

of Crawford county, against Margaret Wilson or any other person or persons claiming the lands in Venango township, Crawford county, for which the said Henry did heretofore bring his action of ejectment, if there is no one within said county on whom the writ may be served, to have the writ served by the sheriff of said county on the said Margaret, or others claiming under her, in any other county where she or they may reside, and upon such service being made, the said suit shall proceed to trial as in other cases of ejectment.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON

No. 412.

A SUPPLEMENT

To the act relating to lunatics and habitual drunkards; to punish aldermen and justices of the peace for misdemeanors; relating to arbitrations in the district court in the city and county of Philadelphia; relative to deeds of assignment; relative to judgment liens; relating to limitation of actions; and relating to liens and terre tenants; and for the more effectual punishment of the crime of arson.

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 court of common pleas of any county of this commonwealth, having jurisdiction of the accounts of the committee of any lunatic or habitual drunkard, upon the application of such committee and due cause shewn, to authorize such committee to sell and dispose of any wood or timber growing or standing upon the lands of such lunatic or drunkard, with the privilege to the purchaser or purchasers of entering thereon, to cut and carry away the same, or to authorize such committee to cut the same and dispose thereof when cut; whenever in the opinion of such court the conversion of the same into money, in either of the modes aforesaid, will be beneficial to such lunatic or drunkard or to his or her estate, and to order that the proceeds of such sale or sales shall be expended upon, and in improving the real estate of such lunatic or drunkard, or shall form a part of his or her personal estate as if originally a part thereof; and in all or any of the cases aforesaid, to require security for the due application of such proceeds, as such court may in its discretion require.

Jurisdiction of courts in cases of lunatics or habitual drunkards.

SECTION 2. It shall be the duty of the court of common pleas out of which any commission, in the nature of a writ de lunatico inquirendo to inquire into the lunacy or habitual drunkenness of any person within

In cases where writs of lunatico inquirendo are

issued the courts shall decide who shall pay costs, &c.

this commonwealth, shall hereafter issue, to decide and direct who shall pay all costs attendant upon the issuing and execution of said commission, or to apportion said costs and the payment of them among the parties interested, in such proportions as the justice of the case may require, and to order and decree payment accordingly; the witnesses before any commissioner in such case shall be allowed the same fees and mileage as if attending as witnesses in said court.

Sureties of aldermen and justices of the peace, remedies of, in case of habits of intemperance.

SECTION 3. Whenever upon the petition of any surety and due proof, it shall be made to appear to the court of common pleas of the proper county, any alderman or justice of the peace of any city or county of this commonwealth, by reason of habits of intemperance is likely to increase the responsibility of his sureties, such court may require such alderman or justice of the peace, to give security to indemnify the surety so petitioning against loss by reason of his suretyship, in the manner provided by the sixth section of the act, entitled "An Act providing for the election of aldermen and justices of the peace," in such sum and by such time as the court may think necessary and proper.

Preference in cases of assignment.

SECTION 4. That any condition in assignments of property made by debtors to trustees on account of inability at the time of the assignment to pay their debts, within the meaning of the act, entitled "An Act to prevent preferences in assignments," approved April seventeenth, one thousand eight hundred and forty-three, for the payment of the creditors only, who shall execute a release, shall be taken as a preference in favor of such creditors and be void, and the assignment be held and construed to enure to the benefit of all the creditors in proportion to their respective demands: *Provided*, That no bona fide judgment or lien acquired against the property of any debtor or any sale or transfer of the property of such debtor, unless the same shall have been obtained, acquired or made with intent to evade the provisions of the said act, shall be avoided or defeated by the subsequent discovery that such debtor was insolvent at the time such judgment was obtained, lien acquired or transfer made.

Construction of a certain act.

SECTION 5. That the act approved third day of April, Anno Domini, one thousand eight hundred and forty-three, entitled "An Act to preserve and perfect the validity of judgments entered upon the continuance or appearance docket of the courts," shall not be so construed as to impair the right of a plaintiff or plaintiffs, whose judgment had been properly entered on the judgment docket in any of the courts of this commonwealth.

Fifth section of certain act relative to limitation of actions repealed.

SECTION 6. That the provisions in the fifth section of the act, entitled "An Act for limitation of actions," approved the twenty-seventh day of March, one thousand seven hundred and thirteen, so far as the same save rights of action to any person or persons beyond the sea, be and the same is hereby repealed, except so far as respects citizens of the United States of America; and it is hereby provided that no person other than citizens of the United States of America as aforesaid, shall be entitled to bring or enforce any of the several actions in the said section mentioned, that may have been brought or may hereafter be brought by him, her or them, notwithstanding he, she or they may have been or may be beyond sea at the time of any cause of such action given or accrued, fallen or come.

First section of certain act altered.

SECTION 7. That the first section of an act, entitled "A further supplement to the penal laws of this state," be so altered as to limit all prosecutions for fornication and bastardy, to the term of two years instead of five years, as provided in said section.

Revival of judgments.

SECTION 8. That in all cases when a judgment has been or shall be regularly revived between the original parties, the period of five years during which the lien of the judgment continues, shall only commence

to run in favor of the terre tenant, from the time that he or she has placed their deed on record: *Provided*, That this act shall not apply *Proviso.* to any cases which have been finally adjudicated, or when the terre tenant is in actual possession of the land bound by such judgment, by himself or tenant.

SECTION 9. That so much of an act, entitled "A further supplement to an act supplementary to the acts relating to hawkers and pedlers, and regulating auctions in the county of Schuylkill," passed the twenty-seventh day of March, one thousand eight hundred and forty-eight, as relates to the county of Indiana, be and the same is hereby repealed. *Act relative to hawkers and pedlers repealed, so far as relates to the county of Indiana.*

SECTION 10. That if any person shall in the night time, wilfully and maliciously burn, or cause to be burned, any dwelling house, kitchen, smoke house, shop, barn, stable, store house, factory, warehouse, office, grist or saw mills, or any other building or buildings, or pile or piles of boards or other lumber, in any city or other incorporated districts within this commonwealth, every person so offending shall be deemed guilty of arson, and upon conviction thereof, shall suffer imprisonment, at hard labor, in the penitentiary, for any term not more than fifteen years, and shall forever thereafter be deemed incompetent to be an elector, juror or witness, or to hold any office of honor, trust or profit within this commonwealth. *Arson.*

SECTION 11. That if any person shall at any time set fire to, or attempt to set fire to, any of the buildings or other property described in the first section of this act, with the intent to burn or destroy the same, or shall advise, assist, or procure any person so to do, any person so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the penitentiary, at hard labor, not more than ten years. *Misdemeanor.*

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 413.

AN ACT

To revise the militia system, and provide for the training of such only as shall be uniformed.

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 every free able bodied white male person, Who to uniforms.*