

small children, in a most calamitous and pitiable condition, and remained sick for nine months after his return, incapable of making any provision for himself or his distressed family; and in addition to this his claim on the benevolence of his country, he received but three months pay for his services. Under circumstances like these, and considering the far advanced age of the petitioner, and his existing infirmities, it is just and proper that the legislature should in this instance, manifest their gratitude and liberality: Therefore,

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 an annuity of forty dollars be granted for the use of Hugh Quay, to be paid half yearly to Thomas Bodley, esquire, of Chester county, his executor or executors, administrator or administrators, his or their lawful attorney, to commence from the first day of January, one thousand eight hundred and nine, by the state-treasurer, which annuity shall be expended by the said Thomas Bodley, his executor or executors, administrator or administrators, his or their lawful attorney, in providing clothing, lodging and diet for the said Hugh Quay; and it shall be, and it is hereby made the duty of the said Thomas Bodley, his executor or executors, administrator or administrators, his or their lawful attorney, to make an annual return to the orphans' court of Chester county, on oath or affirmation, how and in what manner he or they have executed the trust in him or them confided by this act.

An annuity of \$40 to be paid to Tho. Bodley for the use of Hugh Quay.

How to be expended and accounted for.

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

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

APPROVED—the fourth day of April, one thousand eight hundred and nine.

SIMON SNYDER.

CHAPTER CVIII.

An ACT relative to certain proceedings in the case of the prize sloop Active.

WHEREAS by an act of the General Assembly of this commonwealth, passed the second day of April, in the year of our Lord one thousand eight hundred and three, entitled "An act relating to the claim of this commonwealth against Elizabeth Sergeant and Esther Waters, surviving executrixes of David Rittenhouse, esquire, deceased," the right of this commonwealth was asserted to certain monies which the said executrixes of David Rittenhouse, heretofore treasurer of the commonwealth of Pennsylvania, admitted to have

been received by them in the manner in the same act particularly set forth as part of the proceeds of a certain prize called the "Active," captured during the revolutionary war, and provision was made among other things, that if in pursuance of the requisition of the said act (the decree of the district court of Pennsylvania, in the said act mentioned, to the contrary notwithstanding) the said executrixes should pay the said monies into the treasury of the commonwealth, without suit brought against them to compel such payment, they should be indemnified for so doing. And whereas the supreme court of the United States have reviewed the proceedings of the said district court of Pennsylvania, and have adjudged that the decree thereof ought to be enforced notwithstanding the claim of the commonwealth, and the payment of the said monies into the treasury thereof as aforesaid. And whereas the good faith of this commonwealth requires that the said engagement of indemnity should be effectually performed. And whereas sundry unforeseen difficulties may arise in protecting the just rights of the state, which ought to be provided for before the adjournment of the legislature. And as the legislature by their resolutions during the present session, have enjoined certain duties on the governor, touching the premises, and it is expedient to make such appropriations as shall meet every contingency. But protesting that nothing in this act contained shall be deemed or taken as a dereliction of any right or principle heretofore asserted on behalf of the commonwealth. And it is moreover the duty of the legislature to protect all good citizens from loss or injury in their property or persons, by reason of their obedience to the laws and constituted authorities of the commonwealth: Therefore,

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 a sum not exceeding eighteen thousand dollars be, ^{18,000 dolls.} and the same is hereby appropriated and made subject to the ^{made sub-} orders of the governor on the state treasurer, to enable the ^{ject to the} governor to carry into effect all and every engagement of this ^{orders of the} commonwealth, touching the premises in such manner as may appear to him to be advisable, just and proper, and to meet all contingent expences which may arise in the execution of any authority or power given to or enjoined on him by the resolutions of this legislature, passed April third, one thousand eight ^{How to be} hundred and nine, or by the act of assembly of April second, ^{employed.} one thousand eight hundred and three; and also to protect all and every person or persons in any way concerned in the pro-

tection of the just rights of the commonwealth, in obedience to the injunctions of any law or authority derived therefrom.

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

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

APPROVED—thefourth day of April, one thousand eight hundred and nine.

SIMON SNYDER.

CHAPTER CIX.

An ACT granting an annuity to George Blakely.

WHEREAS it appears that George Blakely enlisted in the rifle company commanded by captain Moses M^cClain, in the sixth Pennsylvania regiment, the twenty-second day of January, one thousand seven hundred and seventy-six, and went that year as a private soldier to Canada; that he was in the battle of the three rivers under General Thompson, that about the latter end of that year he enlisted in captain Hupps or Upps company, and was attached to colonel Hartley's regiment, that in the year one thousand seven hundred and seventy seven, he was transferred to captain John M^cDowell's company, in the seventh Pennsylvania regiment, in which he served until discharged in the year one thousand seven hundred and eighty-one, that he was severely wounded in the battle near the Paoli under general Wayne, by receiving three stabs in his body by a bayonet, and several wounds in his head by a musket, and was made prisoner at the same time, and was afterwards exchanged with about twenty others, that he is now old and unable to procure a livelihood by manual labour by reason of his wounds: Therefore,

SECTION 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 the governor be and he is hereby authorized to draw his warrant on the state treasurer in favour of John Colemery, of Washington county, for forty dollars, to be paid out of any unappropriated money in the treasury, to be applied to the use of the said George Blakely, and that an annuity of forty dollars be granted to George Blakely, to be paid half yearly to Thomas Forgy, of Washington county, his executor or executors, administrator or administrators, or his or their lawful attornies for the use of George Blakely; and it shall be and it hereby is the duty of the said Thomas Forgy, his executor or executors, administrator or administrators, or his or their lawful attornies to make an annual return to the orphans' court of Washington county, on oath or affirmation, in

40 dollars to be paid to J Colemery for the use of George Blakely. And an annuity of like amount to be paid half yearly to T. Forgy for the use aforesaid. Said Forgy to account to the orphans' court, for the expendi-