

CHAPTER CXXIX.

An ACT establishing and confirming the place for holding the courts of justice, and for erecting the public buildings for the county of Butler.

WHEREAS in pursuance of an act passed the sixth of April, one thousand eight hundred and two, entitled "An act to establish the places for holding the courts of justice in the counties of Armstrong, Butler and Mercer," it appears that the Governor did appoint Isaac Weaver, John Hamilton, Thomas Morton, James Brady and Presly Car Lane, esquires, to be commissioners to perform the duties enjoined and required by the said act : And whereas, by the report of the said commissioners deposited by them, in the office of the Secretary of the commonwealth, and now laid before the general assembly, it appears that the said commissioners have performed the duties enjoined and required by the said act, in order therefore to complete and secure to the people of the said county of Butler, the benefits intended in and by the act aforesaid.

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 John M'Bride, esquire, William Elliott, esquire, and John David, be, and hereby are appointed trustees for the county of Butler, and the said trustees or a majority of them, are hereby authorised and required to survey

Trustees appointed for the county of Butler; who are to cause to be surveyed 300 acres of land, for the use of said county.

or cause to be surveyed, three hundred acres of land, situate on the north side of Conequinesing creek, near Samuel Cunningham's mill, agreeably to a description given of the situation and boundary thereof, expressed in the grant and obligation of Samuel Cunningham, John Cunningham and Robert Graham, made by them to the Governor for the use of the county of Butler; and the said trustees are hereby authorised and required to lay out a convenient lot or lots of land, within the said three hundred acres, not exceeding five acres, whereon the public buildings shall be erected for the use of the county of Butler, and the surplus or residue of said three hundred acres of land, which shall remain after the scites for the public buildings are set apart and determined, shall be laid out for a town, with suitable town lots and out-lots, at the discretion of the trustees with necessary reservations, for a quarry, streets, lanes, alleys, and roads or highways: *Provided however,* That no out-lot shall exceed five acres, and the town hereby directed to be laid out shall be called Butler.

To lay out a lot or lots, not exceeding 5 acres, whereon public buildings are to be erected, and the residue of said 300 acres, into town and out lots.

Dimensions of the out lots; town called Butler.

Trustees to sell town and out lots by way of auction, & to give previous notice of such sale.

Sec. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said trustees, or a majority of them, to sell by public auction, the said town-lots and out-lots, at such time or times, as they may judge most advantageous to the county, which sale shall be held at the said Cunningham's mill, in the said county, previous to which the said trustees shall advertise the same, three times at least in one or more newspaper published in Pittsburg, Greensburg and Washington, one month before the day appointed for such sale: *Provided,* That before the said commissioners

Deeds in fee simple of the

missioners proceed to the discharge of the duties, herein enjoined and required; they shall demand and receive from the aforesaid Samuel Cunningham, John Cunningham and Robert Graham, sufficient deeds, in fee simple, of the above described three hundred acres of land, in trust for the use of the said county of Butler, agreeably to the grant heretofore made to the Governor, for the use of the county of Butler, by the said Samuel Cunningham, John Cunningham and Robert Graham, and shall procure the same to be recorded in the office for recording of deeds, in Allegheny county, and when the said trustees have so done, they shall have authority, and it shall be their duty, to make out and grant sufficient deeds, in fee simple, for the town and out lots by them sold in pursuance of this act.

said 300 acres of land are first to be obtained, in trust for the use of Butler county,

and the same to be recorded in the recorders office of Allegheny county, and afterwards conveyances made for the town and out lots, to the purchasers.

Sec. 3. *And be it further enacted by the authority aforesaid,* That the said trustees or a majority of them, shall within two years after the said county of Butler shall be organized, and the courts and board of commissioners in operation, surrender and convey all the trust vested in them, by this act, to the commissioners of Butler county, and to their successors in office, and the said county commissioners and their successors, shall enjoy and exercise all the powers vested in, and discharge all the duties required and enjoined on the said trustees, as fully to all intents and purposes, as if they were expressly herein named, and the said county commissioners shall have power, and it shall be their duty, to call upon, and if necessary to compel the said trustees or either of them, by suit to settle.

The trustees, within 2 years after the organization of Butler county, are to surrender the trust vested in them by this act, to the commissioners of said county &c. powers and duties of said commissioners.

tle their accounts with respect to the performance of their trust, and pay over the money due to the county, if any such money remains in their hands, to the treasurer of Butler county, subject to the disposal of the said county commissioners.

Compensation of the trustees and by whom to be paid.

Sec. 4. *And be it further enacted by the authority aforesaid,* That the aforesaid trustees shall each receive one dollar and thirty-three cents, for every day they shall be employed in the performance of the duties of the aforesaid trust together with all expences necessarily incurred, for assistance in surveying and laying out lots, streets, lanes and alleys, which shall be paid by the treasurer of the county of Allegheny, on orders, from the commissioners of said county, out of the county taxes levied in Butler county.

A return of the survey of the town and out lots to be filed in the recorder's office of Allegheny county or Butler county.

Sec. 5. *And be it further enacted by the authority aforesaid,* That the said trustees shall as soon as may be, file a draught and return of the survey and proceeding under and by virtue of this act, in the office of the recorder of deeds, in and for the county of Allegheny, or in the said office for the county of Butler, if such office be then established by law.

Repealing clause.

Sec. 6. *And be it further enacted by the authority aforesaid,* That so much of the act passed the twelfth of March, one thousand eight hundred, entitled "An act erecting certain parts of Allegheny, Westmoreland, Washington and Lycoming counties, into separate counties," as authorises the commissioners therein named, to be trustees for the

the county of Butler, shall be and hereby is repealed and made void.

SIMON SNYDER, *Speaker*
of the House of Representatives.

SAMUEL MACLAY, *Speaker*
of the Senate.

APPROVED—March the eighth, 1803 :

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

CHAPTER CXXX.

An ACT to raise by way of lottery, a sum not exceeding five thousand dollars, for the purpose of completing the building of the Bustleton Academy, in the county of 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 Samuel Swift, Strick-

land Foster, Jacob Shearer, John Holmes, junior, John Thompson, Elisha Gordon, Ed-

ward Swift, Jacob Hall, Bernard J. Malfeson and William Duncan, be, and they are hereby

appointed commissioners, to raise by way of lottery a sum not exceeding five thousand dol-

lars, to be applied to the defraying of the expence of completing the building of the Bust-

leton academy, in the county of Philadelphia, in such manner as to the trustees of the said

institution,

Commissioners of a lottery appointed.