

is prescribed by the act entitled "An act to reform the penal laws of this state," passed the fifth day of April in the year of our Lord one thousand seven hundred and ninety, and also to pay a fine not exceeding one thousand dollars.

JAMES ENGLE, *Speaker*  
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the sixteenth day of March, one thousand eight hundred and nine.

SIMON SNYDER.

CHAPTER XXXIV.

An ACT to prohibit the distilling and boiling of Turpentine and Oil, and the manufacturing of Varnish, within the city of Philadelphia and its neighbourhood.

SECT. I. *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 person shall distil or boil any Turpentine or Oil, or manufacture or boil any Varnish in any house, shop, cellar or other place to the eastward of Tenth-street, in the city of Philadelphia, or within the district of Southwark, or within that part of the township of Moyamensing situate between South-street, Seventh-street, and the Passyunk road, or within the incorporated limits of the Northern-Liberties, and including the village called Spring-garden, unless the said distilling, boiling or manufacturing be carried on in an open place at least thirty feet distance from any building, vessel of commerce or other property which might be injured thereby, or in a completely fire proof building, the sufficiency of which fire proof shall be determined and agreed upon by at least five respectable master brick-layers of the said city, who shall certify the same under their hands, under the penalty of forfeiting the whole quantity of the articles so distilled, boiled or manufactured, together with the sum of two hundred dollars for every such offence.

No person to boil any oil or turpentine within certain limits.

Penalty.

SECT. II. *And be it further enacted by the authority aforesaid,* That any alderman of the said city, or any justice of the peace in the district of Southwark, the township of the Northern-Liberties, or the township of Moyamensing aforesaid, respectively on information lodged and demand made by any person shewing a reasonable cause on oath or affirmation, shall issue his warrant under his hand and seal, empowering any constable of the said city or district or proper township, to search any house, shop, cellar or other place within the limits aforesaid, where the said articles are alleged to be distilled, boiled or manufactured, and the said constable upon finding such distillery, boiling of oil or

Search authorized to be made for offenders against this act.

manufacture to be then going on, may seize and remove the said articles therefrom within the space of twenty-four hours, to some safe and convenient place, and therein detain the same until it be determined in the proper court whether the same be forfeited or not, by virtue of this act.

The forfeitures incurred, how disposed of.

SECT. III. *And be it further enacted by the authority aforesaid,* That the penalties and forfeitures mentioned in this act may be recovered as debts of equal amount are by law recoverable, with costs of suit, the one moiety of which penalties and forfeitures shall go to the guardians of the poor of the city of Philadelphia, the district of Southwark, and the township of the Northern-Liberties, or to the overseers of the poor of the township of Moyamensing respectively, accordingly as the said seizure was made within the said city or district, or either of the townships aforesaid, and the other moiety to the informer or prosecutor who shall sue for the same.

This act may be plead in any suit had, in consequence of any proceedings under it. Defendant to recover treble costs.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if any suit or action be commenced and prosecuted against any person or persons for any thing done in pursuance of this act, every such person or persons may plead the general issue, and give this act and the special matter in evidence, and if a verdict shall pass for the defendant or the plaintiff become nonsuit or discontinue his action, or if on demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover treble costs.

JAMES ENGLE, *Speaker*  
of the House of Representatives.  
P. C. LANE, *Speaker of the Senate.*

APPROVED—the sixteenth day of March, one thousand eight hundred and nine.

SIMON SNYDER.

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CHAPTER XXXV.

*An Act allowing further time to the Commissioners of Luzerne county for the re-payment of certain monies due the commonwealth.*

WHEREAS by an act of the Legislature, passed the nineteenth day of March, one thousand eight hundred and seven, there was granted to the Trustees of Wilkesbarre Academy, the sum of two thousand dollars, being part of four thousand three hundred and twenty-five dollars, due from the county of Luzerne to this commonwealth, upon condition that the commissioners of said county should pay into the state treasury within two years from the time of passing said act, the balance of the aforesaid debt, viz. the sum of two thousand three hundred and twenty-five dollars. And whereas it has been represented