ACT to appoint new Trustees for Mifflin  
county.*

Section 1. **B**E it enacted by the Senate and  
House of Representatives of the  
Commonwealth of Pennsylvania, in General As-  
sembly

*sembly met, and it is hereby enacted by the authority of the same, That John Bratton, Doctor Ezra Doty, George M'Clelland, Robert Sterret, Thomas Torbutt and James Banks, are hereby appointed trustees in and for the county of Mifflin; and are hereby invested with like powers and authorities in every matter and thing whatsoever, that of right belongs to any trustee or trustees, appointed for the county of Mifflin, by any act heretofore enacted.*

Trustees appointed for Mifflin county.

*Sec. 2. And be it further enacted by the authority aforesaid, That so much of the different acts of assembly, as relate to the appointment of trustees for said county of Mifflin, be, and the same are hereby repealed, annulled and made void, any thing contained in any former acts notwithstanding.*

Repeal of so much of former laws as relate to the appointment of trustees for said county.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—April the second, 1802:

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

CHAP.

## CHAPTER LXIX.

*An ACT to dissolve the marriage contract between John Kunius and Bathsheba his wife, late Bathsheba Troth.*

**W**HEREAS, John Kunius of Germantown, in the county of Philadelphia, by his petition to the legislature hath represented that on the twenty-fifth day of July, one thousand eight hundred, he was lawfully joined in marriage, with Bathsheba Troth his present wife; that it hath since appeared that the said Bathsheba, previously to any connection or acquaintance between her and the said John, was got with child and was pregnant at the time of said marriage; of which child the said Bathsheba was delivered, on the twenty-second day of September, in the same year; and now stands charged by the grand inquest of the commonwealth, enquiring for the county of Philadelphia, with having on the said twenty-second day of September, killed and murdered the said infant; and that on the twenty-seventh day of the said month of September, the said Bathsheba, (probably to avoid the punishment due to the enormity of her crime) deserted the house of the said John, nor hath he since seen her, neither doth he know precisely where she is; but believes her to be secreted somewhere in her native state of New-Jersey: And whereas, from sundry documents of the supreme court of this commonwealth,



commonwealth, dated January the second, Anno Domini, one thousand eight hundred and two, the foregoing statement of facts, hath been satisfactorily proved to the legislature; and all the judges of the said court have specially recommended an application for redress, by the said John to the legislature, in the following words, to wit: The court are clearly of opinion, that no relief can be granted the petitioner, within the provisions of the act of assembly; at the same time, the circumstances of the case are of so peculiar and distressing a nature, that they conceive it a very proper occasion, for the interposition of the legislature, and recommend the petitioner to prefer his petition for relief to the legislature in order that the only relief which can constitutionally be granted, may be afforded: And whereas it is but just and reasonable, that an injured and innocent person, should be released from all legal ties, with a person of such depravity of mind, and so abandoned and destitute of all the sympathetic feelings of human nature: 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 marriage of the said John Kunius and Bathsheba Kunius, be, and the same is hereby declared to be void and annulled, to all intents and purposes whatsoever; and they are hereby respectively declared to be separate, set free, and totally discharged from the matrimonial contract, and from all duties and obligations arising therefrom, as fully, effectually and absolutely, as if they had never been joined in

The marriage of John Kunius and Bathsheba Kunius; declared null and void.

matrimony; any law, usage or custom to the contrary notwithstanding.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—April the second, 1802:

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

CHAPTER LXX.

*A FURTHER SUPPLEMENT to the act, entitled "An Act to establish the Judicial Courts of this Commonwealth."*

Section 1. **B**E 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 president and judges of the court of common pleas, in the county of Berks, shall be authorized, and they are hereby required, to hold adjourned courts of common pleas in the said county, for trying and arguing civil causes, to continue each one week, to wit: On the first Monday in March; on the first Monday in June; and on the second Monday in December, annually.

The court of common pleas in Berks county empowered to hold adjourned courts.

Limitation of the act.

Sec. 2. *And be it further enacted by the authority aforesaid, That this act shall continue*  
in

in force until the first day of April, Anno Domini, one thousand eight hundred and five.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—April the second, 1802 :

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

CHAPTER LXXI.

*An ACT to vest in the Trustees of the Roman Catholic Society of St. Mary's Church, in the city of Philadelphia, for the benefit of the Poor of said Society, such part of the estate of Peter Bonaventure d'Artois, as is declared to have escheated to the Commonwealth.*

WHEREAS, Peter Bonaventure d'Artois, late of the township of the Northern-Liberties, in the county of Philadelphia, was in his life-time seized, in fee, of and in a certain messuage and lot of ground, situate in the township aforesaid, of the value of about three hundred and fifty pounds, which said messuage and lot of ground, by a nuncupative will, made in the presence of James Valliant and Peter Belsterling, he the said Peter Bonaventure d'Artois, gave and devised to the Roman catholic church, known by the name of St. Mary's church, in the city of Philadelphia, for the use  
of



of the poor of the said church : And whereas the said property is declared to have escheated to the commonwealth, and in order to restore the part of said estate so escheated, and remit the same to the trustees aforesaid, for the charitable uses and intents of the said deceased : Therefore,

The estate of Peter Bonaventure which escheated to the commonwealth, vested in the trustees of St. Mary's church in Philadelphia.

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 all the right, title, interest, property, claim and demand whatsoever, which the commonwealth has in, to, and out of such part of the estate of Peter Bonaventure d'Artois which has escheated to the commonwealth, shall be, and the same is hereby granted, conveyed, assigned, and set over in trust, to John Roffeter, Patrick Linehan, Nicholas Essling, John Rudolph, John O'Hara, Michael Lacy, Joseph Snyder, John Carrell, Thomas Shortall and James Ryan, trustees of St. Mary's church, in the city of Philadelphia, and their successors for ever, for the benefit of the poor of the said society, conformably to the humane intentions of the said Peter Bonaventure d'Artois, as expressed in the nuncupative will of the deceased, remaining in the register's office for the city and county of Philadelphia.*

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—April the second, 1802 :

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

CHAP-

## CHAPTER LXXII.

*An ACT authorising the Governor to discharge the debt due from this Commonwealth to the Bank of Pennsylvania, and for other purposes.*

Section 1. **B**E 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 Governor be, and he is hereby authorized to transfer so much of the six per cent. stock of the United States, the property of this state, as will be necessary to discharge the first instalment of the loan of one hundred thousand dollars, which will be due on the thirteenth day of April next, to the bank of Pennsylvania, together with the interest thereon, and also so much of the said stock as will be required to discharge the remaining instalment of the said loan, though it shall not be due; provided such transfer be made at not less than at the rate of one dollar for every dollar of such stock which remains unredeemed.

The Governor empowered to transfer six per cent stock of the U. S. the property of this state, in payment of the loan of 100 000 dollars heretofore obtained of the bank of Pennsylvania, but at not less than par.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the president, directors and company of the bank of Pennsylvania, be, and they are hereby authorized to accept the transfer of the said stock, in discharge of the respective instalments of the said loan, or either of them, if they shall consider it consistent with the interest of the institution, any thing in the act incorporating the said bank, to the contrary notwithstanding.

The bank empowered to accept the transfer of said stock.

Authorized to purchase and sell again, stock of the U. S. but amount thereof not to exceed 100,000 dolls exclusive of what they now hold.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the said president, directors and company, be, and they are hereby authorized to purchase and sell again, any stock of the United States which they may believe most beneficial to the said bank, provided the amount of such stock shall not at any one time exceed one hundred thousand dollars, exclusive of the stock now held by them, any thing in the act incorporating the said company, to the contrary notwithstanding.

In case the transfer of said stock is not accepted, the Governor empowered to negotiate an extension of the time of payment of the first instalment of the loan.

Sec. 4. *And be it further enacted by the authority aforesaid,* That if the said president, directors and company, should not agree to accept the transfer of the said stock, at the rate aforesaid, in discharge of said loan, the Governor is hereby authorized to negotiate with the said president and directors, an extension of the time of payment of the first instalment of said loan for the term of two years: *Provided,* That nothing herein contained, shall be so construed as to prevent the commonwealth from discharging the said instalment at any time previous to the expiration of the said two years.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—April the second, 1802:

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*



## CHAPTER LXXIII.

*An ACT to provide for the election of Representatives of the People of this State, in the Congress of the United States.*

Section 1. **B**E 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 for the purpose of electing representatives of the people of this commonwealth, to serve in the house of representatives in the congress of the United States, this state shall be divided into eleven districts, as follow: The city of Philadelphia, and the counties of Philadelphia and Delaware, shall be a district, and shall elect three members; the counties of Bucks, Montgomery, Northampton, Wayne and Luzerne, shall be a district, and shall elect three members; the counties of Chester, Berks and Lancaster, shall be a district, and shall elect three members; the counties of Dauphin, Cumberland, Mifflin and Huntingdon, shall be a district, and shall elect two members; the counties of Northumberland, Lycoming and Centre, shall be a district, and shall elect one member; the counties of York and Adams, shall be a district, and shall elect one member; the counties of Franklin and Bedford, shall be a district, and shall elect one member; the counties of Westmoreland, Somerset and Armstrong, shall be a district, and shall elect one member; the counties of Fayette and Greene, shall be a district, and shall elect one member; the county of Washington, shall be a district, and shall elect one member; the counties

The state divided into districts for the purpose of choosing members of congress and the number each district is to elect.

ties of Allegheny, Beaver, Butler, Crawford, Mercer, Venango, Warren and Erie, shall be a district, and shall elect one member.

When & where  
such elections  
shall be held  
and how con-  
ducted.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the election of representatives, agreeably to the constitution of the United States and the direction of this act, shall be held by the citizens of this state qualified to vote for members of assembly, on the second Tuesday of October next, and on the second Tuesday of October, every second year thereafter, until an enumeration of the inhabitants of the United States shall be taken, agreeably to the constitution and laws of the said United States, at the same places respectively, in the same manner, and under the care and regulation of the same officers as is provided in and by the several acts of assembly for the regulation of the general elections of this state, of which elections public notice shall be given by the sheriffs of the several counties, at least thirty days before the said election.

Neglect or  
abuse of this  
act how pu-  
nished.

Sec. 3. *And be it further enacted by the authority aforesaid,* That every person who shall be guilty of any neglect or abuse of this act, or of any of the said acts of assembly, for the regulation of elections, at any election to be held in pursuance of this act, shall be prosecuted and punished in the same manner as if he had been guilty of the like neglect or abuse in the election of members of the legislature of this state.

How returns  
of the elections  
are to be made  
in Philadel-  
phia and those

Sec. 4. *And be it further enacted by the authority aforesaid,* That the judges of the election in the city of Philadelphia, and in each county erected into a separate district, after having formed the return of the whole election  
in

in the said city and counties respectively, in such manner as is by law directed, shall within six days cause said returns to be delivered to the sheriff of the said city and counties respectively, and shall also cause a duplicate thereof, signed and sealed in the same manner, to be deposited in the office of the prothonotaries of said city and counties respectively.

counties constituting each a separate district.

Sec. 5. *And be it further enacted by the authority aforesaid,* That the judges of the elections of each of the following counties, after having formed the returns of the whole election in their counties respectively, in such manner as is by law directed, shall send the same by one or more of their number, to the place hereafter mentioned, within the district of which such county is a part, when the judges so met, shall compare and cast up the several returns, and shall execute, under their hands and seals, one general and true return of the whole district, that is to say, the judges of the district composed of the city and county of Philadelphia and the county of Delaware, shall meet at the county court-house in the city of Philadelphia; the judges of the district composed of the counties of Bucks, Montgomery, Northampton, Wayne and Luzerne, shall meet at the house now occupied by John Leonard, inn-keeper, in the town of Bethlehem, in the county of Northampton; the judges of the district composed of the counties of Chester, Berks and Lancaster, shall meet at the house now occupied by Everet M<sup>c</sup>Clees, inn-keeper, in Morgan's town, in the county of Berks; the judges of the district composed of the counties of Dauphin, Cumberland, Mifflin and Huntingdon, shall meet at the house now occupied by William Sterret, in Mifflin town, in the county of Mifflin; the judges of

And how, where there are more counties than one to a district.



the district composed of the counties of Northumberland, Lycoming and Centre, shall meet at the house now occupied by Andrew Albright, in Lewisburgh, in the county of Northumberland; the judges of the district composed of the counties of York and Adams, shall meet at the house now occupied by Peter Eskes, in Abbot's town, in the county of Adams; the judges of the district composed of the counties of Franklin and Bedford, shall meet at the house now occupied by Jacob Four, in M'Connellsburg, in the county of Bedford; the judges of the district composed of the counties of Westmoreland, Somerset and Armstrong, shall meet at the house of George Keltz, in Ligonía valley, in the county of Westmoreland; the judges of the district composed of the counties of Fayette and Greene, shall meet at the house now occupied by Thomas Clare, in Fayette county; the judges of the district composed of the counties of Alleghany, Beaver, Butler, Crawford, Mercer, Venango, Warren and Erie, shall meet at the house now occupied by Adam Funk, in the county of Butler, on the third Tuesday of October next, and on the third Tuesday of October biennially thereafter, during the continuance of this act, and within the space of ten days after the said election, the judges of each respective district, so convened, shall cause the said general return to be delivered to the sheriff of the county in which they shall be thus convened, and shall also cause a duplicate thereof, signed and sealed in the same manner, to be deposited in the office of the prothonotary of such county.

Sec. 6. *And be it further enacted by the authority aforesaid,* That such sheriff, having received the said return, shall within thirty days after

The sheriff  
within 30 days  
after the elec-

after

after said election, deliver or safely transmit the same to the Governor, who shall thereupon declare, by proclamation, the name of the person or persons to him returned as duly elected in each respective district, and shall thereafter, as soon as conveniently may be, transmit the returns so to him made, to the house of representatives in the congress of the United States.

tion to deliver the return to the Governor, who is to make proclamation of the names of the persons elected, &c.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—April the second, 1802:

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER LXXIV.

*An ACT to complete the benevolent intention of the Legislature of this Commonwealth, by distributing the Donation Lands to all who are entitled thereto.*

WHEREAS, some of the late officers and soldiers belonging to the Pennsylvania line, in the revolutionary war, have not received their donation lands: And whereas it hath been represented, that amongst the lots in the tenth donation district, which the owners have released as being in the state of New-York, and for which they have received other lots in lieu thereof, many are still in Pennsylvania, and also that

that a number of lots may yet be found within the bounds of the donation surveys, not numbered or returned as donation lots, nor otherwise appropriated: 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 be the duty of the land-officers to ascertain the number of donation lots returned of each description, which yet remains undrawn and not otherwise appropriated, or which having been drawn, have not been applied for in the time prescribed by law, and cause numbers corresponding with each lot of the several descriptions, according to the quantity of land allowed to each grade of officers, non-commissioned officers and privates, to be made on separate pieces of paper, as nearly of the same size as may be, which pieces of paper shall be put carefully into small boxes, equal to the number of different grades which may be yet unsupplied, and on application of each person for their respective donation, the said land-officers, after being satisfied with the justice of his or her claim, shall cause the box containing the tickets representing the quantity of land to which such applicant may be entitled, to be shook, so as to mix the said tickets or pieces of paper, and shall draw, or cause to be drawn therefrom, one or more of the numbers so deposited, as may be necessary to complete the quantity which such applicant may be entitled to; and in like manner to proceed on each and every application, the person first applying, to be entitled to the first draft, and immediately after drawing, to proceed to issue a patent or patents

The land-officers to ascertain the number of undrawn and unappropriated donation lots;

How they are to proceed in satisfying the claims of applicants entitled to donation lands.



patents for the respective lots so drawn, free of all expence except the enrolling fees: *Provided always,* That no lot to be drawn or patent to be issued in pursuance of this act, shall interfere with or defeat any prior title which may have been acquired under the authority of any former law of this commonwealth.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the surveyor-general be, and he is hereby authorized to direct a survey to be made at the expence of the state, in such manner as to ascertain with accuracy, all lots within the tenth donation district, which have been reported as having fallen into the state of New-York, and as such released, and which may still be within the state of Pennsylvania, or in the triangle purchased from congress, also to procure returns of all other lots which are included within the general drafts of any of the donation districts, and which are not otherwise appropriated, and also to divide large into smaller lots, which said released lots, or other lots, as soon as the surveys of them are made and returned, shall be made use of to supply the boxes mentioned in the foregoing section with a sufficient number of tickets to carry the design of this act completely into effect.

The surveyor-general to cause a survey to be made so as to ascertain the lots that may still be within this commonwealth, which were reported to have fallen into the state of New-York, &c.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the board of property be, and they are hereby authorized to exercise the same powers relative to donation lands, which they are by law authorized to exercise in cases respecting other land within this commonwealth; and in all cases of difficulty or dispute between applicants under this law, and on the validity and propriety of the claim of each

The board of property authorized to exercise the same powers relative to donation lands as in other cases.

and

and every applicant, they are authorised to make the necessary enquiry, and decide.

Sec. 4. *And be it further enacted by the authority aforesaid,* That in order to enable the land officers, or board of property, to execute the duties imposed upon them by this act, it shall be the duty of the Secretary of the commonwealth, to deliver to the secretary of the land-office and surveyor general, all books, papers, drafts or documents now in his office, relative to donation lands, returns of survey, general or connected drafts, maps or charts so received, to be deposited in the surveyor-general's office, and all others of the said papers, books or documents, to be deposited in the office of the secretary of the land-office; and when the whole donations shall be completely effected, the general drafts to be deposited in the rolls-office, agreeably to the directions of a former law.

The Secretary of the commonwealth to deliver all books and other documents in his possession relative to donation lands, to the land officers.

Sec. 5. *And be it further enacted by the authority aforesaid,* That upon satisfactory proof being made to the board of property, by the widow, heir or heirs of any deceased officer or soldier, it shall be the duty of said board to direct a patent or patents to issue in the usual way, in favor of such widow, heir or heirs, for such donation lands, and on the same conditions as the officer or soldier would, if living, be entitled to.

The widows & heirs of deceased officers and soldiers to have the benefit of this act.

Sec. 6. *And be it further enacted by the authority aforesaid,* That no application for donation lands shall hereafter be admitted; and that no patent for such land, already applied for, shall be granted, unless such patent is demanded

Application not to be admitted unless made within one year.

manded within one year after the passing of this act.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—April the second, 1802 :

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER LXXV.

*An ACT to settle the controversies arising from contending claims to lands within that part of the territory of this Commonwealth, north and west of the rivers Ohio and Allegheny, and Conewango creek.*

WHEREAS, by the ninth section of an act of the general assembly, passed the third day of April, one thousand seven hundred and ninety-two, entitled “ An Act for the sale of “ the vacant lands within this commonwealth,” it is enacted, that no warrant or survey to be issued or made in pursuance of the said act, for lands lying north and west of the rivers Ohio and Allegheny, and Conewango creek, shall vest any title in or to the lands therein mentioned, unless the grantee has, prior to the date of such warrant, made or caused to be made, or shall within the space of two years next after the date of the same, make or cause to be made an actual settlement



settlement thereon, by clearing, fencing and cultivating at least two acres for every hundred acres contained in one survey, erecting thereon a messuage for the habitation of man, and residing, or causing a family to reside thereon for the space of five years next following his first settlement of the same, if he or she shall so long live; and in default of such actual settling and residence, it shall and may be lawful to and for this commonwealth to issue new warrants to other actual settlers, for the said lands, or any part thereof, reciting the original warrants, and that such actual settlements and residence have not been made in pursuance thereof, and so as often as defaults shall be made for the time and in the manner aforesaid, which new grants shall be under and subject to all and every the regulations contained in this act; provided that if any such actual settler, or any grantee in any such original or succeeding warrant, shall by force of arms of the enemies of the United States, be prevented from making such actual settlement, or be driven therefrom, and shall persist in his endeavors to make such actual settlement as aforesaid, then in either case, he and his heirs shall be entitled to have and hold the said lands in the same manner as if the actual settlement had been made and continued: And whereas applications have been made and are making to the land-office for new warrants, in cases where the applicants are of opinion that the original warrantees are barred from claiming title by their own default, in not complying with the conditions required in the section above recited; and although it appears from the act aforesaid, that the commonwealth regarded a full compliance with those conditions of settlement, improvement and residence, as an indispensable part of the purchase or consideration of

of the lands so granted, yet as much confusion might arise if the state were to continue to grant lands which in consequence of former acts may have become the property of others: And whereas it appears on the one hand, by the representations of the agents of certain companies called the Holland company and the Population company, to the legislature of this commonwealth, that they complain of certain lawless men having intruded on the lands within the claim of the said companies, which claim appears to extend over the greater part of the territory of this commonwealth, situate north and west of the rivers Ohio and Allegheny, and Conewango creek, praying for the interposition of the legislature, and stating that the claims of the said companies arise from warrants and patents duly applied for and fairly issued and granted by the officers of the land-office of this commonwealth, under the provisions of the act aforesaid; and on the other hand, it appears that petitions and representations have also been made to the legislature of this commonwealth, by and on the part of a number of persons calling themselves actual settlers, and stating that they have settled and improved a considerable part of the land lying within the claims of the aforesaid companies. in consequence of the act aforesaid inviting them so to do, that in most instances, when they began their improvements, the lands were, to the best of their knowledge, vacant and unoccupied, and that since their settlement they have been much harassed and threatened by the agents of the companies aforesaid: And whereas it is indispensibly necessary that the peace of that part of the state should be preserved, and complete justice done to all parties interested, as speedily and effectually as possible: And whereas it hath

been intimated to the legislature, that from the present distracted and agitated state of the public mind between those conflicting claims in that part of the state, a fair and impartial trial cannot be obtained where so many persons are directly or indirectly interested in the event of the decision: And whereas the companies aforesaid, by their application to the supreme court of this commonwealth, for a mandamus to compel the secretary of the land-office to complete their titles, did endeavor to put the question between them and this commonwealth fairly to issue before the judiciary: And whereas it is just and proper that the questions both of law and of fact, arising under the act aforesaid, should be fully, fairly and speedily heard and decided, and the validity of all those titles that have been issued under certain certificates of justice of the peace within the territory aforesaid, known by the name of prevention certificates determined, as well for the direction of the officers of the land-office, on behalf of this commonwealth, as for settling the existing disputes between such grantees as have omitted or neglected to make the settlements, improvements and residence enjoined by the act aforesaid, and the persons actually in possession of the same lands, and claiming under the provisions of the same act: Therefore,

### Section 1.

The judges of the supreme court to meet together within 3 months from the 1st of April and devise a form of

at some time and place (not exceeding three months from the first day of the month of April of the present year) as shall be most convenient to the judges of the supreme court of this commonwealth, or the majority of them, it shall be



be the duty of the said judges, and they are hereby enjoined and required to meet together and devise some method, either by means of a feigned issue or otherwise, as in their judgment shall seem best, of bringing before a court and jury, to be holden as herein after is directed, the following questions respecting the claims to land within that part of the territory of this state north and west of the rivers Ohio and Allegheny, and Conewango creek, to wit. Are warrants heretofore granted under the act of the third day of April, one thousand seven hundred and ninety-two, valid and effectual in law, against this commonwealth, so as to bar this commonwealth from granting the same land to other applicants under the act aforesaid, in cases where the warrantees have not fully and fairly complied with the conditions of settlement, improvement and residence required by the said act, at any time before the date of such warrants respectively, or within two years after? Are the warrants that have issued from the land-office under the act aforesaid, whether by warrant or patent, good and effectual in law against this commonwealth or any person claiming under the act aforesaid, in cases where such titles have issued on the authority, and have been grounded upon the certificates of two justices of the peace, usually called prevention certificates, without any other evidence being given of the nature and circumstances of such prevention. whereby, as is alleged, the conditions of settlement, improvement and residence required by the said act, could not be complied with? And so soon as the said judges have devised the form in which the questions above stated, shall be brought to a hearing and decision before a court and jury as aforesaid, they shall transmit the same to the Governor of this commonwealth, and transmit the same to the Governor, &c

whose

action for  
ing and deter-  
mining certain  
proposed ques-  
tions relative to  
disputed titles  
to lands N and  
W. of the Ohio,  
Allegheny and  
Conewango  
creek.

whose duty it shall be, with the assistance of the attorney-general of this commonwealth, to carry the same into effect without delay.

In what man-  
ner the ques-  
tions are to be  
decided.

Sec. 2. *Be it enacted by the authority afore-*  
*said,* That for the purpose of hearing and de-  
ciding on the questions aforesaid, and the facts  
relating thereto, a jury shall be summoned  
according to the method to be appointed  
by the judges aforesaid, consisting of the usual  
number of disinterested persons, inhabitants of  
the counties of Northumberland or Lycoming,  
which jury shall be summoned, impanelled and  
sworn, or affirmed, at the court house at Sun-  
bury, in the said county of Northumberland,  
at such time as to the said judges, or a majority  
of them, shall be most convenient, provided the  
same be not deferred beyond the first Monday  
in December next, at which time and place the  
judges of the supreme court aforesaid, or the  
majority of them, shall meet for the purpose of  
hearing and trying the questions aforesaid, and  
the facts relating thereto, in conjunction with  
the said jury, in the usual manner, at which  
trial and hearing it shall be competent to the  
said jury, under the constitutional direction of  
the court, to decide upon the law and upon  
the facts, and if they think fit, to bring in a  
general verdict thereon; and it shall also be  
competent to any person party in the contro-  
versy, to offer evidence of the nature and cir-  
cumstances of the prevention certificates afore-  
said, and of the circumstances of the country  
at the time to which the said certificates relate,  
and also of every other fact tending to illustrate  
the questions aforesaid, or to induce a full in-  
vestigation and fair decision thereon, which the  
court shall consider as evidence competent to be  
offered according to the usual rules of law.

Sec. 3.



Sec. 3. *Be it enacted by the authority aforesaid,* That it shall be the duty of the said judges, at their meeting aforesaid, within three months from the first day of April next, to devise and direct in what manner, and under what circumstances, parties shall be admitted to the said suit, and what notice or notices shall be respectively given relating to the same; and they shall have power also to direct the secretary of the land-office to attend at the said trial, with such books, papers and documents as they may think fit to specify or he may deem material to be produced and consulted thereat; and it shall be the duty of the said judges to certify the verdict of the jury and the judgment of the court on the trial aforesaid, to the Governor of this commonwealth, previous to the meeting of the next legislature.

Of the admission of parties to the suit, the notice necessary to be given, &c.

Sec. 4. And in order to prevent the confusion that would arise from issuing different warrants for the same land, and to prevent law suits in future respecting grants from the land-office under the aforesaid act of April the third, one thousand seven hundred and ninety-two, *Be it enacted by the authority aforesaid,* That from and after the passing of this act, the secretary of the land-office shall not grant any new warrant for land which he has reason to believe hath been already taken up under a former warrant, but in all such cases he shall cause a duplicate copy of the application to be made, on which duplicate copy he shall write his name, with the day and year in which it was presented, and he shall file the original in his office, and deliver the copy to the party applying: *Provided always,* That on every application so to be made and filed, shall be certified on the oath or affirmation of one disinterested witness, that

The secretary of the land-office not to grant a new warrant for lands for which warrants have already been issued; what he is to do in such cases.

the



the person making such application, or in whose behalf such application is made, is in actual possession of the land applied for, and such certificate shall mention also the time when such possession was taken, and the application so filed in the secretary's office, shall be entitled to the same force and effect, and the same priority in granting warrants to actual settlers, as though the warrants had been granted at the time when the applications were filed; and should the decision of the court and jury, at the trial aforesaid, be in favor of the claims of the actual settlers, the secretary of the land-office shall proceed to grant the warrants, upon the purchase money being paid, according to the priority of the applications filed in his office.

Sec. 5. *Be it enacted by the authority aforesaid,* That it shall be lawful for the Governor of this commonwealth to appoint not more than two counsel learned in the law, to assist the attorney-general at the said trial, on the part of this commonwealth.

The Governor empowered to appoint counsel to assist the attorney-general at said trial.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—April the second, 1802:

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER LXXVI.

*An ACT to empower the Trustees of Crawford county, to erect a jutable building for a Seminary of Learning in the town of Meadville.*

Section 1. **B**E 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 David Meade, James Gibbon, Roger Alden, Joseph Stockton, Thomas R. Kennedy, Samuel Dale, junior, and Patrick M'Gill, be, and they are hereby constituted and appointed trustees for a public seminary of learning, to be erected in the town of Meadville, in Crawford county, and that they, or a majority of them, be, and they are hereby empowered to take and receive all and every grant or grants of land, or any other estate, real or personal, which have or may be made, granted or given to them, or to the former trustees, for the use of said seminary and to take to themselves, in fee-simple, or otherwise, any conveyance or assurance, in trust for the same, and to ask, demand, and to sue for and recover all such sum or sums of money, as may have at any time been, or may be hereafter subscribed to and for said seminary of learning.

Trustees of a seminary of learning at Meadville, appointed with powers to receive grants of real and personal property for the use thereof and to sue for and recover the debts due to the same.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the said trustees, and every of them, shall, before they enter on the duties of their office, give bond with two sufficient sureties, for the use of said seminary, to the commissioners of the county, and their successors,

Before entering on the duties of their office to give bond, &c.

cessors, in the sum of six hundred dollars each, for the faithful performance of the duties enjoined on them by this act.

Empowered to purchase a lot, erect a house & employ a teacher for the use of said seminary.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the said trustees, or a majority of them, shall take to themselves, in fee-simple, any assurance or conveyance of a lot or piece of ground, in trust, for the use of said seminary, and thereon shall erect or cause to be erected, a suitable house for such public seminary, provided the expence of erecting the same, do not exceed the sum of six hundred dollars; and shall employ a teacher or teachers for said seminary, and shall pay him or them any sum or sums not exceeding the yearly interest arising from the funds of said institution.

To place the public monies in some productive fund and to exhibit their accounts annually to the grand jury.

Sec. 4. *And be it further enacted by the authority aforesaid,* That the said trustees shall, from time to time, lay out or place in some productive fund, such sum or sums of money as they shall from time to time receive in pursuance of this act; and the said trustees shall, once in every year, exhibit their accounts to the grand jury of the county for their inspection and approbation.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—April the second, 1802 :

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*



## CHAPTER LXXVII.

*An ACT to annex the township of Dunbar, in Fayette county, to the fourth election district.*

Section 1. **B**E 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 from and after the passing of this act, the township of Dunbar, in the county of Fayette, shall be annexed to the fourth district; and the electors thereof shall hold their general elections at the school-house in Connellville.

The township of Dunbar in Fayette county annexed to the fourth election district.

ISAAC WEAVER, *junior*; *Speaker*  
of the House of Representatives.

SAMUEL MACLAY, *Speaker*  
of the Senate.

APPROVED—April the fifth, 1802:

THOMAS M'KEAN, *Governor*  
of the Commonwealth of Pennsylvania.

## CHAPTER LXXVIII.

*An ACT authorising the Comptroller-General and Register-General, to liquidate and settle certain expences incurred under the act, entitled “ An Act Supplementary to an act, entitled “ An Act to prevent intrusions on lands within the counties of Northampton, Northumberland and Luzerne, and for other purposes therein mentioned.”*

Section 1. **B**E 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 comptroller-general and register-general be, and they are hereby authorised to liquidate and settle such incidental expences as were necessarily incurred in carrying into effect the act, entitled “ An Act supplementary to an act, entitled “ An Act to prevent intrusions on lands within the counties of Northampton, Northumberland and Luzerne;” passed February the sixteenth, one thousand eight hundred and one; and also that the comptroller and register-generals settle and adjust certain accounts of the commissioners appointed pursuant to an act, entitled “ An Act offering compensation to the Pennsylvania claimants of certain lands within the seventeen townships in the county of Luzerne, and “ for other purposes therein mentioned;” for expences by them necessarily incurred in the business of their commission, and for such other expences, properly vouched, as they are reasonably entitled to, under the said recited act; and that the Governor be, and he is hereby authorised

The accounts of the Luzerne commissioners to be liquidated by the comptroller and register-general and a warrant to issue for the amount.

thorised to draw his warrant upon the state-treasurer, for the amount of the fums so as aforefaid liquidated and fettled.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—April the fifth, 1802 :

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

CHAPTER LXXIX.

*An ACT to provide for the removal of the Seat of Justice in Wayne county, and for other purposes.*

Section 1. **B**E 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 from and after the passing of this act, the seat of justice for Wayne county, shall be transferred from Bethany to Milford; and the courts for the county of Wayne, shall be held at Milford aforefaid, for three years, and no longer: *Provided*, That John Biddis, John Brink, and others interested in the removal, shall at their own proper costs and charges, provide fuitable and convenient buildings for a temporary court-house, prison, and office

Seat of justice in Wayne county to be transferred to Milford, where courts are to be held for three years, &c.



office for the safe keeping of the public records of said county, in the town of Milford.

Repeal of a former law.

Sec. 2. *And be it further enacted by the authority aforesaid, That the act, entitled " An Act to authorise the removal of the seat of justice in Wayne county, and for other purposes ;" passed the first day of April, one thousand seven hundred and ninety-nine, be, and the same is hereby suspended for the term of three years, as aforesaid.*

ISAAC WEAVER, *junior, Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the fifth, 1802 :

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

## CHAPTER LXXX.

*An ACT to enlarge the March and December terms in the Supreme Court.*

The March & December terms in the supreme court enlarged.

Section 1. **B**E 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 from and after the passing of this act, the March and December terms in the supreme court of this commonwealth, shall respectively commence on the first Mondays of the said months ; and the term of March shall continue

continue three weeks; and the term of December shall continue four weeks; and the first and last days of the said terms respectively, shall be return days thereof.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—April the fifth, 1802:

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER LXXXI.

*An ACT to authorise Marcus Hulings, to erect a toll-bridge over French creek, opposite Turkey-street, in the town of Franklin.*

Section 1. **B**E 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 Marcus Hulings, his heirs and assigns, to erect, build, maintain and support a good and substantial bridge, over and across French creek, opposite Turkey-street, in the town of Franklin, in Venango county; and the property of said bridge, when built, shall be, and the same is hereby vested in the said Marcus Hulings, his heirs and assigns for ever; and the said Marcus Hulings, his heirs and assigns, may demand and receive toll from travellers and

Marcus Hulings and his heirs authorised to build a bridge over French creek in the town of Franklin;

and demand  
certain speci-  
fied tolls.

and others, not exceeding the following rates, viz. For every coach, landau, chariot, phaeton, or other pleasurable carriage, ten cents for each horse drawing the same; for every loaded waggon or cart, ten cents for each horse drawing the same; and for every empty waggon or cart, eight cents for each horse drawing the same; for every sleigh or sled, six cents for each horse drawing the same; for a single horse and rider, six cents; for every horse, four cents; for every foot passenger, one cent; for every head of horned cattle, two cents; for sheep or swine, at the rate of ten cents for every score; and all carriages which shall be drawn by oxen, or partly by oxen and partly by horses, two oxen shall be estimated as equal to one horse: *Provided always nevertheless*, That nothing in this act contained, shall extend to authorise the said Marcus Hulings, or any other person, to erect a bridge in the manner in this act before mentioned, on any private property, without the consent of the owners thereof, or to erect the same in such manner as in any way to interfere with, injure, or obstruct the navigation of the said creek, or the passage over the ford across the same near where the said bridge may be erected.

*Provido that*  
the bridge shall  
not be erected  
on private  
property, with-  
out the owners  
leave, nor so as  
to injure the  
navigation of  
the creek.

The time with-  
in which the  
bridge is to be  
built, limited,  
&c.

Sec. 2. *And be it further enacted by the authority aforesaid*, That if the said Marcus Hulings, his heirs and assigns, shall not proceed to carry on the said work within one year after the passing of this act, or shall not within three years complete the same, according to the true intent and meaning of this act, or if at any time after the said bridge is completed, it is suffered to be out of repair, so as to be impassible for horses and waggons for the space of twelve months, then and in either of those cases, all and singular the rights, liberties, privileges and franchises hereby



hereby granted to the said Marcus Hulings, his heirs and assigns, shall revert to this commonwealth.

Sec. 3. *And be it further enacted by the authority aforesaid,* That if the said Marcus Hulings, his heirs and assigns, shall neglect to keep the said bridge in good and perfect order and repair, for the space of five days, and information thereof shall be given to any justice of the peace of the county, such justice shall issue his precepts, directed to any constable, commanding him to summon three judicious freeholders to meet at a certain time, in the said precepts to be mentioned, at the said bridge, of which said meeting notice shall be given to the said Marcus Hulings, his heirs or assigns; and the said justice shall at such time and place, by the oaths or affirmations of the said freeholders, enquire whether the said bridge is in good and perfect order and repair as aforesaid, and if the said bridge shall be found by the said inquisition not to be in good order and repair, according to the true intent and meaning of this act, he shall certify the same, and send a copy of the inquisition to the said Marcus Hulings, his heirs or assigns, and from thenceforth the said tolls hereby granted, shall cease to be demanded, paid, or collected, until the defective part or parts of the said bridge shall be put in good and perfect order and repair as aforesaid.

Penalty for not keeping said bridge in good repair.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—April the fifth, 1802:

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

CHAP-

## CHAPTER LXXXII.

*An ACT to erect West-Hanover township, in the county of Dauphin, into a separate election district.*

Section 1. **B**E 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 from and after the passing of this act, the township of West-Hanover, in the county of Dauphin, shall be a separate election district; and the electors thereof shall hold their general elections at the house now occupied by Thomas Smith, near Green's mill, in said township.

West-Hanover township in Dauphin county erected into a separate election district

ISAAC WEAVER, *junior, Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the fifth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

## CHAPTER LXXXIII.

*An ACT to establish the places for holding the Courts of Justice in the counties of Armstrong, Butler, and Mercer.*

Section 1. **B**E 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 Governor be, and he is hereby authorized and required to appoint five commissioners, who do not reside in the territory lying north and west of the rivers Ohio and Allegheny, and Connewango creek, in that part of Armstrong county, lying east of the river Allegheny, and who do not own lands within the said territory, and who have no near relations residing within the said territory, and who, to the best of the Governor's knowledge, are not owners of lands within the counties of Armstrong, Butler and Mercer; which commissioners, or a majority of them, shall meet at the house of Thomas Ferree, in the town of Pittsburgh, on the first day of June next, and from thence proceed to view and determine on the most eligible and proper situations for erecting the public buildings for the said counties of Armstrong, Butler and Mercer, and make their report into the office of the Secretary of the commonwealth, on or before the first Monday of December next, which report shall by the Secretary aforesaid, be laid before the general assembly of this commonwealth, on or before the second Tuesday of December next: *Provided however,* That the places so reported, shall be

The Governor empowered to appoint 5 commissioners to fix on places for the seats of justice in the counties of Armstrong, Butler & Mercer who are to make report thereof.



within the limits heretofore prescribed by law for each of the said counties respectively.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the aforesaid commissioners shall have power, and it shall be their duty, to receive such proposals of land or money as may be made to them for the purpose of defraying the expence of erecting the public buildings in and for each of the said counties, and to take assurances of the same, for the benefit of the counties for whose use they are respectively made; for which services each of the said commissioners shall have and receive three dollars per diem, for every day they shall be necessarily employed in the said service, to be paid by warrants drawn by the commissioners of Allegheny county, on the treasurer of the said county; and the said commissioners of Allegheny county, are hereby authorized to demand and receive a due proportion of the said money from the county treasurers of Westmoreland and Crawford counties.

The commissioners empowered to receive such proposals of land or money as may be offered for defraying the expences of erecting the public buildings, &c.

Their compensation.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—April the sixth 1802:

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

## CHAPTER LXXXIV.

*An ACT to provide for the distribution of the Laws and Journals, of the General Assembly of this Commonwealth.*

Section 1. **B**E 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 printers who shall publish the laws, agreeably to a resolution of the general assembly, passed this session, shall on or before the first day of June annually, deliver three thousand copies into the office of the Secretary of this Commonwealth, whereupon the Governor shall draw his warrant on the state treasurer in favor of such printer, for such sum of money as shall have been previously agreed on for the printing of such laws.

The printers of the laws to deliver 3000 copies thereof into the Secretary's office on or before the 1st of June annually.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the Secretary of the commonwealth shall cause the said copies of the laws to be distributed in the following manner, to wit: Thirty copies thereof to the clerk of the senate, for the use of the senate and the members thereof respectively; one hundred copies to the clerk of the house of representatives, for the use of the house and the members thereof respectively; and shall distribute the residue in manner following: To the prothonotary of the supreme court six copies, one thereof for each of the judges, one for the attorney-general, and one for himself; to the Governor one, and retain one for the Secretary's own use; to the secretary of the land-office, surveyor-general and receiver-

How said laws are to be distributed.

receiver-general, each one copy; to the comptroller-general, register-general, state treasurer, and master of the rolls, one copy each; to the clerk of the mayor's court of the city of Philadelphia, forty copies; to the prothonotary of the county of Philadelphia, sixty copies; to the prothonotary of the county of Bucks, eighty-five copies; to the prothonotary of the county of Chester, ninety-five copies; to the prothonotary of the county of Lancaster, ninety-five copies; to the prothonotary of the county of Northampton, ninety copies; to the prothonotary of the county of York, seventy copies; to the prothonotary of the county of Cumberland, seventy five copies; to the prothonotary of the county of Berks, ninety-five copies; to the prothonotary of the county of Bedford, fifty copies; to the prothonotary of the county of Northumberland, one hundred copies; to the prothonotary of the counties of Westmoreland and Armstrong, ninety copies; to the prothonotary of the county of Washington, one hundred copies; to the prothonotary of the county of Fayette, sixty copies; to the prothonotary of the county of Franklin, sixty copies; to the prothonotary of the county of Montgomery, eighty copies; to the prothonotary of the county of Dauphin, sixty-five copies; to the prothonotary of the county of Luzerne, sixty-five copies; to the prothonotary of the county of Huntingdon, sixty copies; to the prothonotary of Allegheny, including the counties of Beaver and Butler, one hundred copies; to the prothonotary of the county of Mifflin, fifty-five copies; to the prothonotary of the county of Delaware, fifty-five copies; to the prothonotary of the county of Lycoming, sixty copies; to the prothonotary of the county of Somerset, forty-five copies; to the prothonotary of the county of Greene, forty-five



ty-five copies; to the prothonotary of the county of Wayne, forty copies; to the prothonotary of the county of Adams, fifty copies; to the prothonotary of the county of Centre, forty copies; and to the prothonotary of the counties of Crawford, Venango, Warren, Erie and Mercer, one hundred copies.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the printers of the journals of the senate and house of representatives, shall deliver the said journals into the office of the Secretary of this commonwealth, on or before the first day of June annually; and the said Secretary is hereby authorized and directed, after delivering to the clerks of the senate and house of representatives, a sufficient number of copies of the laws and journals, for the use of their respective houses and the members thereof, and also to the respective officers residing at the seat of government, to cause the remainder of the laws, agreeably to the proportion mentioned in the second section of this act, and the journals in proportion to the number of representatives each county may have in the legislature of this commonwealth, to be within one month after they have been delivered into his office, transmitted at the expence of the state, to the respective prothonotaries within the same, to be paid out of the funds appropriated for the support of government.

When the journals are to be delivered at the Secretary's office, and of their distribution.

Sec. 4. *And be it further enacted by the authority aforesaid,* That the prothonotaries of the respective counties, on receipt of the laws and journals annually, shall as soon as may be, give notice thereof, in a newspaper printed within such county, or where there is no such paper printed within such county, by advertisements posted up

Of the duties of the prothonotaries of the several counties on receipt of the laws and journals.

up in different parts of the county, purporting that the laws and journals of the last session are ready to be delivered out by them, to the persons entitled to receive the same, agreeably to the provisions of this act; and the expence of publishing or advertising as aforesaid, shall be paid on orders drawn by the commissioners on the treasurer of such county, out of the county stock.

How they are to distribute the laws and journals.

Sec. 5. *And be it further enacted by the authority aforesaid,* That the prothonotaries of the respective counties shall distribute the laws and journals in the following manner and order, viz. One copy of each for himself and for the clerks of the different courts if the offices are divided; one to the register and recorder, if said offices are divided; one to the president and one to each of the associate justices of the court; one to the board of commissioners; and one copy of each to be delivered by such prothonotary, to each constable of the respective wards or townships for which such constable was elected or appointed, to be by such constable delivered into the hands of the person occupying the house where the township elections for the choice of constables are held; and it shall be the duty of such constable annually, under the penalty of five dollars for every neglect or refusal, to procure and lodge the said copies of the laws and journals at such place of holding the elections as aforesaid, which laws and journals shall be kept at such house for the free inspection of every inhabitant, at all reasonable times, within such ward or township; and one copy of such laws and journals, if any journals be left after the aforesaid distribution, shall on application, be delivered to each justice of the peace, sheriff, county commissioner, treasurer, deputy-surveyor and brigade.

gade inspector, and to each associate library company; and the remainder, if any, shall be retained by such prothonotary, to supply deficiencies in any of the aforesaid offices: *Provided*, That the said prothonotaries respectively, shall not deliver any of said laws or journals without taking a receipt therefor, enjoining each officer receiving the same, to deliver them over to his successor, and such receipt shall be entered in a book by them prepared, at the expence of their respective counties.

Sec. 6. *And be it further enacted by the authority aforesaid*, That the Secretary of the commonwealth all retain all the surplus copies of the laws, and keep them in a secure place, for such use as the legislature shall from time to time direct.

The Secretary to retain all the surplus copies of the laws for such use as the legislature shall direct.

Sec. 7. *And be it further enacted by the authority aforesaid*, That the act, entitled "An Act providing for the distribution of the journals of the senate and of the house of representatives of this commonwealth," passed the ninth day of April, one thousand seven hundred and ninety-nine, and so much of any other act or acts of the general assembly, relating to the printing or distributing of the laws or journals of this commonwealth, as are hereby amended, altered or supplied, be, and the same are hereby repealed.

Repealing clause.

ISAAC WEAVER, *junior*, *Speaker of the House of Representatives.*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—April the sixth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*



## CHAPTER LXXXV.

*An ACT for laying out, making and keeping in repair, the public roads and highways within this Commonwealth, and for laying out private roads.*

**W**HEREAS, the existing road law, which was passed the twenty-first day of March in the year one thousand seven hundred and seventy-two, directs that the road tax shall be levied on the clear yearly value of the property thereby made taxable, according to the estimate thereof made for the last county tax, assessed and levied in pursuance of an act for raising county rates and levies, passed the twentieth day of March, one thousand seven hundred and twenty-four and twenty five: And whereas the act for raising county rates and levies, passed on the eleventh day of April, one thousand seven hundred and ninety-nine, establishes a mode of assessing county rates and levies different from that of the act last aforesaid, by which means it hath happened that supervisors cannot lawfully assess and collect taxes adequate to laying out, improving and repairing the public roads or highways: Wherefore,

Mode of proceeding to obtain the laying out of public or private roads.

That the justices of the court of quarter sessions of each county within this commonwealth, on being petitioned to grant a view for a public or private road, shall have power and by virtue of this act are directed and required, as often as they

they find it needful, in open court, to order and appoint six discreet and reputable freeholders, of the inhabitants near where complaint is made for want of a private or public road or highway; and it shall be the duty of the freeholders so appointed, to view the ground proposed for the said road, and if they, or any five of them, view the said ground, and any four of the actual viewers agree that there is occasion for such road, they shall proceed to lay out the same, as agreeable to the desire of the petitioners as may be, having respect to the best ground for a road, and the shortest distance, in such a manner as to do the least injury to private property; and shall make report thereof, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances, and references to the improvements through which it may pass, to the next court of quarter sessions, and if then and there the justices of the said court shall approve of the same, it shall, at the court next after that to which the report is made, be entered on record, and thenceforth shall taken, deemed and allowed, as the case may be, to be a lawful private or public road or highway; the court shall direct of what breadth the road shall be opened, which shall not in any case exceed fifty feet.

No road to exceed 50 feet in breadth.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the citizens qualified to vote for members of the general assembly, shall on the third Saturday of the month of March next, within their respective townships, and annually thereafter, elect by ballot, two freeholders or other inhabitants, qualified as aforesaid, who shall be supervisors of the public roads or

Supervisors of the highway to be annually elected within the several townships.

The existing supervisors to give notice of such election, and manner of conducting the same :

highways for the ensuing year ; and it shall be the duty of the supervisors then in office, in a summary way, before a justice of the peace, under the penalty of ten dollars, to be recovered for every neglect or refusal, ten days previous to the third Saturday in March, yearly and every year, to cause written or printed notices to be set up in at least five of the most public places within their respective townships, mentioning the time when and the place where the said election is to be held, which shall be opened between the hours of one and three o'clock in the afternoon, and kept open until six o'clock of the same day, except in the township of the Northern-Liberties, where the same shall be kept open until eight o'clock in the evening ; and two reputable citizens of the township shall be chosen for judges of the said election, who shall choose a clerk to assist them in recording and casting up the votes ; the judges shall declare the two highest in votes to be duly elected, and a certificate of the election, signed by the judges, shall by them be forthwith delivered to the supervisors then in office, whose duty it shall be to deliver the said certificate into the office of the clerk of the court of quarter sessions, on or before the twenty-fifth day of March annually, and to inform the supervisors so chosen, of their having been elected and returned, who shall be the supervisors for the ensuing year ; and if any supervisor or supervisors so elected, or who shall be appointed as herein after directed, being duly notified of his election or appointment as aforesaid, shall neglect or refuse to take upon him or themselves the said office, for every such neglect or refusal, he or they so neglecting or refusing, shall forfeit and pay any sum, at the discretion of the court, not exceeding fifty dollars, to be applied

penalty for refusing to serve.



applied towards repairing the public roads or highways within the township in which such supervisor resides.

Sec. 3. *And be it further enacted by the authority aforesaid,* That if any supervisor or supervisors of the public roads and highways, so as aforesaid chosen, shall refuse, neglect, die, or remove out of the township where any township shall have no supervisor residing therein, it shall be the duty of the justices of the court of general quarter sessions, to appoint a successor or successors to supply the vacancy or vacancies; and such supervisor or supervisors so appointed, shall have and exercise the same powers and authorities, and be liable to the same penalties as the supervisors elected in pursuance of this act.

How temporary vacancies are to be supplied.

Sec. 4. *And be it further enacted by the authority aforesaid,* That at the election for choosing supervisors for each township respectively, the electors shall, and are hereby enjoined and required to elect by ballot, four capable and discreet freeholders or inhabitants, qualified to elect as aforesaid, whose duty it shall be to settle and adjust the accounts of the supervisor or supervisors whose time of holding the office is then about to expire, and the person or persons who have served the office of supervisor or supervisors the preceding year, shall on the twenty-fifth day of March yearly, or within ten days thereafter, produce fair and clear accounts of all such sums of money by him or them expended on the highways, and of all sums of money by him or them received by virtue of any assessment or otherwise, and of all fines and penalties due from themselves and others, which have come into his or their hands, which accounts shall be entered in a book provided

How the accounts of supervisors going out of office, are to be settled.

Where they  
are in arrear,  
to whom the  
monies in their  
hands are to be  
paid over ;

and where in  
advance, how  
to be reim-  
bursed :

mode of com-  
pelling obti-  
nate or negli-  
gent supervi-  
sors to settle  
their accounts.

vided for that purpose, and attested by him or them, on oath or affirmation, before a justice of the peace, if the freeholders, or any two of them, shall require the same ; and the said freeholders or inhabitants, so chosen to settle the accounts aforesaid, or any three of them, shall have full power to adjust and settle such accounts so produced to them as aforesaid, and to allow such sums and charges as they think reasonable, and if there shall appear to be any money remaining in the hands of the person or persons who have served as supervisor or supervisors as aforesaid, they shall, by order in writing, signed by them, or any three of them, direct the same to be paid to the succeeding supervisor or supervisors ; but in case such persons who shall have served as supervisor or supervisors, shall be found to be in advance for monies expended on the public roads, and shall have carefully collected the sums of money assessed and imposed by virtue of this act, then the said freeholders or inhabitants so chosen to settle the accounts as aforesaid, or any three of them, shall in like manner order the succeeding supervisor or supervisors to reimburse the same, as soon as a sufficient sum of money shall come into their hands ; and if any person or persons who shall have served in the office of supervisor, shall neglect or refuse to make up and produce fair and just accounts as aforesaid, or having made up and produced such accounts, shall neglect or refuse forthwith to pay the monies which he or they shall have been ordered to pay as aforesaid, or shall not give up the books wherein an account of such monies have been entered, to their successors, it shall be the duty of any justice of the peace, on complaint to him made by the said freeholders or inhabitants so chosen to settle the accounts aforesaid, or by any three of them,

them, to commit such delinquent or delinquents to the county gaol until he or they shall comply as aforesaid, or be otherwise legally discharged.

Sec. 5. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the supervisors of public roads and highways of the respective townships in this commonwealth, to assess and levy a tax on all property, real and personal, and on all such professions, trades and occupations as are made taxable by the "Act for assessing county rates and levies," passed April the eleventh, one thousand seven hundred and ninety-nine, not exceeding half a cent in the dollar, on the real value of all such property, real and personal, and the estimation of the annual profits of all trades professions and occupations made taxable by the aforesaid act; and in assessing and levying the aforesaid tax, the supervisors shall take to their assistance the township assessor for the time being, whose duty it shall be to furnish a correct copy of the last valuation of property in said township, and to give his assistance in making the said assessment; and the amount of taxable property, trades, professions and occupations, shall be taken from the last return of taxable property made in the township for the last county tax, and apportioned on the inhabitants in proportion to the last corrected apportionment of the county taxes, put into the hands of the township collectors; and if any land or other property which might have been overlooked by, or concealed from the township assessor, in taking the return of taxable property for the assessment of county taxes, come to the knowledge of the supervisors, it shall be their duty, with the assistance of the township assessor, to tax the said property, whether real or personal, agreeable to a reasonable valuation; and it

Supervisors of the respective townships to assess and levy a tax not to exceed half a cent. in the dollar on the real value of property, &c.

to take to their assistance the township assessor: His duty;

how said tax is to be apportioned,

shall



and collected; shall be the duty of the supervisors, either by themselves or by a proper person duly authorized by them, to collect the said tax, and in so doing, to call for it at the usual residence or place of abode of the inhabitants, if it is not otherwise paid; and if a collector is appointed, the supervisors shall be accountable for the faithful collection of the tax: *Provided always*, That it shall be the duty of the said supervisors first to call upon the inhabitants of their respective townships, by advertisement or otherwise, who are taxed as aforesaid, to attend at such times and places as they may direct, so as to give the said taxable inhabitants a full opportunity to work out their respective taxes, but upon their neglect or refusal so to do, then the said supervisors to proceed to collect the taxes as is otherwise directed by this act.

may be worked out.

Mode of compelling the payment of the tax:

by person  
ling himself  
rieved may  
eal, &c.

Sec. 6. *And be it further enacted by the authority aforesaid*, That if any person so taxed, shall refuse or neglect to pay the same within twenty days after being called upon therefor, it shall be the duty of the supervisor or supervisors, to obtain a warrant from any justice of the peace of the county (who is hereby authorized and required to grant such warrant) and to levy upon the goods and chattels of the person or persons so refusing; and in case such person shall not within ten days after such levy is made, pay the sum or sums on him or her assessed, together with the charges of making such levy, that then the said supervisor or supervisors may proceed to sell the goods so levied on, and out of the monies arising from such sale, to pay the tax and all costs accruing, rendering to the owner the overplus, if any shall remain: *Provided nevertheless*, That if any person or persons shall find him, her or themselves aggrieved with such assessment,

assessment, it shall be lawful for the justices, at the court of quarter sessions next after such levy being made, upon the petition of the party aggrieved, to take such order thereon, as to them shall be thought expedient, and the same shall conclude and bind all parties; and the supervisor or supervisors, in case of such appeal, shall forbear to make sale of the property so as aforesaid levied on, until the said appeal be determined in the court of quarter sessions.

Sec. 7. *And be it further enacted by the authority aforesaid,* That if the proportion of tax assessed on unseated lands in any township, or any part of it, is not paid to the supervisors, by or for the owners of said lands, within six days after the supervisors have proceeded to collect the tax from the inhabitants, it shall be the duty of the supervisors to make out a fair transcript of the amount of the tax remaining unpaid and due on the several tracts of unseated lands within their respective townships, to which transcript the supervisors shall sign their names, and they shall deliver the same to the commissioners of the county, and on the receipt of the said transcript, the county commissioners shall give unto the supervisors an order on the county treasurer for the amount of the taxes remaining due on the unseated lands in their township, which order shall be paid out of the county taxes forthwith; and the county commissioners aforesaid, are hereby directed and required, on the receipt of the transcript aforesaid, to proceed to recover the taxes due on unseated lands for public roads and highways, in the same manner, and with the same authority as the county taxes are or shall be by law directed to be recovered, and shall cause the proceeds of the same

Of proceedings  
where the tax  
on unseated  
lands is not  
paid.

same to be paid to the county treasurer, to reimburse the money paid to the supervisors of the roads and highways.

The tenants of non residents liable for the tax, but may deduct it out of their rent;

but contracts between landlord & tenant not to be impaired.

Sec. 8. *And be it further enacted by the authority aforesaid,* That the tenant or tenants, or other persons residing on lands owned by persons not residing in the township, his, her or their goods, shall be liable to be levied on in manner aforesaid, for the payment of said taxes; and where any tenant or tenants shall have taken, or hereafter may take a lease of lands or tenements for one or more years, and of which the tenant shall be in possession at the time of assessing or levying the tax for public roads and highways, and shall pay the rate hereby imposed on the said lands or tenements so leased, in such case it shall be lawful for the tenant or tenants to deduct the tax out of the rent due or to become due, or to recover the same from the owner or owners, by action of debt, with costs of suit: *Provided however,* That nothing herein contained, shall be so construed as to impair or make void any contract between landlord and tenant, respecting the payment of the road tax.

Of opening & repairing the highways, procuring materials, &c.

Sec. 9. *And be it further enacted by the authority aforesaid,* That the supervisors of the public roads or highways of the several townships within this commonwealth, shall have power, and they are hereby enjoined and required to hire and employ a sufficient number of hands to make, open and repair all the public roads within their respective townships, which by the court of quarter sessions of the proper county, have been, or hereafter shall be declared public roads or highways, and to purchase wood and all other materials necessary for that purpose, to  
oversee



oversee and direct the labourers, and to take care that the said roads be forthwith effectually opened, cleared and amended.

Sec. 10. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the supervisors aforesaid, or for any other person by order and direction of the supervisor or supervisors, to enter on any lands adjoining or lying near to the public roads and highways within their respective townships, and to cut or open such drains or ditches through the same, as he or they shall judge necessary to carry off and drain the water from such roads, provided the same be done with as little injury as may be to the owner of such lands; which drains or ditches shall be kept open by the supervisors, if necessary for amending the said road, and shall not be stopped or injured by the owner of the land, or by any other person or persons, under the penalty of any sum not exceeding twenty nor less than four dollars, for every such offence, to be recovered on conviction thereof, before any justice of the peace of the proper county, with costs of suit.

The supervisors may enter on lands adjoining the high-ways and cut or open drains for carrying off the water, &c.

penalty for stopping or injuring such drains.

Sec. 11. *And be it further enacted by the authority aforesaid,* That the supervisors shall have full power and authority to enter upon any grounds adjoining or lying near the said public road or highway so to be opened, made or repaired within their respective townships, and to dig or cause to be dug, any gravel, sand or stones, or to gather any loose stones lying on the said lands, as he or they shall think necessary for the purposes aforesaid, provided that the same be done with as little damage as may be to the owners of such lands, and the said materials to carry off without let, hindrance or controul of

They may also enter for the purpose of digging gravel, &c for the use of the roads;

but with as little damage as may be to the owner, and to pay him for the same;

how the value thereof to be ascertained where the parties cannot agree.

the owners, he or they the said supervisor or supervisors, paying or tendering to the owner or owners so much money as they shall agree upon, for the same; and if the supervisor or supervisors and the owners cannot agree on the price of the materials so wanted for making or repairing the roads as aforesaid, then and in every such case, so much money shall be paid by the said supervisors respectively, as any three freeholders of the township where such public road or highway doth lie, to be chosen by the parties, shall, or any two of them, estimate and adjudge to be the value of the materials so wanted for repairing the said roads in the respective townships aforesaid.

Penalty on supervisor for neglecting to perform his duty;

appeal allowed.

Sec. 12. *And be it further enacted by the authority aforesaid,* That all and every supervisor or supervisors of the highways, who shall refuse or neglect to do and perform his or their duty, as directed by this act (and for which penalties are not otherwise herein provided) shall be fined in any sum not less than four dollars, nor exceeding fifty dollars, to be recovered in a summary way, before any justice of the peace of the county, to be applied towards repairing the public roads and highways within the respective townships where such fines and penalties are incurred: *Provided however,* That if any supervisor or supervisors shall conceive himself or themselves aggrieved by the judgment of a justice of the peace, he or they may appeal, by petition, to the next court of quarter sessions, who shall take such order thereon, as to them shall appear just and reasonable, and the same shall be conclusive.

Penalty on persons work-

Sec. 13. *And be it further enacted by the authority aforesaid,* That if any person working

on any road or highway, or being with him, shall ask money or reward, or shall by any means whatsoever, extort or endeavor to extort any money or other thing, of or from any person travelling upon any public road or highway, he shall for every such offence pay to the supervisor or supervisors of the said township, the sum of one dollar, to be recovered by the supervisors, or either of them, in a summary way, before any justice of the peace of the respective county, to be applied to the repair of the roads; and in case any supervisor shall connive at any person so asking, demanding or contriving so to extort from travellers as aforesaid, or shall himself extort or endeavor to extort money, drink, or other thing from travellers or any traveller as aforesaid, every such supervisor shall pay for every such offence, the sum of five dollars, to be recovered by any person who shall sue for the same, with costs of suit, the one half to the use of the prosecutor, and the other half to and for the repair of the roads within such township.

ing on the  
highway asking  
or extorting  
money, &c.  
from travellers.

Sec. 14. *And be it further enacted by the authority aforesaid,* That if a public road or highway shall be carried through any land where- by the owner shall receive damage, the person who sustains such damage, may within one year, but not afterwards, make a representation, by petition, of the damage he has sustained, to the court of quarter sessions, and the said court shall appoint six disinterested men to view and ad- judge the amount of the damage (if any) sus- tained, and the said amount shall be paid, after being approved of by the court, by the treasur- ers of the respective counties out of the county stock: *Provided always,* That it shall be the du- ty of the viewers, in assessing damages, to take into consideration the advantages derived from such

How individu-  
als are to be  
compensated  
for damage  
sustained by  
reason of a  
public road  
passing through  
their land.



said road passing through the land of the complainant.

Penalty for committing nuisances on the highways.

Sec. 15. *And be it further enacted by the authority aforesaid,* That if any person or persons shall stop or obstruct any of the public roads or highways laid out agreeably to law, or shall commit any nuisance thereon, by felling trees, making fences, or by turning the road, or by any other way whereby the road or highway may suffer damage, and do not, on notice given by the supervisor of the proper township, remove the nuisance or repair the damage forthwith, such person or persons shall for every such offence, be fined in a sum not exceeding forty dollars, nor less than ten dollars, as the case may require, to be recovered before one of the nearest justices of the peace of the proper county, and to be applied to the removing of the said nuisances, or repairing the injury or damage which the road or highway may have so sustained, and the surplus (if any) to be applied to the repair of the roads in the respective townships: *Provided always,* That the same appeal shall be allowed to any person or persons fined as aforesaid, as is provided by the twelfth section of this act.

Roads laid out on the division line of two townships to be kept in repair at the joint expence of both.

Sec. 16. *And be it further enacted by the authority aforesaid,* That in cases where any road has been laid on the line which divides two townships, or may hereafter be so laid, the said road shall be made, amended or repaired, as the case may require, at the joint expence of both of the townships on whose division line the road is laid; and in case the supervisor or supervisors of one of the said townships shall neglect or refuse to join with and assist the supervisor or supervisors of the other township, in opening, amending

amending or repairing any such road, such supervisor or supervisors so neglecting or refusing, shall be liable to the same penalties as if he or they had neglected or refused to open, amend or repair any public road or highway within his or their respective township, and the supervisor or supervisors of the other township, is hereby directed and required to open, amend and repair the said road, and to charge the aforesaid supervisor or supervisors so refusing and neglecting, with one half of the monies expended on such road, and to recover the same by action of debt, to be brought against such supervisor or supervisors so neglecting.

Sec. 17. *And be it further enacted by the authority aforesaid,* That upon application, by petition, of any person or persons, to the court of quarter sessions, for a road from the plantation or dwelling house of such person or persons, to or from the public highway, or to any to place of necessary public resort, the aforesaid justices shall, in open court, and not otherwise, order and direct a view of the place where the road is requested to be laid out, and a return thereof to be made in the same manner as is before directed in this act; and if such road is found to be necessary, the said justices of the court of quarter sessions, shall further order and direct of what breadth the said road shall be, so as the same shall not exceed twenty-five feet, and such road shall be recorded by the court: *Provided however,* That the said road shall be opened and kept in repair by and at the expence of the person or persons at whose request the same was granted and laid out, and of such as have occasion to travel to and from their dwelling houses on the said road; and if it shall happen that such road shall be carried through any man's ground,

Of roads leading from the public highway to the habitations of individuals.

ground, the damage sustained thereby by the owner or owners, shall be valued in the manner before directed in this act, and paid for by the person or persons at whose request the road was granted and laid out, and of those who use the same as a common road to and from their own dwellings.

Of hanging  
swinging gates  
on such roads  
as aforesaid.

Sec. 18. *And be it further enacted by the authority aforesaid,* That if the owners of the improved land through which any such private road is laid out, or the owners of other land through which it is carried, are desirous to hang a swinging gate or gates upon such roads as are only granted for the use of one or more private families, it shall and may be lawful for the aforesaid court, on application, by petition to them made, to appoint six persons, in the manner herein before directed for laying out roads, to enquire and judge whether such gate or gates may without much inconveniency to the persons for whose use the road was granted, be hung on the same, and if the persons appointed to view the place, or any four of them, shall certify to the justices of the court aforesaid, that a gate or gates may be hung according to the prayer of the party, without much inconveniency to the person or persons using the road, the justices shall order that a gate or gates may be hung thereon accordingly, and that the same shall be made and kept in repair by the owner of the said land, and made easy for the passage of persons using the said road.

Of vacating  
private or public  
roads that  
may be deemed  
useless.

Sec. 19. *And be it further enacted by the authority aforesaid,* That the several courts of quarter sessions, in their respective counties, shall have authority, upon application, by petition to them made, to enquire of and to vacate any private

vate



vate or public road or highway, or any part of such road or highway which they shall judge to be uselefs, inconvenient and burthensome, and the said court shall proceed therein by views thereof, in like manner as they are authorised to do, and as is usually practised in laying out of public roads and highways; and the judgment of the court of quarter sessions shall be effectual and conclusive in the premises, if the same be not appealed from within six months from and after the giving of such judgment; the application aforesaid shall be made in writing, signed by the persons applying, and shall set forth in a clear and intelligible manner, the length, breadth, situation, and other circumstances of such road or highway, or of the part thereof which those applying desire to have laid aside and vacated as aforesaid, and such application shall be audibly read twice in open sessions, on the different days of the sessions whereat it was made; and no other or further proceeding shall be had thereon, but the same shall be adjourned till the next court of quarter sessions, when the same shall again be openly and audibly read twice, on several days, before the court proceed thereon:

*Provided always*, That nothing in this act shall be understood to give authority to any of the said courts of quarter sessions, or to the supreme court, to vacate any lane, street or highway within the city of Philadelphia, or within any borough, town plot, or any town or village in this state, which hath been laid out by the late proprietaries, or by any other person or persons, and dedicated to public use, nor to vacate any cart-way laid out by order of court, nor any road or passage claimed by any person as his or her private right, and which cart-way, road-way or passage, is not repairable at the charge of the township or district, nor to rivers or streams of water.

Exception as to lanes, streets, &c. within any corporate town or cart-ways that may be claimed as private rights.

Of caufways  
and bridges.

Bridges over  
creeks that are  
divifion lines,  
how to be re-  
paired.

Sec. 20. *And be it further enacted by the authority aforefaid,* That it fhall be the duty of the fupervifors, and they are hereby enjoined and required, in making and repairing the public roads or highways, to make and maintain fufficient caufeways, of ftone or timber, on marfhy or fwampy grounds, and alfo make and maintain fufficient bridges over all fmall creeks and rivulets and deep gullies, where the fame fhall be neceffary for the eafe and fafety of travellers; and where a fmall creek, over which a bridge may be neceffary, happens to be a boundary or divifion line of two townfhips, the bridge fhall be built and maintained by the fupervifors of both townfhips refpectively, at the equal expence of the faid townfhips, in the fame manner as is directed by this act with refpect to the making and repairing of public roads and highways which may be the divifion line of townfhips.

Bridges over  
rivers, &c.  
croffing a high-  
way to be  
erected at the  
expence of the  
county.

Sec. 21. *And be it further enacted by the authority aforefaid,* That where a river, creek or rivulet, over which it is neceffary to erect a bridge, croffes a public road or highway, and the erecting of fuch bridge requires more expence than it is reasonable that one townfhip, or two adjoining townfhips fhould bear, it fhall be the duty of the juftices of the court of quarter fefions, and they are hereby enjoined and required, on the representation of the fupervifor or fupervifors, or on the petition and at the request of a number of the inhabitants of the refpective townfhips, to order a view, in the fame manner as in the cafe of laying out roads and highways; and if on the report of the faid view, it appears to the court, grand jury, and commissioners, that fuch a bridge is neceffary, and would be too expenfive for the townfhip or townfhips

townships to erect, it shall be entered on record, and it shall be the duty of the commissioners of the county to procure an estimate, as nearly as may be, of the money which will be necessary to erect such bridge, and the commissioners of the county shall provide the same out of the county taxes, and proceed forthwith to have such bridge erected, by contract or otherwise, as shall seem to them most expedient; and such bridge, when so erected, shall be inspected by six fit persons, appointed by the justices of the court of quarter sessions, agreeably to whose report it shall be approved or disapproved by the court, and if approved, the money shall be paid agreeably to contract, or damages in favor of the county awarded, according to the judgment of the court.

Sec. 22. *And be it further enacted by the authority aforesaid,* That in all cases wherein the court of quarter sessions is authorized to grant a view for the purpose of laying out or vacating roads, or respecting bridges, the justices of the court of quarter sessions are hereby authorized and directed, on application to them made for that purpose, to grant a re-view of the same, at the expence of the parties applying: *Provided,* That application is made therefor at the next court of quarter sessions after report has been made on the first view.

Reviews of roads and bridges to be granted, but must be applied for within a limited time.

Sec. 23. *And be it further enacted by the authority aforesaid,* That the township assessor shall receive from the supervisors, any sum not exceeding one dollar, for every day he shall be necessarily employed in assessing the tax directed by this act, and that the supervisors shall be allowed in the settlement of their accounts, any

Compensation, of township assessors, supervisors and road viewers.



sum not exceeding one dollar respectively, for every day they shall be necessarily employed in discharging the duties of their office, except for collecting the road tax, for which they shall be allowed the amount of five cents out of every dollar they shall so collect or cause to be collected, and no more; and the freeholders or other inhabitants who shall be directed to view public roads or highways, shall each of them, for every day they are necessarily employed in that service, receive from the county treasurer one dollar, on producing a certificate from the clerk of the court of quarter sessions, that such service was performed by them; the surveyor shall be found and paid by the persons applying for the view; and the expence of views of private roads, and of re-views of private or public roads, shall be wholly paid by the parties applying for the same.

Direction posts to be erected where cross roads intersect the highways.

Sec. 24. *And be it further enacted by the authority aforesaid,* That the supervisors within the respective townships, shall cause posts to be erected, where trees are not convenient, at the intersection of all public roads, with boards and an index-hand pointing to the direction of such road on both sides whereof shall be inscribed, in legible characters, the name of the town, village or place to which such road leads, and the distance thereof in computed miles; and any person or persons who shall wilfully injure, deface or destroy any such posts or index-boards, the person or persons so offending, shall on conviction thereof, before any justice of the peace of the proper county, forfeit and pay any sum not exceeding ten dollars, one half thereof to be paid to the informer or informers, and the other half to the supervisors of the respective townships,

ships wherein the offence shall be committed, to be appropriated to the repairs of the roads in such townships.

Sec. 25. *And be it further enacted by the authority aforesaid,* That all laws heretofore enacted for the laying out, opening, making, amending or repairing of public or private roads or highways, or for the making and repairing of bridges, other than turnpike roads and streets, roads, lanes, alleys and bridges, in the city of Philadelphia and other corporate towns, are hereby repealed and made void: *Provided always,* That nothing herein contained, shall be so construed as to interfere with any special provision heretofore made by law, respecting the county of Philadelphia.

All former road laws other than those respecting turnpike roads, &c. &c. repealed.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—April the sixth, 1802 :

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

CHAP.

## CHAPTER LXXXVI.

*An ACT to maintain the territorial rights of this State, and protect the property of persons holding lands under the same.*

**W**HEREAS, certain persons under the pretence of title derived either from the state of Connecticut, or from certain companies known by the names of the Connecticut Sufquehanna company, and the Connecticut Delaware company, to a considerable extent of territory within this state, have by various improper practices long endeavored to defeat the execution of the laws of this state, and to defame the titles of persons holding lands by grants from this state or the late proprietaries before the revolution; in order therefore, to counteract such practices, and to preserve the just rights of this state,

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 from and after the first day of May next, no conveyance to be made of any land within the counties of Luzerne, Lycoming and Wayne, shall be good or effectual to pass any right, title, estate, interest or claim whatever, either at law or in equity, unless the title to the land in such conveyance mentioned, is derived from this state, or the late proprietaries thereof, before the fourth of July, one thousand seven hundred and seventy-six, and unless the said conveyance shall expressly refer to and recite the substance of the warrant, survey, patent or title under which the same*

No conveyance of land within the counties of Luzerne, Lycoming and Wayne, shall pass any estate, where the title is not derived from this state or the proprietaries before the 4th of July 1776.



fame is so derived from this state, or the late proprietaries thereof, before the said fourth of July, one thousand seven hundred and seventy-six; and if any judge or justice shall take an acknowledgment or proof of, or any recorder of deeds, or any other person, shall record any deed which shall not have been derived as aforesaid, he shall forfeit for every offence, the sum of two hundred dollars, which forfeiture shall be recoverable by action of debt, in any court of record in this state, the one half thereof to the use of the commonwealth, and the other half thereof to the person who shall sue for the same; and such acknowledgment and recording, shall be void and of no effect; and every such recorder of deeds so offending, shall forfeit his office: *Provided always*, That nothing herein contained shall be so construed as to make valid any conveyance heretofore made, of any pretended title or claim to land under the colony or state of Connecticut, or either of the companies known by the names of the Connecticut Susquehanna, or the Connecticut Delaware company.

Penalty on any judge or justice for receiving proof of, or recorder for recording a deed of a different description.

Sec. 2. *And be it further enacted by the authority aforesaid*, That no person in any manner interested in the said pretended title or claim under the colony or state of Connecticut, or either of the said companies, shall sit as a judge or serve as a juror in any cause, civil or criminal, wherein the said pretended claim or title shall or may, directly or indirectly be brought into question; and if any sheriff shall summon any person or persons, to serve as a juror or jurors, who are directly or indirectly concerned and interested in any Connecticut title, knowing him or them to be so concerned or interested, such sheriff on conviction thereof, shall be fined in any sum not exceeding five hundred dollars,

No person interested in the Connecticut title to act as judge or juror in any cause where said title may come in question, and fine on sheriff summoning any such person as a juror.

dollars, to be recovered as other fines and forfeitures are recoverable by law.

The penalties or disabilities created by this act except so far as relates to judges, sheriffs or jurors not to extend to land or the claimants thereof within the seventeen townships of Luzerne, &c.

Sec. 3. *And be it further enacted by the authority aforesaid,* That none of the penalties or disabilities created by the present act, except so far as relates to judges, sheriffs or jurors, shall relate to land or the claimants of land within the Seventeen Townships of Luzerne county, or any of them, so far as concerns any act of theirs respecting lands within the said townships, which have been or may hereafter be duly submitted according to law, under the provisions of an act of the general assembly of this commonwealth, passed on the fourth day of April, one thousand seven hundred, and ninety-nine, entitled "An Act offering compensation to Pennsylvania claimants of land within the Seventeen Townships in Luzerne county, and for other purposes therein mentioned," or any supplement thereto.

Any person selling or purchasing, or in any manner contracting for land under the Connecticut title or either of the land companies to forfeit 200 dollars.

Sec. 4. *And be it further enacted by the authority aforesaid,* That any person who shall, from and after the first day of June next, bargain, sell or convey, or by any ways or means obtain, get or procure any pretended right or title, or make or take any promise, contract, grant or covenant, to have any right or title of any person or persons, in or to any lands, tenements, or hereditaments within this state, under the said pretended title from the state of Connecticut, or either of the said companies, shall forfeit the sum of two hundred dollars, which forfeiture shall be recoverable by action of debt, in any court of record in this commonwealth, the one half thereof to the use of the commonwealth, and the other half to the person who shall sue for the same; and such promise, contract,

tract, grant or covenant, is hereby declared to be utterly void and of no effect.

Sec. 5. *And be it further enacted by the authority aforesaid,* That the Governor is hereby authorized and required to make known the contents of this law by proclamation, and to enjoin obedience thereto.

Proclamation  
to be issued by  
the Governor.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—April the sixth, 1802 :

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

## CHAPTER LXXXVII.

*A FURTHER SUPPLEMENT to the act, entitled " An Act offering compensation to the Pennsylvania Claimants of certain lands within the Seventeen townships, in the county of Luzerne, and for other purposes therein mentioned," passed the fourth day of April, one thousand seven hundred and ninety-nine.*

Section 1. **B**E 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



Who shall have the benefit of the act to which this is a supplement & on what terms. *thority of the same,* That all Pennsylvania claimants, whose titles originated prior to the decree at Trenton, entitled to land within the Seventeen Townships, who shall transmit their releases, and all Connecticut claimants intended to be embraced within the provisions of the act to which this act is a supplement, claiming land within the said Seventeen Townships, who shall submit their titles to the secretary of the land-office on or before the first day of August next, shall be entitled to all the benefits of the aforesaid act.

Applications of Connecticut claimants transmitted & received at the land-office although after the time limited by law, shall be acted upon as if received within the prescribed period. *Sec. 2. And be it further enacted by the authority aforesaid,* That all applications of Connecticut claimants, actually transmitted and received at the land-office aforesaid, although after the time heretofore appointed by law for their being received, shall be acted upon by the commissioners, in like manner as if they had been received before the expiration of the time so limited and appointed.

The vendees of such claimants to be admitted to the same benefits, under the aforesaid law, that their venders would have been entitled to, without new applications, &c. *Sec. 3. Whereas, divers Connecticut claimants who have transmitted their applications to the land-office of Pennsylvania, to be received within the provisions of the act passed the fourth day of April, one thousand seven hundred and ninety-nine, have since sold their land, or part thereof, to other persons, Be it therefore enacted by the authority aforesaid,* That such subsequent purchasers shall be admitted to the benefits of the said act, passed the fourth day of April, one thousand seven hundred and ninety-nine, in the same manner as their venders would have been entitled, without such purchasers being required to make any new application for that purpose; and all purchasers under process of law, of land claimed under the title of the Susquehanna

hanna company, within the said Seventeen Townships, already submitted by a former claim thereof, shall be equally entitled to the benefits of the said act of the fourth day of April, one thousand seven hundred and ninety-nine, as if such purchaser himself had submitted the same by his application to the land-office for that purpose.

Sec. 4. *And be it further enacted by the authority aforesaid,* That the attornies or agents duly authorized by such Connecticut claimants whose application has been or may be transmitted to the land-office or to the commissioners aforesaid, under the provisions of the act of the fourth day of April, one thousand seven hundred and ninety-nine, or this supplement thereto, where such claimants are infants, or residents of a distant part of this state, or reside out of this state, or are disabled by sickness or corporal infirmity, from attending the commissioners in person, may exhibit the title of such claimant, and take the oath of single title enjoined by the act of the fourth day of April, one thousand seven hundred and ninety-nine in respect of the land so claimed, to the best of their knowledge and belief, and the same shall be equally valid as if done by the principals in person.

in what instances such claimants may be represented by attorneys or agents.

Sec. 5. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid, or any of them, shall have power to summon before them any person or persons, and to administer oaths or affirmations generally, to any person appearing before them, touching the objects of the present act and the act to which this is a supplement; and any person swearing falsely in respect to any matter whereunto he shall be examined by the said commissioners, or

The commissioners empowered to examine persons on oath, &c. who for swearing falsely shall incur the like penalties as are annexed to perjury.



any of them, and within the duties of their office, shall be subject to all the penalties by law annexed to the crime of willful and corrupt perjury; but the power of the commissioners to summon and examine, upon oath or affirmation, any person whatsoever, shall be confined to the proper objects of their commission and the duties by law assigned to them.

*Sec. 6. And be it further enacted by the authority aforesaid,* That it shall be the duty of the attorney-general of this commonwealth, to give his legal advice and opinion, without delay, on any question submitted to him by the said commissioners, or a majority of them, respecting the execution of their commission.

To receive legal assistance from the attorney-general when required in the execution of their office.

*Sec. 7. And be it further enacted by the authority aforesaid,* That the said commissioners, or any of them who shall be engaged in the examination of titles of Connecticut claimants, shall be at liberty to employ one additional clerk permanently, and such occasional assistance as the business may absolutely require; provided no such clerk shall be paid more than two dollars per day for his services.

Empowered to appoint one permanent clerk and such assistants as may be requisite.

clerk's compensation.

*Sec. 8. And be it further enacted by the authority aforesaid,* That the commissioners, or any of them who may be employed in the examination of title as aforesaid, and may find it necessary to proceed in rotation through such of the Seventeen Townships where the Connecticut titles of the inhabitants thereof yet remain to be examined, shall be repaid all reasonable costs and charges expended in conveying from one township to another, the books, papers and documents belonging to the commission, and every other reasonable expence necessarily

Commissioners to be reimbursed all reasonable costs incurred in transporting the books, &c. from one place to another and their travelling expences to be borne.

cessarily



cessarily incurred in travelling from township to township.

Sec. 9. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners to survey, value, and certify, not merely such parts and portions of the tracts of land claimed under the title of the Susquehanna company, within the Seventeen Townships aforesaid, as have been or may be released to this commonwealth by the Pennsylvania claimants thereof, but the whole of each tract of land claimed by a Connecticut claimant, who shall establish his title thereto in the manner prescribed by the aforesaid act of April fourth, one thousand seven hundred and ninety-nine, whether released to this commonwealth or not; and if any Pennsylvania claimant of such land, shall refuse or neglect to release the same to this commonwealth, under the provisions of the aforesaid act of April fourth, one thousand seven hundred and ninety-nine, on or before the first day of August next, such Pennsylvania claimant shall not hereafter be entitled to recover the same by any action, in any court whatever in this commonwealth, against the Connecticut claimant, in whose favor a certificate shall be granted by the said commissioners, for such land, or against any person claiming under such certificate, or any patent issued by virtue thereof; but the Pennsylvania claimant so refusing or neglecting to release such lands as aforesaid, shall be at liberty to institute a suit in the supreme court of Pennsylvania, against this commonwealth, which suit shall be tried and determined at any circuit court of the supreme court, in the county of Luzerne, unless on special motion and reasonable cause shewn, the judges of the supreme court shall think fit to direct the venue to be changed

What lands they are to survey, value and certify,

and w<sup>t</sup> Penn<sup>y</sup> claimant<sup>s</sup> to release to what to consequence

changed in any suit so instituted, which in such case shall be tried and determined at any circuit court of the supreme court, to be held either in the county of Northumberland or the county of Lycoming, at which trial the said court and jury shall have power to award a just compensation for the land so taken from such Pennsylvania claimant: *Provided*, He shall in the course of the said trial, make it appear to the court and jury, that he is fully, fairly and exclusively entitled to such land under this commonwealth, except as against the person or persons claiming the same by virtue of a certificate or patent granted under the authority of this act; and upon such trial being determined in favor of the Pennsylvania claimant, the plaintiff in the said suit shall be entitled to receive, in current money of the United States, the full sum so awarded in his favor, together with costs of suit, on presenting to the Governor of this commonwealth a certificate of the verdict and judgment in such suit, and the costs thereof to be taxed in the usual manner, and certified by the judges before whom the said trial was held, and by the clerk of the court, whereupon the Governor shall issue his warrant for the amount aforesaid, to the treasurer of this commonwealth.

Sec. 10. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said commissioners to demand and receive, of and from each Connecticut settler and claimant applying for a certificate under the aforesaid act of April fourth, one thousand seven hundred and ninety-nine, or the present act, every deed and document of title under the Susquehanna company, relating to the lands required to be certified, which may be in the power or possession of such Connecticut settler or claimant.

Every Connecticut claimant applying for a certificate first to deliver up to the commissioners all title-papers which they are to transmit to the secretary of the land-office.

previous

previous to the issuing of any certificate for such lands, which deeds and documents shall be transmitted by the said commissioners to the secretary of the land-office, together with all other papers relating to the said commission, when required by the Governor.

ISAAC WEAVER, *junior, Speaker*  
of the House of Representatives.

SAMUEL MACLAY, *Speaker*  
of the Senate.

APPROVED—April the sixth, 1802:

THOMAS M'KEAN, *Governor*  
of the Commonwealth of Pennsylvania.

## CHAPTER LXXXVIII.

*An ACT for the more certain Administration of Justice.*

**W**HEREAS, from sickness and other causes, the holding of the courts of justice of this commonwealth, at the regular terms, have been and may hereafter be prevented: 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* no process, pleas, suits, actions or proceedings which have at any time been, now are, or hereafter shall be commenced, sued, brought, or depending

No process,  
suits, &c.  
brought or de-  
pending in the  
supreme or any  
other court



within this  
state, shall be  
discontinued  
or abate on ac-  
count of the  
non-attendance  
of the justices  
or judges  
thereof.

depending before the supreme court, or any other court of this commonwealth, shall be discontinued or put without day, or so considered, by reason of the non-attendance of the justices or judges of the said courts, but shall stand good and effectual in law, to all intents and purposes, notwithstanding the non-attendance of any of the said justices or judges.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—April the sixth, 1802:

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

CHAPTER LXXXIX.

*An ACT for the regulation of the Militia of  
the Commonwealth of Pennsylvania.*

Section 1. **B**E 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 each and every free, able-bodied, white male citizen, of this or any other of the United States, and every other free, able-bodied white male person who has been resident in this commonwealth for six months previous to the time of his enrolment, who is or shall be of the age of eighteen years, and under the age of forty-five years, except as

Description of  
persons to be  
enrolled in the  
militia and by  
whom,

is herein after excepted, shall severally and respectively be enrolled in the militia, by the captain or commanding officer of the company within whose bounds such citizen or other person as above described, shall reside, and that it shall at all times hereafter be the duty of such captain or commanding officer, to enroll, or cause to be enrolled, every such citizen and other person, resident as aforesaid, and also those who shall from time to time arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty-five years, or become resident as aforesaid, and not excepted by this act, shall come to reside within his bounds, noting as precisely as possible, the particular age of each person enrolled, and in all cases of doubt respecting the age or residence of any person enrolled or intended to be enrolled, the party shall prove his age or residence, to the satisfaction of the officers of the company within whose bounds he may reside, or a majority of them, and that it shall be the duty of each captain or commanding officer of a company, to take or cause to be taken, an accurate class-list or roll, of all the persons subject to militia duty, who shall have been enrolled by him as aforesaid, noting as precisely as possible, the age of each person enrolled, and particularly designating all such persons within the bounds of his company, and the ward or township in which they reside, subject to militia duty, who shall desire to be considered as exempts, or persons exempted from training in regiments, battalions, or companies, as is directed by this act, but not as persons exempted from their tour of duty when the militia of this state, or any detachment thereof, shall be called into actual service; but if any person neglects or refuses to make his choice as aforesaid, the said

the party to prove his age and residence where doubts exist :

Each captain to keep a list of all persons enrolled by him, noting thereon the exempts.

Persons neglecting to make their

captain

election shall be placed on the list of exempts, who shall have the right to appeal, &c.

Duty of the regimental commander.

Enrollments to be annually delivered to the brigade inspector on oath or affirmation, who shall transmit to the county commissioners, the state treasurer and register general respectively, a list of the exempts.

captain shall place the name of such person on the list of exempts: *Provided always*, That exempts shall enjoy the right of appeal, and have such redress as delinquents have in cases of appeal provided for in the seventeenth section of this act: And in all cases where exempts obtain any exoneration as aforesaid, the amount thereof shall be certified under the hand of the president of the court of appeal, which certificate, when presented to the collector of taxes, shall be received by him as payment of such part of the said exempt's fine as shall be therein expressed; and the commanding officer of each regiment respectively, shall transmit a list of the names of the officers appointed to hear and determine on appeals for the current year, to the county commissioners, on or before the first day of August annually; and the said captain or commanding officer shall, under the penalty of fifty dollars for every such neglect or refusal, yearly and every year, on or before the day of regimental review, to be in the month of May, deliver or cause to be delivered, one complete class-list or roll as aforesaid, on oath or affirmation, to the brigade inspector, and it shall be the duty of the said brigade inspector, within ten days after he shall have received the said lists or rolls as aforesaid, to deliver or safely transmit to the commissioners of the proper county, and within sixty days thereafter, to the state treasurer and register-general, to each a true and accurate list of the said exempts as aforesaid, returned to him by the captains or commanding officers of the respective companies, under the penalty of twenty dollars for every such offence, and shall incur a further fine of twenty dollars for every month's delay after the expiration of the said sixty days, to be recovered by the treasurer of the state, for the use of the



the commonwealth; and thereupon the said county commissioners shall annually fine or charge the persons so returned to them as exempts in their county duplicates, the sum of five dollars each, over and above the amount of their taxes; and the tax so imposed on all minors who are exempts, shall be charged to the parent, guardian, master or mistress of such minor, keeping the amount of the said fines in a separate and distinct column from the county tax; and it shall be the duty of the said commissioners, under the penalty of five hundred dollars each, for every neglect or refusal, to be recovered agreeably to the provisions of the thirty-fourth section of this act, to direct and cause the said exempt fines to be collected annually, at the same time and in the same manner in which the county tax is directed by law to be collected, except as to the discretion of exoneration invested in the commissioners in other cases, and in like manner to be paid and received in the treasury of the county; and the county treasurers respectively, are hereby directed to keep separate and distinct accounts of all the monies so by them received for exempt fines in pursuance of this act; and the said county treasurers respectively, shall settle with the register-general, and pay yearly to the treasurer of the commonwealth, all such fines from exempts as they shall receive by virtue of this act; and the said county treasurers respectively, shall be allowed in the settlement of their accounts with the comptroller and register-generals, five per cent. on all monies so received and by them paid to the state treasurer as aforesaid.

Proceedings  
by the com-  
missioners  
thereon :

Duties and  
compensation  
of the county  
treasurers.

Sec. 2. *And be it further enacted by the au-* *Who shall be*  
*thority aforesaid,* That the vice-president of *exempt from*  
*the* *militia duty.*

the United States, officers judicial and executive of the government of the United States, the members of both houses of congress, and their respective officers, all custom-house officers, with their clerks, all post-officers and stage-drivers who are employed in the care and conveyance of the mail of the United States, all ferrymen employed at any ferry on the post-roads, while they remain such, all inspectors of exports, all pilots, all mariners actually employed in the sea service of any citizen of the United States, ministers of religion of every denomination, professors and teachers in the university, colleges, academies and schools, while they are actually employed as such, judges of the supreme court, and presidents of the courts of common pleas, menial servants of ambassadors, ministers and consuls from foreign states, sheriffs, gaolers, and keepers of work-houses, shall be, and they severally are exempted from militia duty, notwithstanding their being above the age of eighteen years and under the age of forty-five years.

Genera' arrangement of the militia:

Of volunteer companies.

*Sec. 3. And be it further enacted by the authority aforesaid,* That the militia of this commonwealth shall, within the respective bounds herein after mentioned, be arranged into divisions, brigades, regiments, battalions and companies; that each division shall consist of two brigades, and each brigade so to be formed, shall consist of not less than four regiments, each regiment of two battalions, each battalion of four companies, exclusive of a flank company, in such manner that no company shall consist of more than one hundred nor less than sixty-four privates, or as near as may be, having regard to their local situations; there may be attached to each battalion, one company of grenadiers, light

light-infantry, or riflemen, which company shall be formed within the bounds of the regiment, and to each brigade there shall be but one company of artillery, which company shall be furnished with one piece of ordnance, at the expense of the state, as soon as they shall be completely uniformed and equipped, and one or more troops of horse, which shall be formed of volunteers in their respective brigades, at the discretion of the Governor, not exceeding one company to a regiment, nor more in number than one-eleventh part of the infantry.

Sec. 4. *And be it further enacted by the authority aforesaid,* That the territory of this commonwealth be, and it is hereby divided into division bounds, as follows, to wit: The city and county of Philadelphia shall form one division; the counties of Bucks and Montgomery one; the counties of Chester and Delaware one; the county of Lancaster one; the counties of York and Adams one; the counties of Berks and Dauphin one; the counties of Cumberland and Franklin one; the counties of Northampton and Wayne one; the counties of Northumberland, Lycoming and Luzerne one; the counties of Mifflin, Huntingdon and Centre one; the counties of Bedford, Fayette and Somerset one; the counties of Washington and Greene one; and the counties of Westmoreland, Allegheny, and that part of Butler which is included in lieutenant-colonel Gilliland's regiment, and that part of Beaver which lies south of the river Ohio one; and the counties of Armstrong, Crawford, Erie, Venango, Warren, Mercer, part of Butler, and that part of Beaver which lies north and west of the river Ohio, one other division; the city of Philadelphia shall form one the city of Philadelphia to form one and brigade, and each division shall be composed of



each division  
two brigades:

The regiments  
from time to  
time to be  
equalised,

how many men  
a regiment  
may contain,  
&c.

two brigades; and when by increase of population or other causes, the number of men in any of the regiments becomes too large, or greatly disproportionate, it shall and may be lawful for the brigadier-general and brigade-inspector, with the commanding officers of the regiments in each brigade, or a majority of them, to cause a new arrangement to be made in the regiments and battalions, and to equalize the same as nearly as may be, or to form additional regiments or battalions, if in their opinion the same be necessary: *Provided*, That no regiment shall consist of more than one thousand nor less than five hundred men, and the battalions in the same proportion; and when from the increase of population or other causes, the number of men in any of the companies of a regiment, shall become greatly disproportionate to the number of men in other companies, the field officers of such regiment are hereby authorized to make such arrangements and distributions of the men as in their discretion shall be convenient and proper, in order to equalize the number of men in the several companies, or to form additional companies, if in their opinion the same be necessary.

Colours to be  
provided by  
the state shall  
be uniform:

Sec. 5. *And be it further enacted by the authority aforesaid*, That there shall be two colours or standards provided at the expence of the state, for every regiment, so that each battalion may have one, and they shall be uniform throughout the state, and of the following dimensions and devices, to wit: The length or height of the staff of each of the said colours, shall be nine feet, with a brass spear on the top thereof, the fly of each of the said colours shall be six feet six inches in length, and four feet six inches in height on the staff, on the fly of one  
of

of the said colours, to be made of a dark blue coloured silk, there shall be painted an American eagle, with expanded wings, supporting the arms of the state, or some striking part thereof, in the upper corner, next to the staff, there shall be inserted, in white letters and figures, the number of the regiment, and the word "Pennsylvania," encircled or ornamented with thirteen white stars; the fly of the other colour shall be composed of thirteen red and white alternate stripes, with the upper corner next to the staff, coloured and appropriated as above directed, and each colour shall be ornamented with two silk tassels; and the two colours or standards now deposited in the office of the secretary of this commonwealth, shall be preserved as models for the colours of the state, agreeably to which all the regimental colours of this commonwealth shall be made. And the uniform, or military dress of the militia of this state, shall be as follows, to wit: For the infantry, light-infantry, and cavalry, a blue coat, faced with red, the lining and buttons thereof white; for the artillery, a blue coat, faced and lined with red, with yellow buttons; but the uniform of the general officers, and of the officers of the staff, shall be blue, faced with buff, the regimental staff excepted, whose uniform may be that of the regiment to which they belong; and the cockade to be worn by the militia of this state, shall be blue and red: *Provided*, That nothing in this section shall entitle any regiment or battalion to the colours or standards above described, who have already received the same in pursuance of the fifth section of the act, entitled "An Act for the regulation of the militia of the commonwealth of Pennsylvania," passed the ninth day of April, one thousand seven hundred and ninety-nine.

Those now deposited in the office of state to be the models:

The uniform of the militia:

Those supplied under the late law not to receive colours under this.

Arms and accoutrements of the militia.

Sec. 6. *And be it further enacted by the authority aforesaid,* That the commissioned officers of infantry, light-infantry, grenadiers and riflemen, shall severally, at their own expence, be armed with a sword or hanger and an esponton; and those of artillery, with a sword or hanger, a fuzee, bayonet and belt, and a cartridge-box, to contain at least twelve cartridges; the commissioned officers of the several troops of horse, shall furnish themselves with good horses, of at least fourteen hands and an half high, and shall be armed with a sword and a pair of pistols, the holsters of which shall be covered with bear skin caps; each light-horse man or dragoon shall furnish himself with a serviceable horse, of at least fourteen hands and an half high, a good saddle, bridle, mail-pillion and valesse, holsters, and a breast-plate and crupper, a pair of boots and spurs, a pair of pistols, the holsters of which shall be covered with bear skin caps, a sabre and cartridge-box, to contain at least twelve cartridges for pistols; and every person so enrolled and provided with arms, ammunition and accoutrements required as aforesaid, shall hold the same exempted from all suits, distresses, executions or sales for debt, or for the payment of taxes.

How the militia shall be officered.

Sec. 7. *And be it further enacted by the authority aforesaid,* That the militia shall be officered as follows: To each division one major-general and two aids-de-camp, with the rank of major; to each brigade, one brigadier-general, one brigade-major, and one brigade-inspector, each with the rank of major; to each regiment, one lieutenant-colonel commandant; and to each battalion, one major; to each company of infantry (including light-infantry, riflemen and grenadiers) one captain, one lieutenant, one en-

sign



sign, four sergeants, four corporals, one drummer and one fifer or bugler : There shall be a regimental staff, to consist of one adjutant and one quarter-master, to rank as lieutenant, one pay-master, one surgeon, one surgeon's mate, one sergeant-major, one quarter-master sergeant, one drum-major and fife-major ; there shall be to each company of artillery, one captain, two lieutenants, four sergeants, four corporals, six gunners, six bombardiers, one drummer and one fifer ; and to each troop of horse, there shall be one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, and one trumpeter. There shall be one adjutant-general, with the rank of brigadier-general, appointed for the whole militia ; and it shall be the duty of the first sergeant of every company, to act as clerk of the company.

Sec. 8. *And be it further enacted by the authority aforesaid,* That the adjutant-general, major-generals, brigadier-generals, and brigade-inspectors, shall be appointed and commissioned by the Governor ; the division and brigade officers to be residing within their respective division and brigade bounds ; that the major-generals shall appoint their own aids-de-camp, and the brigadier-generals their brigade-majors ; that the field officers of each regiment shall appoint their respective regimental staffs ; that the lieutenant-colonels, majors, captains, lieutenants, and ensigns, sergeants and corporals, shall be elected in form and manner herein after mentioned and provided for ; but no person shall be eligible, or hold a commission in the militia, who is not a citizen of this state, or who shall not reside within the regiment, battalion or company in which he was elected ; that all commissioned officers shall be commissioned during

By whom the officers shall be appointed :

Who may not hold a commission ;

duration of commissions

and rank of  
officers.

during seven years, if they shall so long behave themselves well, and shall take rank according to the date of their commissions; and when two or more of the same grade, whose commissions bear an equal date, shall meet on command, then their rank shall be determined by lot, to be drawn by them in the presence of the commanding officer of the detachment; and if any commissioned officer shall remove out of the bounds of the city of Philadelphia, or out of the bounds of any county or district in which he was designed to command, his office shall thereby forthwith become vacant.

When offices  
shall be va-  
cated.

Duties of the  
adjutant-ge-  
neral :

Sec. 9. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the adjutant-general to distribute all orders from the Governor, as commander in chief of the militia of the state, to the brigade-inspectors, or to the several corps, when in actual service; to attend all public reviews when the Governor shall review the militia; to obey all orders from him, relating to the carrying into execution and perfecting the system of military discipline established by this act; to furnish each brigade-inspector with one set of blank forms of the different returns that may be required, for which he shall be allowed in the settlement of his accounts with the register-general, and to explain the principles on which such returns should be made; to receive from the several officers of the different corps throughout the state, returns of the militia under their command, reporting the actual situation of their arms, accoutrements and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline; all which the several officers of the divisions, brigades, regiments, battalions, troops and companies, are hereby

hereby required to make, in such manner as the Governor shall direct, so that the said adjutant-general may be furnished therewith; from all which returns he shall make a general return of all the militia of the state, and lay the same before the Governor, and transmit a duplicate thereof to the president of the United States; that the said adjutant-general, before he enters on the exercise of the duties of his office, shall give bond, with two or more sufficient sureties, in the penalty of five thousand dollars, conditioned for the due and faithful performance of the said duties, and shall in full compensation for his services, receive a yearly salary of six hundred dollars; and it shall be the duty of said adjutant-general, his heirs, executors or administrators, under the penalty of one thousand dollars, to deliver to his successor, all the books, papers and documents relating to the duties of his office.

To give bond  
with sureties;

his salary.

Sec. 10. *And be it further enacted by the authority aforesaid,* That it shall be the duty of each brigade-inspector, at least once in every year, to inspect the arms, ammunition and accoutrements of the militia composing his brigade; to execute all orders which he may receive from the adjutant-general or commander in chief; to superintend the elections of field-officers; to furnish all the necessary blank returns, the form of which shall be prescribed by the adjutant-general; to deliver or cause to be delivered, yearly and every year, on or before the first day of April, to each captain or commanding officer of a company, three blank inspection rolls and three blank class rolls, which several rolls the said captain or commanding officer of a company, is hereby directed to fill, and shall under the penalty of twenty dollars,

Duties of the  
brigade-in-  
specter.



yearly deliver or cause to be delivered, one of each to the commanding officer of the regiment, one of each to the brigade-inspector, and the others he shall keep filed in his own possession; and the said inspector, when he has received the said returns, shall within twenty days, under the penalty of twenty dollars, make out therefrom, three complete brigade returns, and deliver one to the adjutant-general, one to the brigadier, and the other to the major-general of the division; and he shall file in his office, all returns received by him, and a copy of all returns made to his superior officer; and it shall also be the duty of each brigade-inspector, when any class or classes of the militia are called to perform any tour of duty, immediately to notify every officer whose tour of duty it may be, and shall cause each non-commissioned officer and private so called, to be notified by a written or printed notice, in the following words: "Take notice, " that you are hereby required personally, or by " sufficient substitute, to appear at properly " armed and equipped for service, at the hour of " on to march when required. " Appeals to be heard at on the " day of Given under my hand." By being delivered to him personally or left at his house or usual place of abode, at least three days before the time of assembling the said militia, by the commanding officer of each company, or by a sergeant or other fit person under his orders, who shall, if required, prove such notice on oath or affirmation, unless the Governor, on a sudden exigency, shall think proper to order any part of the militia into immediate and actual service, in which case the notice mentioning such special order, shall be given for immediate attendance; and any person refusing or neglecting to perform such tour of duty, shall pay

Notification of classes for a tour of duty:

Call of militia on a sudden exigency:

Penalty for not performing a tour of duty:

pay a fine of sixteen dollars per month for every such offence; and it shall further be the duty of the brigade-inspector, forthwith after the marching of any part of the militia, to call to his assistance two reputable citizens, one whereof shall be a justice of the peace, to sit at the places named in the notices above directed to be served upon every militia man so called out, and shall there hear and determine all appeals that may be made by the persons thinking themselves aggrieved by any thing done in pursuance of such call, and they are hereby authorised and required to grant such relief to such appellants, as to them shall appear just and reasonable, and each of the said reputable citizens, before they enter on the said duties, shall take the following oath or affirmation, viz. That he will hear and impartially determiné on the cases of appeal which may be laid before him, agreeably to law and according to the best of his knowledge; which oath or affirmation the inspector is hereby empowered to administer; and the justice and citizen shall have and receive from the said inspector, the sum of one dollar each for every day they shall sit on the said appeals, and the said inspector and justice of the peace, shall each keep a separate record of the proceedings of such court of appeals; and the said inspector shall, within twenty days after such determination of appeals, make out and deliver, or cause to be delivered to the state treasurer, to the register-general, and to the commissioners of the proper county, each a list of all such delinquents, as well those who have not appealed as those whose appeals shall have been determined against them, with the sums due from each respectively, which sums shall be collected and paid under the direction of the said commissioners, in the same manner and under the like penalties as fines from exempts

Appeals how to be heard & decided;

qualification of the assistants,

their compensation :

Lists of delinquents to be delivered to the proper officers, and fines how collected.

are

Salary of the  
brigade-inspec-  
tor and allow-  
ance for con-  
tingencies :

To give bond,  
&c.

To render his  
accounts an-  
nually to the  
register-ge-  
neral :

Books and  
vouchers to be  
delivered up  
to the succes-  
sor ;

No allowance  
to be made him  
for attendance  
at elections, &c

are directed to be collected in and by the first section of this act ; and that each inspector shall receive for his services, the yearly salary of thirty dollars for each regiment belonging to his brigade, which he shall attend and inspect, and shall receive such reasonable allowance for expences as he may have incurred or shall hereafter incur, for providing and repairing drums, fifes, colours, artillery and carriages, as he shall make appear to the register and comptroller-general to be really necessary ; and before he enters upon the duties of his office, he shall give bond, with one or more sufficient sureties, in the penal sum of two thousand dollars, conditioned for the due and faithful performance of his duties, and for the faithful accounting for, and paying over all the monies which shall come to his hands by virtue of this act ; and each of the said inspectors shall, once in every twelve months, make out complete accounts of all monies by him received, and of his expenditures, and return the same to the register-general, or in default thereof, shall forfeit and pay the sum of two thousand dollars ; and on the removal or resignation of any of the said inspectors, such inspector, or in case of his death, his executors or administrators, shall deliver up to his successor in office, or some other person duly authorized by the Governor to receive the same, all and singular the books, papers and documents belonging to or in use in the said office, and on refusal thereof, he or they so offending, shall forfeit the sum of two thousand dollars, to be recovered by action of debt, in any court of record within this state ; but from and after the passing of this act, no allowance shall be made in the settlement of the accounts of any brigade-inspector, for his attendance at the elections of any field or other officer, nor for pay to clerks



clerks or any other person that he may employ to perform any part of his duty.

Sec. II. *And be it further enacted by the authority aforesaid,* That the elections of such officers as are by this act declared to be elective, shall be made as follows: The several brigade inspectors shall, between the first day of May and the first day of August, in the year one thousand eight hundred and seven, and septennially thereafter, give notice, by advertisements at eight or more of the most public places of each regiment or battalion bounds or district, appointing a certain day for each district, not less than ten days after the said notice, and requiring all the enrolled inhabitants (not being exempts) in the said regiment or battalion, and residing within the bounds thereof, to meet at a certain place, as near the centre of said district as may be, and then and there, between the hours of ten in the morning and five in the afternoon of the said day, to elect by ballot, one lieutenant-colonel; and the enrolled inhabitants as aforesaid, of each battalion bounds respectively, shall elect by ballot as aforesaid, on the same or some other day, and at such place as shall be most convenient, but with the least possible delay, one major; and the enrolled inhabitants of each company bounds respectively (not being exempts) shall elect by ballot as aforesaid, on some other day, and at such place, within the bounds of such company, as shall be most convenient, but with the least possible delay, one captain, one lieutenant, and one ensign, four sergeants and four corporals, previous to which said election or elections respectively, the said enrolled inhabitants shall elect two respectable citizens, to be under oath or affirmation, which the officer superintending the election, is hereby authorized

Time and manner of electing officers

Lieutenant colonel.

Major;

Captain, lieutenant, &c.

Judges of the election to be chosen:

Duty of the  
brigade-inspec-  
tor.

authorized to administer, to preside as judges thereof, who shall certify to the inspector the names of the persons so elected; and the said inspector shall attend and superintend each and every of the said regiment or battalion elections, and after the officers are elected, shall give notice thereof to the persons elected, and transmit to the Governor a proper return of the officers elected, to be commissioned, mentioning the number of the regiment, the name of each person, and their respective ranks, and thereupon commissions shall be granted, agreeably to the intent of this act; and the majors shall attend and superintend all the elections of commissioned company officers within the bounds of their respective battalions, and report the same as aforesaid, to the brigade-inspector; and elections for officers in the light-horse and artillery, shall be held and conducted in like manner as elections for officers in the infantry; and in every case of future vacancy, whether occasioned by death, resignation or otherwise, the commanding officer of the regiment, battalion, troop or company, as the case may be, shall give immediate information thereof to the brigade-inspector, who shall, with the least possible delay, order elections to be held for filling such vacancies, agreeably to the manner herein before described; but if any regiment, battalion, troop or company, being duly noticed and required as aforesaid, shall neglect or refuse to elect their officers as aforesaid, then it shall and may be lawful for the inspector of the brigade to which such regiment, battalion, troop or company belongs, to nominate (if the said election was to have been held for a field officer or officers) with the approbation of the brigadier-general, and (if for a commissioned company officer or officers) with the approbation of the field-officers of the regiment, one suitable person

Majors.

Light-horse  
elections.

How vacancies  
are to be sup-  
plied,

where an elec-  
tion is ne-  
glected:

person to the Governor, in the room of each officer so neglected to be chosen; and the Governor approving thereof, shall commission the said person, which shall be as effectual, to all intents and purposes, as if the said officers had been elected as before directed; and the said inspector shall as soon as may be, acquaint the parties so neglecting or refusing, with the appointments that shall have been made as aforesaid; but no change shall take place, other than that provided for by the fourth section of this act, either in the divisions, brigades, or the numbers of the regiments of the city or the several counties of this commonwealth, until after the expiration of the seven years for which the officers were elected and commissioned, under the directions of an act passed on the ninth day of April, one thousand seven hundred and ninety-nine, entitled "An Act for the regulation of the militia of the commonwealth of Pennsylvania;" but that all commissions which may have issued or shall issue, to fill any vacancies subsequent to the first election held in conformity to the said act, shall expire and cease to be of effect at the end of seven years from the time of holding the said first general election, so that an entire and general election and appointment of all the officers of all and every of the divisions, brigades and regiments throughout the commonwealth, shall take place according to the directions and intent of this act, at the completion and expiration of seven years from the time of holding the first election aforementioned, under the before recited act, any term mentioned in any commission or commissions granted by the Governor notwithstanding; but at least two months before such general election shall take place, the general officers of each division shall equalise the brigades, and the brigadier,

To be no changes, other than that of equalising, in the divisions, brigades or regiments, 'till the present commissions expire:

Of proceedings previous to a new general election:



Rank of officers how to be determined.

dier, brigade-inspector and field-officers, shall equalise the regiments in the respective brigades, and the field-officers shall also equalise the companies in their regiments respectively, so that no regiment shall consist of more than one thousand nor less than five hundred men, and no company of more than one hundred nor less than sixty-four privates; and immediately after such general election of militia officers shall take place, when the rank of officers is not already determined by the date of commissions, the rank of the lieutenant-colonels shall be determined by a lot, to be drawn in the presence of the brigadiers; and the rank of the majors and captains in the several regiments, to be determined in like manner by a lot, to be drawn in the presence of the lieutenant-colonel or commanding officer of the regiment.

Mode of proceeding where the election of an officer is contested.

Sec. 12. *And be it further enacted by the authority aforesaid,* That if the election of any field-officer shall be contested, the brigade-inspector shall, on application to him made, by petition, signed by at least sixty-four of the enrolled militia of the regiment, give notice in writing, to the brigadier-general, and to two of the lieutenant-colonels of the brigade wherein such contest shall arise, who, or any two of them, shall meet at some certain time and place, within the regiment bounds, of which ten days previous notice shall be given by the brigade-inspector, by three advertisements, to be put up at some of the public places within the bounds aforesaid; and it shall be the duty of them the said officers, so met, to hear the allegations and proofs of the parties, and thereupon shall either confirm the election, and certify the same to the Governor, or order a new election, as justice may require; and if the election of a company officer

officer shall be contested, a petition, signed by at least twenty of the enrolled militia of the company wherein such contest shall happen, may be presented to the commanding officer of the regiment, who, together with the other field-officers of the regiment, shall hear and determine the matter in controversy, they, or one of them, having first given the like notice, by advertisement, of the time and place of meeting, as is required in the case of a contest respecting the election of a field-officer.

Sec. 13. *And be it further enacted by the authority aforesaid,* That in order to give respectability and permanency to the militia arrangements of this state, the regiments shall be numbered and called as follow, to wit: In the city of Philadelphia, the regiment commanded by lieutenant-colonel Pancake, shall be No. 24; by lieutenant-colonel Willis, No. 25; by lieutenant-colonel Bright, No. 28; by lieutenant-colonel M-Lane, No. 50; by lieutenant-colonel Barker, No. 84: In the county of Philadelphia, the regiment commanded by lieutenant-colonel Forepauch, shall be No. 42; by lieutenant-colonel M'Mullen, No. 67; by lieutenant-colonel Beck, No. 75; by lieutenant-colonel Worrel, No. 80; and the regiment commanded by lieutenant-colonel Coats, No. 88: In the county of Montgomery, the regiment commanded by lieutenant-colonel Henderson, shall be No. 36; by lieutenant-colonel Wentz, No. 51; by lieutenant-colonel Hart, No. 56; and by lieutenant-colonel Davis, No. 86: In the county of Bucks, the regiment commanded by lieutenant-colonel Smith, shall be No. 15; by lieutenant-colonel Piper, No. 31; by lieutenant-colonel Clunn, No. 32; and by lieutenant-colonel Vanfant, No. 48: In the county of Chester, the regiment

The regiments  
numbered.

commanded by lieutenant-colonel Grier, shall be No. 27; by lieutenant-colonel Armstrong, No. 47; by lieutenant-colonel Taylor, No. 85; by lieutenant-colonel Cochran, No. 97; by lieutenant-colonel Harris, No. 44; and by lieutenant-colonel Ralston, No. 92: In the county of Delaware, the regiment commanded by lieutenant-colonel Smith, shall be No. 65; and by lieutenant-colonel Richards, No. 100: In the county of Lancaster, the regiment commanded by lieutenant-colonel Wright, shall be No. 5; by lieutenant-colonel Ensminger, No. 7; by lieutenant-colonel Kline, No. 120; by lieutenant-colonel Thomas, No. 121; by lieutenant-colonel Boyd, No. 34; by lieutenant-colonel Boal, No. 60; by lieutenant-colonel Whitehill, No. 98; and by lieutenant-colonel Long, No. 104: In the county of York, the regiment commanded by lieutenant-colonel Black, shall be No. 40; by lieutenant-colonel Kelly, No. 41; by lieutenant-colonel Reifinger, No. 61; by lieutenant-colonel Hendricks, No. 111; by lieutenant-colonel Spangler, No. 113; and by lieutenant-colonel Hinckel, No. 124: In the county of Adams, the regiment commanded by lieutenant-colonel Kuhn, shall be No. 9; by lieutenant-colonel Getty, No. 20; and by lieutenant-colonel King, No. 93: In the county of Berks and Dauphin, the regiment commanded by lieutenant-colonel Baum, shall be No. 37; by lieutenant-colonel Frailey, No. 43; by lieutenant-colonel Schreder, No. 69; by lieutenant-colonel Epler, No. 79; and by lieutenant-colonel Kline, No. 114: In the county of Dauphin, the regiment commanded by lieutenant-colonel Weirich, shall be No. 3; by lieutenant-colonel Elder, No. 66; by lieutenant-colonel Toot, No. 78; by lieutenant-colonel Anspach, No. 95; and by lieutenant-colonel Sebold, No. 117: In the

the



the county of Cumberland, the regiment commanded by lieutenant-colonel Bovard, shall be No. 12; by lieutenant-colonel Ewalt, No. 21; by lieutenant-colonel Urie, No. 49; by lieutenant-colonel Roan, No. 59; by lieutenant-colonel Martin, No. 87; and by lieutenant-colonel Ruply, No. 116: In the county of Franklin, the regiment commanded by lieutenant-colonel Findlay, shall be No. 1; by lieutenant-colonel Alexander, No. 64; by lieutenant-colonel Statler, No. 68; by lieutenant-colonel Rhea, No. 73; and by lieutenant-colonel Scott, No. 96: In the counties of Northampton and Wayne, the regiment commanded by lieutenant-colonel Wetzell, shall be No. 13; by lieutenant-colonel Ohl, No. 38; by lieutenant-colonel Rinker, No. 94; by lieutenant-colonel Kestler, No. 101; by lieutenant-colonel M'Keen, No. 118, by lieutenant-colonel M'Ferren, No. 8; by lieutenant-colonel Horn, No. 71; by lieutenant-colonel Dingman, No. 103; by lieutenant-colonel Stanton, No. 110; and by lieutenant-colonel Shoup, No. 115: In the counties of Northumberland, Lycoming and Luzerne, the regiment commanded by lieutenant-colonel Ransom, shall be No. 35; by lieutenant-colonel Faulkner, No. 45; by lieutenant-colonel Spalding, No. 57; by lieutenant-colonel Montgomery, No. 81; by lieutenant-colonel Rupert, No. 112; by lieutenant-colonel Giffin, No. 123; by lieutenant-colonel Hyde, No. 129; by lieutenant-colonel Cumings, No. 4; by lieutenant-colonel Abraham M'Kenny, No. 18; by lieutenant-colonel Baldy, No. 39; by lieutenant-colonel Drum, No. 77; by lieutenant-colonel John M'Kenny, No. 102; and by lieutenant-colonel Roberts, No. 106: In the county of Mifflin and parts of Centre, the regiment commanded by lieutenant-colonel M'Dowell, shall be  
 No. 11;

No. 11; by lieutenant-colonel Beale, No. 52; by lieutenant-colonel Bratton, No. 74; by lieutenant-colonel Banks, No. 83; by lieutenant-colonel Craig, No. 89; and by lieutenant-colonel Myers, No. 131: In the county of Huntingdon and part of Centre, the regiment commanded by lieutenant-colonel Moore, shall be No. 14; by lieutenant-colonel Fee, No. 33; by lieutenant-colonel Cromwell, No. 46; by lieutenant-colonel Holliday, No. 58; and by lieutenant-colonel Entricken, No. 119: In the county of Fayette, the regiment commanded by lieutenant-colonel Collins, shall be No. 72; by lieutenant-colonel Oliphant, No. 90; by lieutenant-colonel Brashiers, No. 91; and by lieutenant-colonel Whaley, No. 108: In the counties of Bedford and Somerset, the regiment commanded by lieutenant-colonel Clarke, shall be No. 10; by lieutenant-colonel Agnew, No. 55; by lieutenant-colonel Bonnet, No. 105; by lieutenant-colonel Kimmel, No. 109; by lieutenant-colonel Moore, No. 127; and by lieutenant-colonel Boyls, No. 128: In the counties of Washington and Greene, the regiment commanded by lieutenant-colonel Atchison, shall be No. 22; by lieutenant-colonel Marshall, No. 23; by lieutenant-colonel Hare, No. 53; by lieutenant-colonel Stevenson, No. 82; by lieutenant-colonel Heaton, No. 6; by lieutenant-colonel Jenkins, No. 99; by lieutenant-colonel M'Cleland, No. 122; and by lieutenant-colonel Cather, No. 130: In the county of Allegheny and in that part of Butler county which is included in lieutenant-colonel Gilliland's regiment, and in that part of Beaver county which lies south of the river Ohio, the regiment commanded by lieutenant-colonel Martin, shall be No. 16; by lieutenant-colonel Gilliland, No. 29; by lieutenant-colonel Cunningham, No. 62; by lieutenant-colonel

colonel Noble, No. 76; and by lieutenant-colonel M'Farland, No. 125: In the county of Westmoreland, the regiment commanded by lieutenant-colonel Bonnet, shall be No. 2; by lieutenant-colonel Wagle, No. 19; by lieutenant-colonel M'Combs, No. 30; by lieutenant-colonel Campbell, No. 54; by lieutenant-colonel M'Dowell, No. 63; by lieutenant-colonel Hunter, No. 70: In the counties of Armstrong, Erie, Butler, Crawford, Warren, Mercer, Venango, and part of Beaver, the regiment commanded by lieutenant-colonel Forster, shall be No. 17; by lieutenant-colonel Sproat, No. 26; by lieutenant-colonel Reed, No. 107; and by lieutenant-colonel Sloan, No. 126; and all regiments hereafter to be formed, shall follow these in numerical order; but nothing contained in this section, shall be construed as giving preference of rank to the officers, which shall at all times be determined by the dates of commissions, or the drawing of lots for that purpose.

Sec. 14. *And be it further enacted by the authority aforesaid,* That every militia man removing out of the bounds of one company into the bounds of another, shall apply to the commanding officer of the company to which he did belong, who shall give him a discharge in writing, certifying the class to which he belongs, and whether he has served his tour of duty or not, and the time and date of his service; which certificate the said militia man shall produce to the captain or commanding officer of the company in whose bounds he next settles, within ten days after his settlement, under the penalty of two dollars; and the said captain or commanding officer is hereby required to enroll him in the class specified in the said certificate.

Proceedings on  
the removal of  
any militia  
man from his  
district.



Sec. 15. *And be it further enacted by the au-*  
*thority aforesaid,* That the whole of the mili-  
 tia of this state (except as herein excepted) shall  
 be trained and exercised in companies, troops,  
 battalions and regiments, by their respective  
 officers, in every year as follows, to wit: In  
 companies, on the first Monday in the month of  
 May, and on the first and second Mondays in  
 the month of October, and the first regiment in  
 each and every brigade, on the third Monday in  
 the months of May and October, the second  
 regiment on Tuesday, and so on, according to  
 such order as the brigade-inspector shall pre-  
 scribe, on every day of the week (Saturday and  
 Sunday excepted) of which one month's previ-  
 ous notice shall be given by the brigade-inspectors  
 respectively, until the whole number of regi-  
 ments shall have mustered and exercised in the  
 aforesaid manner, and at such places as the field-  
 officers of each regiment, or a majority of them,  
 shall agree upon; provided they shall not enter  
 into any person's enclosure, without the consent  
 of the owner first obtained; and no militia man  
 shall, after the first day of October, in the year  
 one thousand eight hundred and three, be ad-  
 mitted into the ranks of any company, without  
 a sufficient musket, rifle or firelock, except those  
 between the ages of eighteen and twenty-one  
 years, and such others as the officers of the com-  
 pany shall deem unable to procure arms at their  
 own expence; such person shall be liable as for  
 non-attendance on days of exercise; and if any  
 militia man who shall not be admitted into the  
 ranks without arms as aforesaid, shall be fined  
 on any day of training, on account of not hav-  
 ing such arms, and shall conceive himself ag-  
 grieved, he may appeal to the field-officers of  
 the regiment to which he belongs, who shall  
 consider his circumstances, and grant such re-  
 lief

Manner and  
 times of train-  
 ing and exer-  
 cising the mi-  
 litia;

notice to be  
 given:

Penalty for  
 appearing  
 without arms:

Persons feeling  
 themselves ag-  
 grieved, may  
 appeal.

lief as to them, or a majority of them, shall appear just and reasonable.

Sec. 16. *And be it further enacted by the authority aforesaid,* That if any commissioned or staff officer shall, without a lawful excuse, neglect or refuse to attend on any of the days herein appointed for exercise, such delinquent officer or officers shall be returned to the proper court of appeal by the commanding officer present; if a field-officer, he shall forfeit and pay the sum of four dollars, and every other commissioned or staff officer, shall forfeit and pay the sum of two dollars, to be recovered as other fines for non-attendance, and subject to like appeals; and every non-commissioned officer or private so neglecting or refusing to attend, shall forfeit and pay the sum of one dollar for every such neglect or refusal, except such officer or private shall be summoned and actually attending on any of the days of exercise aforesaid, as a juror or witness in any court within this commonwealth, and the same fines shall be respectively paid by every officer, non-commissioned officer or private, who shall leave the parade on any day of training, before the regiment or company is discharged, without leave first had and obtained of the officer commanding; and the master or mistress of any apprentice, and the father or mother of any minor liable to serve in the militia, who shall refuse or neglect to perform the several duties required of him by this act, such minor being in the service of his father or mother, master or mistress, shall be respectively accountable for the fine or fines so incurred by such minor or apprentice.

Penalties for not attending on days of exercise,

and for leaving the parade without leave.

Masters, &c. to pay fines incurred by minors.

Sec. 17. *And be it further enacted by the authority aforesaid,* That in order to ascertain those

The roll to be called on must

ter days and  
absentees to  
be noted and  
returned to the  
commanding  
officer of each  
company:

those persons who by their absence on days of exercise, shall have incurred the fines before mentioned, a sergeant, or the clerk of each company, on every such day, in the presence of the captain or commanding officer of the company, at the end of one hour after the time appointed for the meeting of the company, battalion or regiment, and also after the exercise is over, and before the men are dismissed, shall call over the muster-roll of the company, noting those who are absent, and within two days after every company or regimental meeting, a return shall be made by him to the captain or commanding officer of each company, under the penalty of five dollars for every time he shall neglect or refuse to make such return of all the absentees on the several days of exercise, particularly designating the day on which each default was made; and it shall be the duty of the commanding officer of each regiment annually, in regimental orders, to be issued previous to the days appointed by this act for training the militia in the months of May and October, to appoint six commissioned officers, three to preside in each battalion for the current year, as a court to hear appeals, who when sitting as such court, shall be under oath or affirmation, to be administered by any judge or justice of the peace, to perform their duty with fidelity and impartiality; and who shall, in not less than ten, nor more than fifteen days after the meeting of the regiment in the months of May and October annually, hear the appeal of every person conceiving himself aggrieved and applying to be heard; and if it shall appear to the satisfaction of the court of his proper battalion, that by lameness or sickness, or any unavoidable necessity, his attendance was rendered impracticable on the day or days for which he may stand charged, the said court shall remit the fine

Officers to be  
appointed to  
hear appeals,

who shall be  
under oath, &  
their powers  
defined.



fine or fines incurred, for the reasons aforesaid only; but no excuse shall be received, nor redress given by them, at any other time, or in any other manner than is before mentioned.

Sec. 18. *And be it further enacted by the authority aforesaid,* That no certiorari or other writ, shall in any case issue from any court of law or equity of this commonwealth, to remove any proceedings that shall be had in any court of appeal or court-martial, held under and by virtue of this act, and that no court of law or equity of the said commonwealth, shall in any case hear, sustain, determine, or in any manner take cognizance of appeals that may be offered or attempted, from any sentence or decree passed or made by such courts of appeal or court-martial, any law, usage, or practice, to the contrary in any wise notwithstanding.

Proceedings before courts of appeal and courts-martial not removable by certiorari.

Sec. 19. *And be it further enacted by the authority aforesaid,* That for the purpose of collecting and levying, as well the fines that shall be incurred for non-attendance on days of training, as those which shall be imposed by regimental courts-martial, the president of the court-martial, if the fine was imposed by a court-martial, and the commanding officer of the company, if the fine was incurred for non-attendance on any day or days of training, within ten days after the passing of the sentence or decree of the court of appeal or court-martial, shall be obliged, and under the penalty of fifty dollars for every neglect or refusal therein, he is hereby enjoined to issue a warrant under his hand and seal, directed to some constable, commanding him to collect and levy the said fine or fines; and the said constable shall be authorized, and he is hereby enjoined and required, under the pen-

How fines shall be recovered,

to whom paid  
and within  
what time and  
penalty for ne-  
glect.

certain fines  
excepted.

nalty of twenty dollars, to call on every delinquent who shall be named in such warrant, or in a schedule or list thereto annexed, and demand payment of the said fine or fines, and of five per centum on the amount thereof, for his trouble in collecting the same; and on neglect or refusal to make such payment, after demand thereof so as aforesaid made, then the said constable having the said warrant, is hereby required to proceed to collect the said fines, together with costs, in the same manner, and with like power and effect as constables are required to proceed with executions issued by virtue of the act for the more easy and speedy recovery of small debts, passed the first day of March, 1745—46; but if any such constable, for the space of thirty days after the receipt of such warrant, endorsed with the time of delivering the same by the president of the court-martial, or the commanding officer of a company, as the case may be, shall neglect or refuse to pay unto the pay-master of the regiment, or other person by this act entitled to receive the same, the whole amount of the fines in the said schedule or list contained, such constable, for every such neglect or refusal, shall forfeit and pay to the said pay-master, for the use of the regiment, double the amount of all the fines marked on the said schedule or list, which shall not within the said thirty days have been paid over to the proper pay-master, excepting therefrom only such fines as the field-officers of the regiment, or a majority of them, who are hereby constituted a board for the purpose, and who, when sitting as such, shall be under oath or affirmation, shall annually, on the fourth Monday of November, adjudge it to have been impracticable or improper for the said constable to collect and obtain; and it shall be the duty of the said pay-master of the regiment,

ment, on the said fourth Monday of November, yearly and every year, to make out a fair and clear statement of his accounts, and lay the same before the field-officers and any two captains of the regiment, who shall examine it, and having certified the balance, as it shall appear to them on the said statement, one copy thereof shall remain with the pay-master, and another be lodged with the colonel or commanding officer of the regiment; but if any pay-master shall neglect or refuse to make a statement of his accounts in manner aforesaid, or when duly required, shall neglect or refuse to surrender all the papers, books and accounts belonging to his office, to his successor, for every such neglect or refusal, of which a regimental court-martial shall judge, such pay-master, or his executors, administrators, or others possessing such books, papers or accounts, shall forfeit and pay for the use of the regiment, the sum of one hundred dollars, to be recovered by the quarter-master of the regiment, in the same manner as is provided by the thirty-third section of this act for the collection of fines imposed on other officers.

Pay-master to make an annual exhibit of his accounts :

Penalty for neglecting to make such exhibit or deliver over the documents in his office to a successor.

Sec. 20. *And be it further enacted by the authority aforesaid,* That for the collection of all the fines in arrears, which have been incurred under the act, entitled " An Act for the regulation of the militia of the commonwealth of Pennsylvania," passed the ninth day of April, one thousand seven hundred and ninety-nine, the several captains or commanding officers of companies, shall have and exercise the same powers, except that of holding appeals, with which they are vested by the nineteenth section of this act, for the collection of such fines as may be hereafter incurred, and they are hereby severally enjoined and required, on or before the

Of the collection of fines incurred under the late militia law.



the first Monday of September next, to issue their respective warrants for the collection of the fines so as aforesaid in arrears, under the penalty of fifty dollars each, for every neglect or refusal, to be recovered as officers fines are recoverable by the thirty-third section of this act.

Appropriation  
of the fines.

Sec. 21. *And be it further enacted by the authority aforesaid,* That the said pay-master shall hold the monies paid over to him according to the directions of this act, subject to the drafts of the colonel or commanding officer of the respective regiments, to be drawn in the order and for the purposes herein after mentioned, to wit: To pay drummers, fifers, trumpeters and buglers; to pay for the repairs of drums, arms, and for the different duties, other than those of company and field-days, and of days appointed exclusively for the exercise of officers, which by this act are imposed upon officers and others, and for which no other specific provision is hereby made, and to defray all such other expences only, as a majority of the field-officers of each regiment may adjudge to be necessary and useful for the regiment, for promoting military discipline and effectuating the ends and purposes of this act.

Form of the  
warrant to be  
issued for col-  
lecting fines.

Sec. 22. *And be it further enacted by the authority aforesaid,* That the form of the warrant to be issued by the captain or commanding officer of each company, for the collection of fines for non-attendance on days of training, may be as follows: “ The commonwealth of  
“ Pennsylvania, to

“ Whereas the persons named in the schedule or  
“ list hereto annexed, have by the court of  
“ appeals of their proper battalion, been duly  
“ sentenced



Compensation to the officer commanding each company for performing field duty:

To the members of courts of appeal and regimental court-martial for their services;

and general courts-martial.

The militia may be called into actual service on any exigency:

and each captain or commanding officer of a company, shall receive one dollar per day for making the several returns required of him by this act; and officers holding courts of appeal and regimental courts-martial, shall each receive one dollar per day, to be paid by the pay-master of the regiment in which such duty is performed, on orders drawn by the lieutenant-colonel or commanding officer thereof; and each pay-master shall have a book for the keeping of accounts, to be paid for out of the regimental fund, and shall for performing the several duties enjoined on him by this act, receive five per centum on all monies that come into his hands; and officers holding general courts-martial, shall be paid each for his services, one dollar per day, to be paid by the inspector of the brigade in which such court-martial is held, on orders signed by the president of the court, to be allowed to such brigade-inspector on the settlement of his accounts.

Sec. 24. *And be it further enacted by the authority aforesaid,* That whenever it may be necessary to call into actual service any part of the militia, in case of rebellion, or of an actual or threatened invasion of this or any of the neighboring states, then it shall and may be lawful for the Governor to order into actual service such part of the militia, by classes, as the exigency may require: *Provided,* That the part so called, doth not exceed four classes of the militia of any brigade: *And provided also,* That such brigade or brigades shall not be again called into actual service until an equal number of the classes of the militia of the other brigade or brigades respectively, be first called, unless the danger of an invasion from Indians or others, should make it necessary to keep in reserve the militia of such brigade



brigade or brigades for immediate defence; and the companies in each regiment or battalion of the state, shall within one year after the passing of this act, be divided into eight classes, where the same is not already done; all flank companies, whether of grenadiers, light-infantry, or riflemen, shall be called into service by companies or parts of companies, and not by classes, the first flank company making part of the first call, and the second flank company shall make part of the fifth call of the militia, and be commanded by their own proper officers; and every flank company to be formed in future, shall be formed under the direction and approbation of the field-officers of the regiment, to consist of not less than sixty-four privates, and composed of men actually resident within the bounds of the regiment to which they are to be attached, and not otherwise.

The companies of each regiment or battalion to be divided into classes.

Sec. 25. *And be it further enacted by the authority aforesaid,* That the militia, when called by classes to perform a tour of duty, shall be officered in the following manner, that is to say, For the first draft, the captain of the first company, the lieutenant of the second, and ensign of the fourth; second draft, the captain of the second company, the lieutenant of the first, and the ensign of the third; third draft, the captain of the third company, the lieutenant of the fourth, and the ensign of the second; fourth draft, the fourth captain, the lieutenant of the third company, and the ensign of the first; the fifth draft, the fifth captain, the lieutenant of the sixth, and ensign of the eighth; sixth draft, the sixth captain, the lieutenant of the fifth company, and the ensign of the seventh; seventh draft, the captain of the seventh company, the lieutenant of the eighth, and ensign of the

How the militia shall be officered, when called into service by classes;

the sixth ; eighth draft, the captain of the eighth company, the lieutenant of the seventh, and the ensign of the fifth ; non-commissioned officers to take their tour of duty with the commissioned officers, and the routine of the field-officers shall be according to the date of their respective commissions ; the first colonel of the brigade shall command the first detachment, if it amounts to a colonel's command, but if it does not, the command shall devolve on the first major ; and each draft shall be liable to serve two months and no longer, and to be relieved by the class next in numerical order, the relief to arrive at the place of destination at least two days before the expiration of the term of the class to be relieved ; but nothing herein contained, shall prevent the Governor from employing and calling out part of any class, or any company or companies, regiment or regiments, without respect to this rule, whenever the exigency is too sudden to admit of the assembling of the militia in the ordinary way ; and the service of the person or persons so called out, shall be accounted as part of his or their tour of duty ; and the pay of the militia in actual service, shall commence two days before marching, and they shall receive pay and rations at the rate of fifteen miles per day, on their return home.

The foregoing plan may be dispensed with when the exigency of the case requires it,

when the pay and rations of the militia shall commence and end.

When a detachment of militia is called into service, each company to be marched to the proper place of parade, and a list of the men to be delivered to the adjutant of the regiment :

Sec. 26. *And be it further enacted by the authority aforesaid,* That when any detachment of the militia shall be called into service, the captain of each company shall take care that his proportion of men are assembled and marched to the proper place of parade, under the care of a commissioned officer or sergeant, with a list of the men, which list shall be delivered to the adjutant of the regiment, whose duty it shall be to attend at the place appointed, to receive the detachments

tachments from the several companies of his regiment, and he shall make out a roll of the whole, mentioning the rank of the officers and names of the non-commissioned officers and privates, and when the detachment shall be completed, and placed under the command of the proper officer, he shall attend them to the place appointed for the meeting of the detachment of the brigade, where the several adjutants shall each deliver a list of the detachment from his regiment, to the brigade-inspector, whose duty it shall be to attend at the place appointed for assembling the detachment from his brigade, and to furnish a complete list thereof to the commanding officer of the detachment, noting particularly in detail, the officers, non-commissioned officers and privates from the respective regiments within his brigade; and it shall furthermore be the duty of said brigade-inspector, to march with such detachment, to the place of general rendezvous appointed for the whole of the militia called out, and there deliver to the commanding officer, a duplicate of the list aforesaid; and it shall be the duty of such commanding officer to make a general return of the whole detachment, noting particularly the detail from each brigade, certified under his hand, and shall cause the same to be delivered to the adjutant-general within ten days after the marching of his detachment, under the penalty of fifty dollars.

His duty :

Duty of the  
brigade-inspec-  
tor :Of the com-  
manding offi-  
cer of the de-  
tachment.

Sec. 27. *And be it further enacted by the authority aforesaid,* That whenever the militia are called into actual service of this state, or of the United States, it shall and may be lawful for the Governor, if he may deem it expedient, to organize the cavalry into brigades, regiments, squadrons and troops, so that each brigade shall

The Governor  
empowered,  
on a call of  
the militia into  
actual service  
to organize the  
cavalry, &c.



consist of four regiments, each regiment of two squadrons, each squadron of four troops, in such manner that no troop shall consist of more than one hundred nor less than sixty-four non-commissioned officers and privates, to be officered as follows: To each brigade, one brigadier-general and one brigade-major, with the rank of major; to each regiment, one lieutenant-colonel commandant and two majors, a first and second; to each squadron, one major; to each troop, one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier and one trumpeter: The general officers shall be appointed by the Governor, and the elections for field-officers shall be held at the place of general rendezvous appointed after such call, and conducted as nearly as may be, according to the directions prescribed by this act for the elections of other field-officers; the brigadier-generals shall appoint their brigade-majors, and the field-officers of each regiment shall appoint their respective regimental staffs.

Of the appointment of the officers.

Substitutes allowed:

Provido if the substitute's turn should happen while he is out.

Sec. 28. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person called to perform a tour of duty, to find a sufficient substitute, such substitute being approved of by the captain or commanding officer of the company in which he shall be offered to serve: *Provided always,* That if any substitute shall be called in his own turn into actual service before the term expires which he was to serve for his employer, then the person procuring such substitute, shall march, or find a sufficient person to march in his said substitute's turn, or be liable to pay his fine for neglect, which fine is to be recovered as other fines for neglect of serving are by this act recoverable, and that sons, who are not subject to the militia law,

law, may be admitted as substitutes for their fathers.

Sec. 29. *And be it further enacted by the authority aforesaid,* That when the militia, or any detachment thereof, are called out on duty, they shall be entitled to like pay and rations as are or shall be provided for the army of the United States, and that every person refusing or neglecting to perform his tour of duty, in person or by substitute, shall pay the sum of twelve dollars for every such neglect or refusal if the tour was to be for a term not exceeding one month, and in proportion if the tour was to be for any longer or shorter term.

Pay and rations of the militia when on duty, and penalty on any person for not performing his tour.

Sec. 30. *And be it further enacted by the authority aforesaid,* That the division composed of the militia of the city and county of Philadelphia, by direction of the general officers thereof, if they see cause, and by and with the consent of the commanding officers of the respective regiments, is hereby authorized to meet in division or brigade, on any of the days appointed by this act for training the militia in regiments; and the commanding officers of the several and respective regiments composed of the militia residing north-west of the rivers Ohio and Allegheny and Conewango creek, and that part of Wayne county above the Barrens, are hereby authorized and empowered to cause the same (if they may deem it expedient) to meet and exercise in battalions, on any of the days appointed by this act for training in regiments.

What part of the militia may meet in division or brigade on regimental muster days,

and what part in battalions.

Sec. 31. *And be it further enacted by the authority aforesaid,* That the following articles, rules and regulations, shall be those by which the militia shall be governed:

Rules and regulations for governing the militia:

Article 1.

Behaving in an un-officer like manner.

Article 1. If any field or other commissioned officer, at any regimental review, or on any other occasion, when the regiment, battalion, troop or company to which he may belong, or in which he holds a command, is paraded in arms, shall misbehave, or demean himself in an un-officer like manner, or shall on any such occasion neglect or refuse to obey the orders of his superior officer, he shall for every such offence, be cashiered or punished by fine, at the discretion of a general or regimental court-martial, as the case may require, in any sum not exceeding sixty dollars; and if any non-commissioned officer or private, shall on any occasion of parading the company to which he belongs, appear with his arms and accoutrements in an unfit condition, or be drunk, or shall disobey orders, or shall use any reproachful or abusive language to his officers, or any of them, or shall quarrel or promote any quarrel among his fellow-soldiers, he shall be disarmed and put under guard by order of the commanding officer present, until the company is dismissed, and shall be fined at the discretion of a regimental court-martial, in any sum not exceeding ten dollars, nor less than two dollars.

Arms out of order, or misbehaviour of non-commissioned officers and privates.

Commanding officer of a regiment not performing his duty :

Article 2. If the lieutenant-colonel or commanding officer of any regiment, shall neglect or refuse to give orders for assembling his regiment at any time or times appointed by law, or at the direction of the inspector of the brigade to which he belongs, when the said inspector is thereto commanded by the Governor, or in case of an invasion of the city or county to which such regiment belongs, he shall be cashiered, and punished by fine, not exceeding two hundred dollars, at the discretion of a general court-martial; and if a commissioned officer of any company,

Commissioned officer of a



company, shall on any occasion neglect or refuse to give orders for assembling the company to which he belongs, or any part thereof, at the direction of his lieutenant-colonel or commanding officer of the regiment to which such company belongs, he shall be cashiered and punished by fine, not exceeding sixty dollars, at the discretion of a regimental court-martial; and a non-commissioned officer offending in such case, shall be fined at the discretion of a regimental court-martial, in any sum not exceeding twenty dollars.

company neglecting or disobeying orders,

non-commissioned officer so offending.

Article 3. If any captain or commanding officer of a company, shall refuse or neglect to make out a list of the persons noticed to perform any tour of duty, and send or convey the same to the lieutenant-colonel or commanding officer of the regiment to which such company may belong, for such neglect or refusal he shall be cashiered or fined, at the discretion of a regimental court-martial, in any sum not exceeding forty dollars.

Of making out a list of persons drafted.

Article 4. If any militia man shall desert while he is on a tour of duty, he shall be fined twenty-four dollars for every such offence, and be obliged to march on the next tour of duty, under the same penalties as at first; if a non-commissioned officer shall so desert, he shall be degraded and placed in the ranks, shall pay a fine of thirty dollars, and be obliged to serve another tour as a private.

Penalty for deserting.

Article 5. Every general court-martial shall consist of thirteen members, all of whom shall be commissioned officers, and of such rank as the case may require, and these thirteen shall choose a president out of their number, who shall not be under the rank of a field-officer.

Of general courts-martial.

Article 6.

Regimental  
court-martial.

Article 6. Every regimental court-martial shall be composed of five members, all commissioned officers, who are to choose one of their members a president, not under the rank of captain, and every court-martial, whether general or regimental, shall appoint a commissioned officer or other fit person, to officiate as judge-advocate.

Two-thirds of  
a court martial  
must agree.

Article 7. In any court-martial, not less than two-thirds of the members must agree in every sentence for inflicting any punishment, otherwise the person charged shall be acquitted.

Qualification  
of witnesses,

and members.

Article 8. The president of each and every court-martial, whether general or regimental, shall require all witnesses, in order to the trial of offenders, to declare on oath or affirmation, that the evidence they shall give, is the truth, the whole truth, and nothing but the truth; and the members of all such courts shall take an oath or affirmation, which the president is required to administer to them, that they will give judgment with impartiality.

Compulsory  
process may  
issue against  
non-attending  
witnesses.

Article 9. Every court-martial shall have power and authority to issue compulsory process against all and every person or persons who shall neglect or refuse to attend for the purpose of giving evidence in any case therein pending.

Of officers and  
privates under  
accusation.

Article 10. No officer or private, being charged with transgressing these rules, shall be suffered to do duty in the regiment, company or troop to which he belongs, until he has had his trial by a court-martial; and every person so charged, shall be tried as soon as a court-martial can conveniently be assembled; and every officer under arrest, shall be furnished by the adjutant-general,

general, the brigade-inspector, or adjutant of the regiment, as the case may require, with a copy of the charge exhibited against him, at least ten days before his trial, that he may have an opportunity to prepare his defence.

Article 11. If any officer or private shall think himself injured by his lieutenant-colonel or the commanding officer of the regiment, and shall upon due application made to him, be refused redress, he may complain to the brigadier-general, who shall direct the inspector of the brigade to summon a general court-martial, that justice may be done.

Remedy for injury from commanding officer of a regiment.

Article 12. If any officer or private shall think himself injured by his captain or other superior officer in the regiment, troop or company to which he belongs, he may complain to the commanding officer of the regiment, who shall summon a regimental court-martial, for doing justice, according to the nature of the case.

Remedy for injury from any other officer.

Article 13. No penalty shall be inflicted by a court-martial, other than degrading, cashiering, or fining; and all fines imposed by regimental courts-martial, shall be collected and paid into the hands of the pay-master, as directed in the nineteenth section of this act.

Penalties to be inflicted by a court-martial limited; fines to whom paid.

Article 14. The commanding officer of the militia for the time being, shall have full power of pardoning or mitigating any censures or penalties ordered to be inflicted by a general court-martial, on any officer, non-commissioned officer or private, for the breach of any of these articles; and every offender, convicted as aforesaid, by any regimental court-martial, may be pardoned,

Power of pardoning and mitigating sentences.



done, or have the penalty mitigated by the lieutenant-colonel or commanding officer of the regiment, excepting only where such censures or penalties are directed as satisfaction for injuries received by one officer or private, from another; but in case of officers, such sentence to be approved by the commander in chief of the militia, who is empowered to pardon or mitigate such sentence, or disapprove of the same.

Board of enquiry, when and how to be appointed.

Article 15. That if any commissioned officer shall at any time, or upon any occasion, behave in an un-officer like, ungentlemanly, or disgraceful manner, the commander in chief, if the person accused be a major-general, the major-general of the division, if a brigadier, the brigadier, if a field-officer or the lieutenant-colonel, if an inferior officer, as the case may be, upon the application of any commissioned officer, shall appoint a board of three officers to enquire into the matter of complaint, and if upon their report it shall appear to him deserving of trial, then and in such case he shall direct a court-martial, whose proceedings herein shall have the same effect as if the offence had been committed when on actual duty.

How long the militia may be kept under arms, while training.

Article 16. The militia, on the days of training, shall be detained under arms, on duty in the field, any time not exceeding six hours, provided they are not kept above three hours under arms at any one time, without allowing a proper time to refresh themselves.

Fines how to be paid and collected.

Article 17. All fines that shall be imposed by a general, division, or brigade court-martial, for any breach of these rules, shall be paid into the hands of the inspectors of the brigades to which the offenders belong, or to such person or persons

persons as he shall appoint and make known in brigade orders, as his agents or attorneys to receive the same, within three weeks after they become due; but in case of neglect or refusal to pay any of the said fines, the said inspector shall cause the same to be levied and collected in the manner herein after mentioned.

Article 18. The rules of discipline approved and established by congress, in their resolution of the twenty-ninth day of March, one thousand seven hundred and seventy-nine, shall be the rules of discipline to be observed by the militia throughout this state, except such deviations from said rules as may be rendered necessary by the requisitions of the acts of congress or of this state, or some other unavoidable circumstances; and it shall be the duty of the commanding officer, at every training, whether by regiment, battalion or single company, to cause the militia to be exercised and trained agreeably to the said rules of discipline and the instructions laid down by the baron Steuben, and annexed to the said rules of discipline, pointing out the respective duties of the officers, non-commissioned officers and privates, are recommended and enjoined upon the militia of this state, as particularly and fully as if the said instructions were repeated and expressed in this act at length.

The federal rules of discipline adopted,

and the instructions of the baron Steuben.

Article 19. The militia of this state, whilst in the actual service thereof, or of the United States, shall be subject to the same rules and regulations as the federal army: *Provided*, That upon any transgression or offence of a militia man; whether officer or private, against the rules and regulations of the federal army, the cause shall be tried and determined by a court-martial of the militia of this state, and that it shall be in

Militia in service of this state or the U. S.

How to be tried.

the power of the Governor, or in case of his absence, of the commanding officer of the militia, to mitigate, suspend, or pardon any punishment to which any militia man may be sentenced by a general court-martial; and it shall be the duty of the captain or commanding officer of each company, under the penalty of five dollars for every neglect, to read or cause to be read, the foregoing articles, at least once in every year, on some company day of training.

The foregoing articles to be read annually by the commanding officers of the companies.

Sec. 32. *And be it further enacted by the authority aforesaid,* That no civil process shall be served on any commissioned officer, non-commissioned officer or private, at any regimental or battalion review, or training of any company, or while going to or returning from the place of such review or training.

Privilege of militia from civil process.

Sec. 33. *And be it further enacted by the authority aforesaid,* That all and every of the fines and forfeitures by this act made payable, for the recovery of which no mode is herein before pointed out, shall be recovered by the inspectors of the several brigades, in the name and for the use of the commonwealth, by action of debt, before a justice of the peace, or in any court of record within this commonwealth, as from the amount thereof they shall be more properly cognizable; and the said inspector shall render his accounts for all monies by him received and disbursed by virtue of this act, to the register-general, for settlement, every twelve months; and in case of the refusal or neglect of any brigade-inspector to render his accounts as aforesaid, the register-general and the comptroller general, are hereby empowered and directed to proceed against him in like manner as they are or may be authorized and empowered to proceed

How all other fines are to be recovered.

The brigade-inspector to exhibit an account of his receipts and disbursements annually to the register-general.



ceed against delinquent county treasurers, to compel the settlement of their accounts; and the payment of monies due the commonwealth thereon, into the state treasury.

Sec. 34. *And be it further enacted by the authority aforesaid,* That all monies paid into the treasury by virtue of this act, shall be appropriated for the purpose of equipping and furnishing the militia with arms and every necessary apparatus for the defence and security of the state, and the treasurer of the commonwealth shall keep separate accounts of the same.

Fines made a fund for militia uses.

Sec. 35. *And be it further enacted by the authority aforesaid,* That the brigade-inspector and two reputable citizens, shall appraise the horse of each officer who is entitled by the rules of war to keep a horse, and the horse of each person serving as a light-horseman, immediately before every time of going into actual service, and enter such appraisement in a book, and in case such horse shall be killed, or die in actual service, or be taken by the enemy, otherwise than by neglect of the owner, on his producing to the department of accounts, a certificate of the loss of said horse, signed by the commanding officer of the detachment to which he belonged whilst in actual service, together with a certificate of the valuation so as aforesaid directed to be made, he shall thereupon be paid the full amount of such appraisement, by an order to be drawn in the usual manner, on the state treasurer, to be paid out of the militia funds.

Horses, to be appraised before going into actual service,

and paid for if lost therein.

Sec. 36. *And be it further enacted by the authority aforesaid,* That if any person or persons shall knowingly sell, buy, take or exchange, conceal, or otherwise fraudulently or unlawfully receive,

Penalty for fraudulently receiving or holding militia arms or apparatus.

ceive, hold, or detain, or shall refuse to deliver up to the proper brigade-inspector, after he shall give public notice thereof, any arms, accoutrements colours or drums belonging to this state, or to the United States, on any account or pretence whatsoever, the person so offending, being convicted thereof before any justice of the peace or alderman of the city or county where such offence shall be committed, shall forfeit and pay for every such offence, treble the value of such arms and accoutrements, to be ascertained by such justice or alderman, and levied at the suit of the said brigade inspector, by distress and sale of the offender's goods and chattels, by the justice or alderman before whom such offender shall be convicted, returning the overplus, if any, on demand, to such offender; and for want of such distress, shall commit such offender to the common gaol of the county, there to remain without bail or mainprize, for any term not exceeding one month, unless such money be sooner paid.

Arms, that were the property of this state prior to the year 1797, how to be collected, repaired and distributed.

Sec. 37. *And be it further enacted by the authority aforesaid,* That the adjutant-general shall issue his orders to the respective brigade-inspectors, requiring them to collect all the arms that were the property of this commonwealth, on or before the twenty-eighth day of March, one thousand seven hundred and ninety-seven, within their respective brigades, and within three months after the receipt of such orders, to make report to him of the number so collected, and the condition they are in, and whether such arms were in the hands of public officers or private persons; whereupon the adjutant-general shall cause all such arms to be equally distributed to the respective brigade-inspectors, in proportion to the number of enrolled militia in each brigade, who

who shall employ a suitable person to repair such arms, if necessary, and when repaired, on producing the account by the person repairing the same, to the brigade-inspector, he shall, if he approve thereof, endorse his warrant on the same, directed to the treasurer of the county, in favor of such person, for the amount thereof, which warrant, if countersigned by the commissioners of taxes or a majority of them, shall be a voucher to the treasurer in settling his accounts with the register and comptroller-generals, who are hereby authorized and directed to investigate and adjust the same in like manner as other accounts are settled; and the respective brigade-inspectors shall distribute them to the commanding officers of the respective regiments within such brigade, in due proportion to the number of men in each regiment, taking an accountable receipt therefor; and the commanding officers of the respective regiments shall cause all such arms to be distributed amongst the different captains or commanding officers of each company within their respective regiments, taking receipts therefor as aforesaid; and it shall be the duty of such officers to dispose of said arms in the manner herein after provided.

Sec. 38. *And be it further enacted by the authority aforesaid,* That if any suit or suits shall be brought or commenced against any person or persons, for any thing done in pursuance of this act, the action shall be laid in the county where the cause of such action did arise, and not elsewhere; and the defendant or defendants in such action or actions to be brought, may plead the general issue, and give this act and the special matter in evidence; and if the jury shall find for the defendant or defendants in such action or actions, or if the plaintiff or plaintiffs shall be

Suits for acts under this law to be brought only in the proper county.

The general issue may be pleaded and special matter given in evidence;

Proceedings in such suits.

non-



non-suited, or discontinue his or their action or actions after the defendant or defendants shall have appeared, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendants shall have treble costs, and have the like remedy for the same as any defendant or defendants hath or have in other cases, to recover costs by law.

Sec. 39. Whereas in and by an act to provide arms for the use of the commonwealth, passed the twenty-eighth day of March, one thousand seven hundred and ninety-seven, it is directed that a due proportion of said arms shall be delivered to the colonel or commanding officer of each regiment, and lodged in a suitable place or places of deposit, under the care of the field-officers: And whereas it becomes necessary that some further provision be made for the use and disposal of the said arms, and of such other arms as shall hereafter be purchased and procured for the use of the militia of this commonwealth; therefore, *Be it further enacted by the authority aforesaid*, That when any number of arms shall be delivered to the commanding officer of a regiment or battalion, he shall, as soon as may be, divide such arms among the companies of the regiment, having due regard to the number of men in each, and taking a responsible receipt from each captain for the arms delivered to him for the use of his company; and the arms so delivered shall be marked with the number of the regiment and company, and numbered from one progressively; and it shall be the duty of each captain or commanding officer of the respective companies, to appoint a suitable person near the place where the company usually meets for training, in whose custody such arms shall be put; to be cleaned and kept in repair, for the use of such militia

Distribution of  
public arms;

how marked.

Where to be  
deposited and  
for whose use  
kept in repair.

militia men as the officers of the company shall deem unable to procure their own arms agreeably to this act; and the said arms shall not be taken from their places of deposit, except on the days appointed by this act for the exercise and discipline of the militia, or when they shall be called into actual service; and the person so appointed, shall receive such compensation for his services as a majority of the field-officers of the regiment shall deem just and reasonable, to be paid out of the regimental fund.

Sec. 40. *And be it further enacted by the authority aforesaid,* That if any youth of the age of twelve years, and not exceeding the age of eighteen years, shall, with the consent and approbation of his parents, attach himself to any company of militia, for the purpose of learning to beat the drum, play on the fife, blow on the bugle horn or trumpet, provided the number shall not exceed one person for the drum and one for the fife, or one for the bugle horn in each company, and one for the trumpet, for each troop of horse; every such person or persons shall be put under the instructions of the drum and fife-major, the bugler or trumpeter, as the case may be, whose duty it shall be to teach such person or persons, in the best manner in his power; and as soon as such person or persons shall be able to perform field duty to the satisfaction of the commanding officer of the regiment, he shall draw his warrant on the paymaster of the regiment, in favor of the drum or fife-major, the bugler or trumpeter who may have taught such person or persons as aforesaid, for the sum of ten dollars for every person so taught; and the person so taught shall be furnished with a suit of regimentals, to be paid for out of the funds of the regiment; and the father

Of teaching drummers, fifers, buglers and trumpeters.

Compensation to the teachers,

to the parties taught, and their fathers exempt

of

from militia  
duty.

of every youth who shall have been instructed as aforesaid, shall be exempted and excused from every kind of militia duty so long as his son shall continue to perform the duties of a drummer, fifer, bugler, or trumpeter in any militia company.

When & where  
the officers  
shall meet to-  
gether for per-  
fecting them-  
selves in the  
military art.

How fines are  
to be collected,

to whom paid,

and in what  
manner appro-  
priated.

Sec. 41. *And be it further enacted by the authority aforesaid,* That the fourth Monday in the month of April, and the fourth Monday in the month of September annually, be, and they are hereby appointed for the commissioned and staff-officers of the respective regiments to meet together at the most convenient place, to be fixed by the field-officers of each regiment, for the purpose of perfecting and improving themselves in the military art; and the officers aforesaid shall appear with proper arms and uniform, under the same penalty for each neglect as on days of training; and the commanding officer of each regiment shall within three days after the appeal appointed by this act, direct his warrant for collecting the fines in this section mentioned, to the quarter-master of the regiment or other fit person, who shall within one month after the receipt of such warrant, collect and pay the amount of the said fines to the pay-master of the regiment, and shall receive for his services the same compensation as is allowed for collecting fines by the nineteenth section of this act; which fines shall be recovered in like manner, and the persons entitled to like appeal as those for non-attendance are entitled to by this act; and the fines accruing by virtue of this section shall be appropriated in such manner as a majority of the officers attending on such days of training may direct.



Sec. 42. *And be it further enacted by the authority aforesaid,* That a majority of any light-infantry, grenadier, rifle or artillery company, or of any troop of horse, shall have power, at their first meeting in each year, to fix upon, declare and settle what and how many days of training they will have throughout the year, over and above the days herein before appointed for the training and mustering of the militia, for the purpose of improving themselves in military discipline; and it shall be lawful for each and every commanding officer of each and every such company to notify his respective company of such stated days of meeting, and to inflict and levy such fines and penalties on any member who shall refuse or neglect to attend such days of exercise as may be agreed upon by a majority of the company convened for that purpose, which fines shall be collected by a sergeant of each company, by virtue of a warrant under the hands and seals of the commissioned officers of the same, and shall be appropriated for the payment of the music and other contingent expences of the company, and paid on warrants to be drawn by the commanding officer; and the accounts of each company shall be examined and settled once in every year by a committee of three persons, members thereof, to be chosen by ballot, at a meeting of the company convened for that purpose, which the commanding officer is hereby enjoined to do some time in the month of May annually.

Volunteer corps may fix their own days of training and exercise in addition to those prescribed by law :

Of notices and fines in such cases.

Fines how collected,

and appropriated.

Sec. 43. *And be it further enacted by the authority aforesaid,* That the regiment of artillery now commanded by lieutenant-colonel John Connelly, formed prior to the passing of this act, within the bounds of the first division, composed of the militia of the city and county of Philadelphia,

Special provisions in favour of the regiment of artillery commanded by lieutenant-colonel John Connelly.

delphia, shall continue as heretofore; and it shall and may be lawful for the Governor to cause each company of said regiment (not already supplied) to be furnished with one\* piece of brass or iron field ordnance, at the expence of the state; and the field and other officers of said regiment, shall be elected in like manner as is directed by this act for the election of officers in the infantry; and the individuals composing said regiment, shall be subject to the same fines and penalties, and be entitled to similar relief as the rest of the militia of this state is entitled to by this act; and the companies composing the said regiment shall be called into actual service in rotation, by companies, and not by classes, according to the number in rank which each company bears in said regiment, commencing with the company whose turn it may next be to perform a tour of duty agreeably to former arrangements of said regiment: *Provided*, Each company shall not be less than forty-four non-commissioned officers and privates.

Provision for  
the widow and  
children of  
militia killed  
in service,

and for wound-  
ed or disabled  
militia.

Sec. 44. *And be it further enacted by the authority aforesaid*, That if any officer, non-commissioned officer, or private militia man, or volunteer acting with the militia, residing in this state, having a family, shall be slain in battle, or shall die of wounds received in the service of this state, his widow, child or children, shall be entitled to similar relief, and under the same regulations and restrictions as were provided by the act, entitled "An Act to provide for the more effectual relief of the widows and children of the officers and privates of the militia who have lost their lives in the service of their country," passed the twenty-seventh day of March, one thousand seven hundred and ninety; and if any officer, non-commissioned officer or private

\* *Once* in the original.

private militia man, or volunteer acting with the militia, residing in this state, shall be wounded or otherwise disabled in the service of this state, he shall be entitled to similar relief, and under the same regulations and restrictions as have been provided by an act, entitled "An Act for the relief of officers, soldiers and seamen, who in the course of the late war have been wounded or otherwise disabled in the service of this state or of the United States," passed the tenth day of March, one thousand seven hundred and eighty-seven, which last aforesaid act, so far as relates to the purposes of this act, is hereby revived and in full force.

Sec. 45. *And be it further enacted by the authority aforesaid,* That the Secretary of the commonwealth is hereby authorized to receive proposals for printing, and under the direction of the Governor, shall cause to be printed and bound in leather, a sufficient number of copies of this act, together with the rules and regulations for the discipline of the troops of the United States by the baron Steuben, which laws the adjutant-general shall, on or before the second Monday in August next, cause to be distributed in the manner following, viz. To every general and field-officer and brigade-inspector, each one copy; to every captain, for the use of his company, one copy; and to every adjutant one copy; and shall also, under the direction of the Governor, cause to be printed and bound in leather, a sufficient number of the articles of war, and cause the same to be distributed in such manner that each general officer, field-officer, and brigade-inspector may have one copy; and the expence of printing, binding and distributing the same, shall be allowed in the settlement of his accounts with the register-general; and it shall

The Secretary of the commonwealth to receive proposals for printing the militia law, &c.

When and how the copies thereof are to be distributed.



Successors in office to receive the law from their predecessors or their representatives.

shall be the duty of any officer having such copy or copies, on his going out of office, on demand made, to deliver, or in case of death, his executors or administrators shall deliver, under the penalty of five dollars, to the successor in office of the person so going out of office or dying, the aforesaid copy or copies.

Mode of ascertaining and recovering the amount of militia fines incurred under former laws.

Sec. 46. *And be it further enacted by the authority aforesaid,* That in any county within this commonwealth, where there is reason to presume, from the accounts which have been, or which shall be rendered by the brigade-inspectors to the officers of accounts, or from other evidence, that the returns of militia fines incurred under the act, entitled “An Act for the regulation of the militia of the commonwealth of Pennsylvania,” passed the eleventh day of April, one thousand seven hundred and ninety-three, and the act, entitled “An Act for the regulation of the militia of the commonwealth of Pennsylvania,” passed the ninth day of April, one thousand seven hundred and ninety-nine, have not been fully and justly made, or that the said fines, or some part thereof, hath been unjustly withheld by any of the said brigade-inspectors or collectors, it shall be the duty of the comptroller-general and register-general and they are hereby enjoined and required to nominate an agent skilled in accounts, to be approved of by the Governor, whose duty it shall be to investigate and ascertain the accuracy of the said returns and accounts, made by such brigade-inspector, and for this purpose the said agent shall have power to call upon those militia officers whose duty it was, under the recited acts, to make return of the delinquent militia men, and also of all collectors of the fines of such delinquents, and to demand from them the said inspectors,

inspectors, collectors and officers severally, all the returns of delinquents, and other papers and documents relative to the said fines, in their possession respectively, or copies thereof; and every brigade-inspector, collector or other person, who shall refuse to comply with such demand, shall forfeit and pay for every such offence, the sum of one hundred dollars; and the said agent shall have power to examine the said brigade-inspectors, officers and collectors, on oath or affirmation, touching the same, and shall report his proceedings to the comptroller-general and register-general, once in every three months; and upon such report being made, they shall proceed to recover all such balances as shall be found remaining in the hands of the brigade-inspectors, collectors and militia men, as the laws direct; and the said agent shall receive as a compensation for his services, such daily pay, while employed as aforesaid, as the comptroller-general and register-general shall deem just and reasonable, which shall be paid out of the funds for the support of government, by warrant drawn for that purpose in the usual manner.

Sec. 47. *And be it further enacted by the authority aforesaid,* That this act shall not have effect until the first day of August next, and that the act, entitled "An Act for the regulation of the militia of the commonwealth of Pennsylvania," passed the ninth day of April, one thousand seven hundred and ninety-nine, shall from and after the said first day of August next be, and the same is accordingly hereby repealed and made null and void: *Provided always,* That nothing herein contained, shall be construed so as to revive any former law or laws which in and by the said recited act, is or are repealed and made void, or to prevent the recovery of

When this law is to take effect and repeal of former law.

of any fines or forfeiture incurred under the same.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—April the sixth, 1802 :

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER XC.

*An ACT to authorize the Governor to subscribe for a certain number of copies of the Laws of this Commonwealth.*

Section 1. **B**E 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 Governor of this commonwealth be, and he is hereby required to subscribe for one thousand copies of the laws of this commonwealth, as proposed to be printed by Mathew Carey and John Bioren; to be neatly and correctly printed, in six volumes, octavo, with a complete index, with notes and references, well bound and lettered, at ten dollars for each set; provided that no money shall be paid on the above subscription, until the work is completed, examined and approved by the legislature, and deposited in the office of the Secretary of this commonwealth.

The Governor empowered to subscribe for 1000 copies of the laws, to be printed by M. Carey and J. Bioren.

No money to be paid 'till the work is completed.

Sec. 2.



Sec. 2. *And be it further enacted by the authority aforesaid,* That the Governor is hereby directed to require good and sufficient security from the said Mathew Carey and John Bioren, for the faithful performance of their engagements.

Security to be given for the faithful execution of the work.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—April the sixth, 1802 :

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

## CHAPTER XCI.

*An ACT authorizing the sale of Provisions, Vegetables and Fruit, in the markets of any city, borough or corporate town within this Commonwealth.*

Section 1. **B**E 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 from and after the passing of this act, it shall and may be lawful for any person or persons, to sell or expose to sale, provisions, vegetables or fruit, in the markets of any city, borough, or corporate town within this commonwealth : *Provided always,* That such provisions, vegetables, or fruit, shall not have been previously purchased within the limits of such

Any person may expose to sale provisions, &c. in the market of any city or corporate town, which shall not have been previously purchased within the same.

such city, borough, or corporate town; any law to the contrary notwithstanding.

ISAAC WEAVER, *junior, Speaker  
of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
of the Senate.*

APPROVED—April the sixth, 1802:

THOMAS M'KEAN, *Governor  
of the Commonwealth of Pennsylvania.*

## CHAPTER XCII.

*An ACT to enable purchasers at Sheriff's or  
Coroner's sales to obtain possession.*

WHEREAS, great inconveniences have been experienced from the unjust detention of lands and tenements sold by sheriffs under executions from the several courts of this commonwealth, the purchasers whereof have been obliged to bring ejections, and to subject themselves to all the delays and expences incident to law proceedings, to recover the possession from the person as whose property the same was originally sold, the desperate circumstances of whom usually preclude the possibility of obtaining damages or any other compensation whatever, for such unjust detention: For remedy whereof,

Section 1. *Be it enacted by the Senate and  
House of Representatives of the Commonwealth of  
Pennsylvania,*

*Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That where any lands or tenements shall hereafter be sold by the sheriff or coroner of any county, by virtue of any execution issued out of any court of record of this commonwealth, it shall be lawful for the purchaser or purchasers thereof, to give notice to the defendant or defendants, as whose property the same has been or may be sold, or to the person or persons being in possession of the same lands and tenements, under him or them, that the same premises have been sold, and to require him or them to surrender up the possession to the purchaser or purchasers thereof, within three months after the date of such notice; and if the defendant or defendants, or person or persons in possession under him or them, shall neglect or refuse to comply therewith in three months after such notice shall so as aforesaid have been given, it shall and may be lawful to and for such purchaser or purchasers, his or their heirs or assigns, to complain thereof to any two justices of the city, town or county where the premises are situate, and upon due proof made before the said justices, that the said complainant or complainants had purchased the said lands or tenements at sheriff's or coroner's sale (of which the deed poll executed by the said sheriff or coroner, if duly acknowledged in the proper court, and certified under the seal of the same court, shall be conclusive evidence) and that the person or persons then in possession, is or are the defendant or defendants as whose property the same lands or tenements were sold, or came into possession thereof under him or them, and that the same person or persons so in possession, had notice of such sale three months previous to such complaint and application; then and in such case, it shall and may be

The purchaser of lands, &c. at sheriff's sale to give notice thereof to the defendant or person in possession, requiring him to surrender up the same, and manner of proceeding to gain the possession, where it is withheld for 3 months after such notice.



lawful for the said justices to whom complaint shall be made as aforesaid, and they are hereby enjoined and required forthwith to issue their warrant, in nature of a summons, directed to the sheriff of the county, thereby commanding the said sheriff to summon a jury of twelve good and lawful men of his bailiwick, to appear before the said justices within four days next after issuing thereof, and also to summon the said defendant or defendants, as whose property the same premises were sold, or the person or persons in possession under him or them, at the same time, to appear before them the said justices and the jury aforesaid, to shew cause, if any he or they has or have, why delivery of the possession of the same lands and tenements, should not be forthwith made to such purchaser or purchasers, his or their heirs or assigns, and if upon hearing the parties, or in case of the non-appearance of the said defendant or defendants; as whose property the same premises had been sold, or other person or persons claiming or coming into possession under him or them, after being duly summoned as aforesaid, it shall appear to the said justices and jury, that the complainant or complainants, or the person or persons under whom they claim, was or were the purchaser or purchasers, at sheriff's or coroner's sale, of the lands and tenements in question, of which the sheriff's or coroner's deed-poll, duly acknowledged and certified under the seal of the proper court, shall, as aforesaid, be full and conclusive evidence, and that the person or persons in possession of the premises, was or were the defendant or defendants named in the execution under which the same premises were sold, or came into possession under such defendant or defendants, and that such defendant or defendants, or the person or persons in possession of the

the

the premises under him or them, had notice of such sale three months before such application to the said justices, then and in every such case, it shall and may be lawful for the said two justices to make a record of such finding by them the said justices and jury aforesaid, and the said jury shall assess such damages as they think right, against the said defendant or defendants, as whose property the same premises were sold, or other person or persons in possession under him or them, for the unjust detention of the premises, for which damages and reasonable costs, judgment shall be entered by the said justices, which judgment shall be final and conclusive to the parties, and upon which the said justices shall, and they are hereby enjoined and required to issue their warrant, under their hands and seals, directed to the sheriff of the county, commanding him forthwith to deliver to the said complainant or complainants, his or their heirs or assigns, full possession of the said lands and tenements, and to levy the costs taxed by the justices, and damages so by the jury aforesaid assessed of the said defendant or defendants, or other person in possession as aforesaid; and no certiorari which may be issued to remove such proceedings, shall be a superedeas, or have any effect to prevent or delay the execution aforesaid, or the delivery of the possession, agreeably thereto.

Sec. 2. *And be it further enacted by the authority aforesaid,* That if the person in possession of the premises shall make oath or affirmation before the said justices, that he hath not come into possession, and doth not claim to hold the same by, from, or under the defendant or defendants named in the execution by virtue whereof the same lands or tenements were sold,

The mode of proceeding where the person in possession disclaims to hold under the defendant named in the execution by virtue whereof the sale was made.

and

and that the title to the lands and tenements in question, is disputed and claimed by some person or persons (other than the defendant or defendants named in the execution under which the same were sold) whom he shall name, and if thereupon the person or persons so claiming, shall forthwith, or upon a summons immediately to be issued by the said justices, returnable within a reasonable time, not exceeding thirty days next following, appear before them, and on oath or affirmation, to be by the said justices administered, declare that he verily believes that he is legally entitled to the premises in dispute, and that he doth not claim the same by, from, or under the defendant or defendants as whose property the same were sold, but by a different title, and shall become bound, with one or more sufficient sureties, by recognizance, to the complainant or complainants, before the said justices, in a sum fully sufficient to cover and secure, as well the value of the rents or mesne profits of the said lands or tenements, which may have accrued and which may be expected to accrue before the final decision of the said claim, as all costs and damages, conditioned to prosecute his claim with effect, at the next court of common pleas to be held for the county where the said lands and tenements shall be; and in case of failure to prosecute as aforesaid, to surrender up the said premises, and to pay to the said complainant or complainants, the full value of the rents or mesne profits of the premises accrued from the time of the purchase; then and in such case, but not otherwise, the said justices shall forbear to give the said judgment: *Provided always nevertheless,* That if the said claim shall not be prosecuted according to the intent and meaning of the said recognizance, it shall be forfeited to the use of the said complainant



ant or complainants, and the justices aforesaid shall proceed to give judgment, and cause the lands and tenements aforesaid to be delivered up to the said complainant or complainants, in the manner herein before enjoined and directed.

Sec. 3. *And be it further enacted by the authority aforesaid,* That where any lands or tenements shall hereafter be sold by any sheriff or coroner as aforesaid, which shall be at the time of such sale, or at any time afterwards, held or possessed by any tenant or lessee, or person holding or claiming to hold the same under the defendant or defendants named in the execution by virtue whereof the same lands or tenements shall be sold by such sheriff or coroner, the purchaser or purchasers of the same lands or tenements shall (after receiving the sheriff's or coroner's deed for the same) be considered as the landlord or landlords to such tenant or lessee, or person claiming to hold the same under the aforesaid defendant or defendants, and shall have the like remedies, by distress or otherwise, to recover any rents due subsequent to such sale, as the same defendant or defendants as whose property the same lands or tenements shall be so sold, might or could have, if no such sale should take place; and if after notice of such sale, the said tenant or lessee, or other person occupying the premises as aforesaid, shall pay any rent to the said defendant or defendants as whose property the same premises may have been or shall be sold as aforesaid, the said tenant or lessee, or other occupier as aforesaid, shall be liable to repay the same to the purchaser or purchasers aforesaid.

Where a sale has been made in manner aforesaid of lands, &c. then under lease, the purchaser to stand in the place of the lessor and be entitled to receive the rents, &c.

Sec. 4. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, every tenant or other person, who

Tenants, within 3 months after demand

made, to give security to purchasers for the mesne profits that may accrue pending the suit for recovering possession, and in case of refusal shall be liable to a distress, &c.

who now is or hereafter shall be in possession of any lands or tenements which heretofore have been sold by or at a sheriff's or coroner's sale, shall within three months after demand for that purpose, made by recognizance duly acknowledged, give to the purchaser or purchasers thereof at such sale, their assigns or legal representatives, being in possession of the sheriff's or coroner's deed, duly acknowledged, sufficient sureties, to be approved of by at least one of the associate judges of the proper county, for all the mesne profits or rents that shall or may probably accrue from the time of such demand until the final decision of any ejectment now pending, or which shall hereafter be sued out or brought for recovering, under and by virtue of such deed, the possession of any lands or tenements so as aforesaid sold; but if any such tenant or other person so as aforesaid in possession, shall for three months after demand so as aforesaid made, neglect or refuse to give sureties in manner aforesaid, then and in every such case, it shall and may be lawful for such purchaser or purchasers, to proceed by distress or otherwise, for the recovery of such mesne profits or rents, in the same manner in which landlords now may lawfully proceed for the recovery of any rents due: *Provided always*, That nothing in this section contained, shall be so construed as to impair any contract heretofore made between any landlord or tenant.

Proviso in favour of contracts heretofore made.

ISAAC WEAVER, *junior*, *Speaker*  
of the House of Representatives.

SAMUEL MACLAY, *Speaker*  
of the Senate.

APPROVED—April the sixth, 1802:

THOMAS M'KEAN, *Governor*  
of the Commonwealth of Pennsylvania.

CHAP-

## CHAPTER XCIII.

*An ACT to provide for the payment of certain expences of the Executive Department, and for other purposes.*

Section 1. **B**E 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 for the payment of the following debts and expences of government, there be and is appropriated, out of the funds for the support of government, the sum of forty-two thousand four hundred forty-three dollars and ninety-two cents; that is to say: For printing, stationary, attendants, expresses, fuel, and other contingent expences of the executive department for one year from the first day of April, the present month, including all balances which former appropriations are not sufficient to discharge; the sum of one thousand and twenty dollars and forty-two cents for the payment of clerk-hire in the office of the Secretary of the commonwealth; the sum of one thousand eight hundred dollars for continuing the salary of the deputy-secretary; three hundred dollars for the payment of certain certificates issued under the authority of the act, entitled "An Act to provide for the settlement of the public accounts, and for other purposes therein mentioned;" passed the fourth day of April, one thousand seven hundred and ninety-two, the sum of thirty-five thousand five hundred and sixty dollars; for the payment of clerks in the office of comptroller-general, in settling the accounts of the former  
and

Appropriation  
for the year  
1802;

specification of  
the objects.



and late comptroller-general and state treasurer, the sum of eight hundred dollars; and for the office of surveyor-general, to arrange and bring forward the business of that office, three hundred dollars, for which he shall account; for the purpose of clerk hire in the office of the secretary of the land-office, to select, arrange, endorse and file all the proprietary locations, and for other purposes, the sum of four hundred dollars; for the payment of a balance due to Solomon Meyer, for printing the German journals of the last session, the sum of one hundred twenty-five dollars and fifty cents; for the payment of balance due to William and Robert Dickson, for printing bills for the last house of representatives, one hundred fifty dollars; for the payment of a balance due to Francis Bailey, for printing the English journals of the last house of representatives, the sum of three hundred thirty dollars; for the payment of a balance due to George Bryan, for drafting bills for a former house of representatives, the sum of twenty-four dollars; for the payment of a balance due to Charles Culnan, for taking care of the state-house and yard thereunto adjoining, the sum of eight dollars; for a balance due to Benjamin H. Latrobe, for improving the navigation of the river Susquehanna, and for some further improvements of the navigation of said river, the sum of two thousand one hundred twenty-six dollars.

An account to be exhibited to the next legislature, of the expences of the executive department.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the Governor shall lay before the next general assembly, a particular account of the expences of the executive department.

Sec. 3.

Sec. 3. *And be it further enacted by the authority aforesaid,* That all warrants to be drawn on the treasury by the Governor, for the sums of money appropriated by this act, shall be under the same regulations and restrictions as are directed by law in other cases.

Warrants to be issued in the usual manner for the sums appropriated by this act.

Sec. 4. *And be it further enacted by the authority aforesaid,* That the comptroller-general and register-general shall, on the first Monday in January next, lay before the legislature a statement of the progress made in the settlement of the accounts of the present and former county treasurers for the arrears of state taxes, under the act passed at the present session of the legislature, entitled "An Act to facilitate the settlement of the accounts of the former and present county treasurers for arrears of state taxes."

A certain duty enjoined on the comptroller-general & register-general.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

JOHN PEARSON, *Speaker*  
*of the Senate.*

APPROVED—April the sixth, 1802:

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

# Resolutions.

---

## I.

COMMONWEALTH OF PENNSYLVANIA.

GENERAL ASSEMBLY.

**W**HEREAS, a vacancy happened in the senate of the United States in the recess of the general assembly of this commonwealth, by the resignation of Peter Muhlenburgh, esquire: Therefore,

Proceedings in  
electing a se-  
nator to repre-  
sent this state  
in the senate of  
the U. S.

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met,* That the members of both houses shall assemble in the chamber of the house of representatives at the hour of twelve, on Wednesday the sixteenth day of December instant, and then and there elect a senator to represent this state in the senate of the United States, which election shall be conducted in the following manner, viz. Before the time of meeting, each house shall appoint one teller, and nominate one or more candidate or candidates for senator, and one day previously to the said meeting, communicate to each other the name or names of the person or persons so by them respectively appointed and nominated: At the meeting, the speaker of the Senate, or in his absence the speaker of the house of representatives shall preside. The names of the persons voted for, and the members voting, shall be



be entered in writing, by the tellers, who shall report to the president the number of votes given for each candidate. If neither of the candidates shall have a majority of votes of the whole number of the members present, a second poll shall be taken, and so from time to time, until some one of the candidates shall have a majority of votes of the whole number of the members present. If the election shall not have been completed at the first meeting, the president shall adjourn to such time as a majority of the members then present shall agree, and so from time to time, until the election shall have been finally closed; whereupon the president shall announce the person having a majority of votes of the whole number of members present, to be duly elected a senator to represent this state in the senate of the United States; and the president shall, in the presence of the members of both houses, sign four several certificates of the election, attested by the tellers; one of which certificates shall be transmitted to the president of the senate of the United States; one to the person so elected; and the remaining two shall be preserved among the records, one of which to be entered on the journal of the senate, the other on the journal of the house of representatives.

ISAAC WEAVER, *junior*, *Speaker*  
of the House of Representatives.

SAMUEL MACLAY, *Speaker*  
of the Senate.

APPROVED—December the fourteenth, 1801:

THOMAS M'KEAN, *Governor*  
of the Commonwealth of Pennsylvania.

COM-

## II.

COMMONWEALTH OF PENNSYLVANIA.

*GENERAL ASSEMBLY.*

IN THE HOUSE OF REPRESENTATIVES.

**R**ESOLVED by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That for the use of the legislature, the Governor be requested to apply to the secretary of state of the United States, for a copy of the last census of this state, which may distinguish the number of the inhabitants thereof within each of the several counties, agreeably to the census and return made in pursuance of the act of congress for that purpose lately passed.

ISAAC WEAVER, *junior, Speaker*  
of the House of Representatives.

SAMUEL MACLAY, *Speaker*  
of the Senate.

APPROVED—January the twenty-third, 1802 :

THOMAS M'KEAN, *Governor*  
of the Commonwealth of Pennsylvania.

## III.

COMMONWEALTH OF PENNSYLVANIA.

*GENERAL ASSEMBLY.*

**W**HEREAS, the general assembly of Pennsylvania have seen with much concern, an act passed at the last session of congress, entitled “ An Act to provide for the more convenient

“ venient organization of the courts of the  
 “ United States,” which they consider as incon-  
 sistent with the common interest of the United  
 States.

*First*—Because they conceive the judiciary, as  
 established previous to the passing of the said act,  
 to be fully competent to transact all business which  
 might constitutionally be brought before them.

*Second*—Because an expence was thereby in-  
 curred inconsistent with that economy which  
 ought to prevail, and, as they apprehend, not  
 warranted by any existing circumstances; and

*Third*—Because, although they have all due  
 confidence in the chief magistrate of these United  
 States, they conceive an undue influence is there-  
 by created, which they deem incompatible with  
 the spirit and principles of the federal govern-  
 ment: Therefore,

*Resolved, by the Senate and House of Repre-  
 sentatives of the Commonwealth of Pennsylvania, in  
 General Assembly met, That the senators repre-  
 senting this state in the senate of the United  
 States, be hereby instructed to use their utmost  
 endeavors to procure a repeal of the said act;  
 and that the Governor of this commonwealth be  
 requested to transmit to the said senators, a copy  
 of this resolution.*

ISAAC WEAVER, *junior, Speaker  
 of the House of Representatives.*

SAMUEL MACLAY, *Speaker  
 of the Senate.*

APPROVED—February the tenth, 1802:

THOMAS M'KEAN, *Governor  
 of the Commonwealth of Pennsylvania.*

COM-



## IV.

## COMMONWEALTH OF PENNSYLVANIA.

## GENERAL ASSEMBLY.

**R**ESOLVED *by the Senate and House of Representatives of the Commonwealth of Pennsylvania*, That one thousand and fifty copies of the state treasurer's statement of the receipts and expenditures in the treasury, be printed by Francis Bailey, and one thousand and fifty copies of the comptroller and register-general's statement of the finances of the commonwealth, be printed by William and Robert Dickson; and that eight hundred copies of the state treasurer's statement of the receipts and expenditures in the treasury, be printed in the German language, by Snowden and M'Corkle, and that eight hundred copies of the comptroller and register-general's statement of the finances of the commonwealth, be printed in the German language; by Christian J. Hutter; and one copy of each statement be annexed to each copy of the journal of the senate and of the house of representatives respectively, and that the surplus remain to the use of the members of the legislature.

Reports of the state treasurer and the comptroller and register-general, by whom to be printed.

ISAAC WEAVER, *junior, Speaker of the House of Representatives*

SAMUEL MACLAY, *Speaker of the Senate.*

APPROVED—February the nineteenth, 1802:

THOMAS M'KEAN, *Governor of the Commonwealth of Pennsylvania.*

## V.

## COMMONWEALTH OF PENNSYLVANIA.

## GENERAL ASSEMBLY.

**R**ESOLVED *by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met,* That the laws of this commonwealth, commencing with the fifth volume, also the journals and bills of future legislatures, shall hereafter be printed in form and manner following, viz.

Of printing the laws, journals and bills of future legislatures.

I. The laws shall be printed in octavo form, with pica type, on medium paper, No. 2; each page to contain, including marginal references, not less than one thousand m's.

How the laws are to be printed.

II. The journal shall be printed in octavo form, with pica type, on medium paper, No. 3; each page to contain not less than one thousand m's.

The journals.

III. The bills shall be printed in folio, with pica type, and on foolscap paper, No. 2; each page to contain not less than six hundred m's of matter, exclusive of riglet spacing.

The bills.

And the Secretary of the commonwealth is hereby authorized, during the recess of the legislature, to receive proposals for printing the laws, journals and bills, as aforesaid, and other printing incident to the respective houses, which proposals shall be accompanied with sufficient securities for the proper execution of the work.

The secretary of the commonwealth to receive proposals during the recess of the legislature, for printing the laws, &c.

And

and to lay the  
same before  
the general as-  
sembly annual-  
ly.

And it shall be the duty of the Secretary of the commonwealth, to lay before the general assembly annually, as soon as the same shall be organized, such proposals as he shall have received during the recess of the legislature, for the printing of the journals and bills, with the name or names of the printers endorsed thereon; and he is hereby directed to lay the proposals for printing the laws of the present session before the Governor, within one month after the passing of this resolution; and in future, on or before the second Tuesday in December annually.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—February the nineteenth, 1802:

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

VI.

COMMONWEALTH OF PENNSYLVANIA.

GENERAL ASSEMBLY.

WHEREAS, two causes are now pending in the supreme court of this commonwealth, in the issue of which the interest of the state will be immediately affected: The one a suit brought against the commonwealth by William Turnbull, representative of William Turnbull and company



company, agents for the royal marine of France; the other a suit brought by the comptroller-general, against the heirs and devisees of David Rittenhouse, late state treasurer: Therefore,

*Resolved, by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met,* That the comptroller-general be, and he is hereby authorized and required to employ one able counsel, learned in the law, to assist the attorney-general in defending, and also in supporting the rights and interests of the commonwealth in the trial of the causes aforesaid, and that the expence thereon accruing, shall be paid out of the aggregate funds of this commonwealth.

The comptroller-general empowered to employ counsel to assist the attorney-general in the trial of certain causes now pending.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—February the nineteenth, 1802:

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

VII.

**R**ESOLVED, *by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met,* That it shall and may be lawful for Charles Wilson Peale to remove his museum into the east end of the state-

Charles W. Peale authorized to occupy the east end of the state-house for the use of his museum &c

Conditions annexed to the privilege.

What he is to do in consideration thereof.

state-house, in Philadelphia, and to use the lower story of the east end, except the room formerly occupied by the legislature as a committee-room, and the whole of the upper story, as he may find most convenient for the arranging and displaying the said museum, during the pleasure of the legislature: *Provided*, That the house receive no injury, and that the citizens of Philadelphia shall not be prevented from holding their general elections at the state-house, according to law, nor interrupted in the use of it for holding the said elections: And that it shall be lawful for and the duty of the aforesaid Charles Wilton Peale, and that in consideration of the aforesaid privilege, it shall be his duty to take the charge and care of the state-house and state-house yard; and that in discharge of this trust, he shall open the doors of the hall, and permit the citizens to walk in the yard for recreation, and pass and repass at seasonable hours, as heretofore; and that he shall be responsible for the discharge of this trust, agreeably to law, until it is otherwise provided by the legislature.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

SAMUEL MACLAY, *Speaker*  
*of the Senate.*

APPROVED—March the seventeenth, 1802:

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

COM-

## VIII.

COMMONWEALTH OF PENNSYLVANIA.  
GENERAL ASSEMBLY.

**R**ESOLVED, by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the Governor of this commonwealth be, and he is hereby requested to present to Andrew Ellicot, esquire, for his use, during the pleasure of the legislature, the telescope purchased in the year one thousand seven hundred and sixty-nine now the property of this state, with all the apparatus belonging thereto, put in complete repair at the expence of the commonwealth.

Andrew Ellicot, esquire, to have the use of a telescope, the property of this state, during the pleasure of the legislature.

ISAAC WEAVER, junior, *Speaker*  
of the House of Representatives.

JOHN PEARSON, *Speaker*  
of the Senate.

APPROVED—April the sixth, 1802 :

THOMAS M'KEAN, *Governor*  
of the Commonwealth of Pennsylvania.

## IX.

COMMONWEALTH OF PENNSYLVANIA.  
GENERAL ASSEMBLY.

**W**HEREAS, it is understood that the legislature of the state of Maryland, have by law granted, on certain conditions, to the Susquehanna canal company of the said state, half tolls, to be regulated by a future act of the said



said legislature, on all produce and lumber conveyed down the bed of the river Susquehanna from this commonwealth into the said state of Maryland: And whereas this state, for the mutual benefit of each state, and the citizens thereof, hath freely expended considerable sums of money in improving the navigation of the said river, without imposing or demanding any compensation or toll from persons navigating the same.

*Resolved, by the Senate and House of Representatives of the Commonwealth of Pennsylvania, That*

The Governor to correspond with the executive of Maryland, relative to the navigation of the river Susquehanna.

the Governor is hereby requested to correspond with the executive of the state of Maryland, upon the subject of the aforesaid grant, and to lay before the next general assembly of this commonwealth, any information that may be received in consequence of such correspondence, in order that suitable measures may be devised to counteract the evils that would result from the operation of the law aforesaid.

ISAAC WEAVER, *junior, Speaker*  
*of the House of Representatives.*

JOHN PEARSON, *Speaker*  
*of the Senate.*

APPROVED—April the sixth, 1802 :

THOMAS M'KEAN, *Governor*  
*of the Commonwealth of Pennsylvania.*

TABLE

# TABLE OF CONTENTS.

---

<i>Chapter</i>	<i>Page</i>
I. An act to tax the office of the Prothonotary or Clerk of the Supreme Court.	3
II. An act for the relief of Edmund Milne.	6
III. An act altering the manner of electing a Treasurer of the corporation of the city of Philadelphia.	7
IV. An act for the establishment of a College at Canonsburg, in the county of Washington, in the Commonwealth of Pennsylvania.	8
V. An act to erect Penn township in the county of Northampton, into a new election district.	15
VI. An act to erect a new election district in the county of Somerset.	16*
VII. An act to erect Half-moon and Patton townships, in the county of Centre, into a new election district.	17
VIII. An act for erecting two election districts in the county of Montgomery.	<i>ibid</i>
IX. A supplement to the act, entitled "An act to erect the town of Sunbury, in the county of Northumberland, into a borough."	18
X. A supplement to the act, entitled "An act to erect part of Washington county, into a separate county."	19
XI. An	

<i>Chapter</i>	<i>Page</i>
XI. An act limiting the operation of Caveats entered in the Land-office of this commonwealth, against the issuing of Patents.	21
XII. An act to repeal part of an act, entitled "An act to prevent the destruction of Rock-fish and Oysters."	23
XIII. An act to extend the time for patenting lands, and for other purposes.	24
XIV. An act to alter and amend the Health-laws of this State, so far as respects vessels, goods and passengers coming from any port or place in the State of Delaware.	25
XV. An act for the relief of Peter Williams.	28
XVI. An act further to encourage the killing of Wolves.	29
XVII. An act to authorize the sale of the estate of Catharine Erringer, a lunatic, and for other purposes therein mentioned.	30
XVIII. An act to direct the manner, time and places of holding elections for Electors of President and Vice-president of the United States.	32
XIX. An act declaring the holding of offices or appointments under this State, incompatible with the holding or exercising offices or appointments under the United States.	37
XX. An act for the relief of William Hill, of the State of Massachusetts, and Esther his wife, and to confirm in Burton Wallace and his heirs forever, the title to a certain messuage and lot of ground therein mentioned.	45
XXI. An	45



<i>Chapter</i>	<i>Page</i>
XXI. An act to facilitate the settlement of the accounts of the former and present county Treasurers, for arrears of State taxes.	49
XXII. An act to prescribe the times, places and manner of choosing Senators to represent this State in the Senate of the United States.	52
XXIII. An act to erect Mahantango township, in the county of Berks, into a separate election district.	54
XXIV. An act for the relief of John Berrell.	55
XXV. An act altering the place of holding the elections in Air township, in the county of Bedford.	58
XXVI. A further supplement to the act, entitled "An act to incorporate the district of Southwark."	<i>ibid</i>
XXVII. An act erecting the township of Cone-maugh, in the county of Somerset, into a separate election district.	60
XXVIII. An act erecting certain election districts in the county of York.	61
XXIX. An act for the relief of Michael Cox.	62
XXX. An act to enable James Wickersham, Samuel Garretson and Ezekiel Kirk, to convey a certain piece of land, in the township of Newbury, York county.	64
XXXI. An act to erect the town of Canonsburg, in the county of Washington into a borough.	66
XXXII. An act declaring Ten-mile creek, from the mouth thereof, to Jacob Adams' mill, in the county of Greene, a public highway.	73
XXXIII. An	

<i>Chapter</i>	<i>Page</i>
XXXIII. An act regulating the office of Justice of the Peace, and for other purposes.	75
XXXIV. An act to provide for the education of poor children gratis.	76
XXXV. An act altering the place of holding elections in the fourth district, in the county of Northampton.	78
XXXVI. An act altering the place of holding elections in the fifth district, in the county of Cumberland.	79
XXXVII. An act to authorise John Sherer, to erect a wing-dam on Monongahela river, in the county of Allegheny.	80
XXXVIII. An act to erect Deer township, in the county of Allegheny, into a separate election district.	82
XXXIX. An act altering the place of holding the general elections, in the second election district in the county of Westmoreland.	<i>ibid</i>
XL. An act altering the place of holding the general election, in the district composed of Wheatfield and part of Fairfield townships, in the county of Westmoreland.	83
XLI. An act for the relief divers inhabitants of the county of Adams.	84
XLII. An act for the erection of certain election districts in the county of Mercer.	86
XLIII. A supplement to the act, entitled " An act to authorise the Governor of this Commonwealth, to incorporate a company for erecting a bridge over the river Delaware at the borough of Easton, in the county of Northampton."	88
XLIV. An	

<i>Chapter</i>	<i>Page</i>
XLIV. An act altering the place of holding the general elections in Wyalusing district, in the county of Luzerne.	89
XLV. An act altering the place of holding the general elections, in the fourth election district, composed of the township of Bald-Eagle, in Centre county.	90
XLVI. An act for the relief Lewis Garanger.	91
XLVII. An act to enable the Trustees of the religious society of Moravians or United Brethren, in Mountjoy township, Lancaster county, to convey certain land therein mentioned to Henry Meyer.	92
XLVIII. An act granting unto Thomas Smith and John Smith, an island and bar in the river Delaware.	94
XLIX. An act to repeal so much of the act, entitled "A supplement to the act, entitled "An act to prevent the receiving any more applications, or issuing any more warrants, except in certain cases, for lands within this Commonwealth, passed September the twenty-second, one thousand seven hundred and ninety-four, as interferes with the act, entitled "An act directing the sale of certain islands in the river Susquehanna, passed the sixth of March, one thousand seven hundred and ninety-three."	96
L. An act to empower the Trustees of the English Presbyterian church, in Allen township, in the county of Northampton, to make conveyance and assurance of the tract or piece of land therein mentioned,	97



<i>Chapter</i>	<i>Page</i>
LI. An act to revive and continue an act, entitled " An act to enable the Governor of this Commonwealth to incorporate a company for opening a canal and water communication between the rivers Delaware and Schuylkill, and for other purposes therein mentioned; and also, An act to enable the Governor of this Commonwealth to incorporate a company for opening a canal and lock navigation, between the rivers Schuylkill and Susquehanna, by the waters of Tulpehoccon, Quittapahilla and Swatara, in the counties Berks and Dauphin."	101
LII. An act to continue certain suits entered in the court of common pleas, for the county of Westmoreland, in the name of Thomas Mifflin, late Governor, and John Nicholson, late Comptroller-General of Pennsylvania	103
LIII. An act to enable General John Steele and William Calhoun, to sell and convey a certain tract of land therein mentioned.	105
LIV. An act incorporating the Magdalen Society, in the city of Philadelphia.	106
LV. An act to erect Allegheny township, in the county of Armstrong, into an election district.	111
LVI. An act authorising the Comptroller and Register-Generals, to receive certain evidences of State debt due to individuals, in discharge of the sureties of the former Comptroller-General, John Nicholson.	112
LVII. An	

<i>Chapter</i>	<i>Page</i>
LVII. An act for the relief of the estate of Sarah Caldwell.	113
LVIII. An act to erect the town of Beaver, in the county of Beaver, into a borough, and for other purposes.	116
LIX. A supplement to an act, entitled "An act to repeal part of an act of the Assembly of the late Province of Pennsylvania, entitled An act declaring the river Susquehanna and other streams therein mentioned, public highways, for improving the navigation of the said river and streams, and preserving the fish in the same."	122
LX. An act for the relief of Isaac Wiley and James Calhoun.	125
LXI. An act to erect a separate election district in the county of Allegheny.	126
LXII. A supplement to "An act for securing the city of Philadelphia and the neighbourhood thereof, from damage by Gun-powder;" and also to "An act for providing for the inspection of Gun-powder."	127
LXIII. An act dissolving the marriage between David M. Kiffick and Margaret his wife.	129
LXIV. An act for erecting certain election districts in the counties of Northampton and Bedford.	131
LXV. An act in aid of the congregation of Bangor church, in Carnarvon township, in the county of Lancaster.	132
LXVI. An act authorising executors and administrators, in certain cases, to convey lands sold by their decedents by order of Orphans' Court.	133
LXVII. An	

<i>Chapter</i>	<i>Page</i>
LXVII. An act to erect the township of Brecknock and part of the township of Co-calico, in the county of Lancaster, into a separate election district.	135
LXVIII. An act to appoint new trustees for Mifflin county.	136
LXIX. An act to dissolve the marriage contract between John Kunius and Bathsheba his wife, late Bathsheba Troth.	138
LXX. A further supplement to the act, entitled "An act to establish the Judicial courts of this Commonwealth."	140
LXXI. An act to vest in the Trustees of the Roman Catholic Society of St. Mary's Church, in the city of Philadelphia, for the benefit of the Poor of said Society, such part of the estate of Peter Bonaventure d'Artois, as is declared to have escheated to the Commonwealth.	141
LXXII. An act authorizing the Governor to discharge the debt due from this Commonwealth to the Bank of Pennsylvania, and for other purposes.	143
LXXIII. An act to provide for the election of Representatives of the People of this State, in the Congress of the United States.	145
LXXIV. An act to complete the benevolent intention of the Legislature of this Commonwealth, by distributing the Donation Lands to all who are entitled thereto.	149
LXXV. An act to settle the controversies arising from contending claims to lands within that part of the territory of this Commonwealth, north and west of	of



<i>Chapter</i>	<i>Page</i>
of the rivers Ohio and Allegheny, and Conewango creek.	153
LXXVI. An act to empower the Trustees of Crawford county, to erect a suitable building for a seminary of learning in the town of Meadville.	161
LXXVII. An act to annex the township of Dun- bar, in Fayette county, to the fourth election district.	163
LXXVIII. An act authorising the Comptroller- General and Register-General, to liquidate and settle certain expenses incurred under the act, entitled " An " act supplementary to an act, en- " titled " An act to prevent intru- " sions on lands within the counties " of Northampton, Northumber- " land and Luzerne, and for other " purposes therein mentioned."	164
LXXIX. An act to provide for the removal of the seat of justice in Wayne county, and for other purposes.	165
LXXX. An act to enlarge the March and De- cember terms in the Supreme Court.	166
LXXXI. An act to authorise Marcus Hulings, to erect a toll-bridge over French creek, opposite Turkey-street, in the town of Franklin.	167
LXXXII. An act to erect West-Hanover township, in the county of Dauphin, into a se- parate election district.	170
LXXXIII. An act to establish the places for hol- ding the Courts of Justice in the counties of Armstrong, Butler and Mercer.	171
LXXXIV. An act to provide for the distribution of the Laws and Journals, of the Gene- ral Assembly of this Commonwealth.	173
LXXXV. An	

<i>Chapter</i>	<i>Page</i>
LXXXV. An act for laying out, making and keeping in repair, the public roads and highways within this Commonwealth, and for laying out private roads.	178
LXXXVI. An act to maintain the territorial rights of this State, and protect the property of persons holding lands under the same.	198
LXXXVII. A further supplement to the act, entitled " An act offering compensation " to the Pennsylvania Claimants of " certain lands within the Seventeen " Townships, in the county of Lu- " zerne, and for other purposes therein mentioned," passed the fourth day of April, one thousand seven hundred and ninety-nine.	201
LXXXVIII. An act for the more certain administration of Justice.	207
LXXXIX. An act for the regulation of the Militia of the commonwealth of Pennsylvania.	208
XC. An act to authorise the Governor to subscribe for a certain number of the copies of the laws of this Commonwealth.	264
XCI. An act authorising the sale of Provisions Vegetables and Fruit, in the markets of any city, borough or corporate town within this Commonwealth.	265
XCII. An act to enable purchasers at Sheriff's or Coroner's sales to obtain possession.	266
XCIII. An act to provide for the payment of certain expences of the Executive Department and for other purposes.	273

## Resolutions.

---

<i>Number</i>	<i>Page</i>
I. A resolution relative to the election of a Senator to represent this State in the Senate of the United States.	276
II. A resolution relative to an application to the Secretary of State of the United States, for a copy of the last census of this State.	278
III. A resolution relative to instructing the Senators representing this State in the Senate of the United States, to endeavour to procure a repeal of the act passed at the last session of Congress, entitled "An act to provide for the more complete organization of the courts of the United States."	<i>ibid</i>
IV. A resolution relative to the printers of the Reports of the Treasurer, Comptroller and Register-General.	280
V. A resolution relative to printing the Laws, Journals and Bills, of each House, on a medium paper, in octavo form, and with type of pica size.	281
VI. A resolution relative to authorizing one able counsel to assist the Attorney-General in defending the rights of the Commonwealth in the trial of two causes, to wit: One against the Commonwealth, by William Turnbull; the other by the Comptroller-General, against the heirs and devisees of David Rittenhouse, late State Treasurer.	282
	A resolution



<i>Number</i>	<i>Page</i>
VII. A resolution granting to C. W. Peale, during the pleasure of the Legislature, the use of certain parts of the State-house, to display his Museum.	283
VIII. A resolution requesting the Governor to present to Andrew Ellicot, esquire, for his use, during the pleasure of the Legislature, the telescope the property of this State, &c.	285
IX. A resolution relative to the State of Maryland granting half tolls to the Susquehanna canal company on produce going down the Susquehanna.	<i>ibid</i>







JAN 31 1934

