

CHAPTER DCCCCLV.

1782.

A SUPPLEMENT to an act, entitled "An Act for establishing Courts of Judicature in this province." (t)

SECT. IV. *AND be it further enacted by the authority aforesaid,* That the provision made for the speedy relief of such defendant or defendants, as in and by the said recited act is or are mentioned, in the said several Courts of Common Pleas, shall be, and the same hereby is, extended to all such defendant or defendants in any suit or action, which shall hereafter be depending in the said Supreme Court of this commonwealth.

Defendants in Supreme Court entitled to same benefits as defendants in Common Pleas.

SECT. V. *Provided always,* That nothing in this act, or in the said recited act, contained, shall be construed, deemed or taken to bar or prevent any such plaintiff or defendant, upon reasonable cause shewn, from being allowed a convenient and sufficient time, under all the circumstances of his, her or their case, to procure such testimony as may be necessary for the support of his, her or their suit, action or defence.

Time allowed to procure testimony.

Passed 10th April, 1782.—Recorded in Law Book No. I. page 489.

(t) By this act the benefit of having a special court, which was granted to defendants, by an act of the 22d of May, 1722, was extended to plaintiffs, but being so far repealed by an act of the 27th of March, 1789, (chap. 1402,) the only provisions that remained in the

law are expressed in the fourth and fifth sections.—For the original act see chap. 255, and for a general reference to the laws respecting the Judiciary, see the note there subjoined. (*Note to former edition.*)

CHAPTER DCCCCLVIII.

An ACT for erecting the town of Carlisle, in the county of Cumberland, into a borough; for regulating the buildings, preventing nuisances and encroachments on the commons, squares, streets, lanes and alleys of the same, and for other purposes therein mentioned.

[Printed at large, vol 2, folio, pa. 25, vol. 2, 8vo. pa. 333.]

SECT. III. **CARLISLE**, incorporated, and to be called "The borough of Carlisle," and the boundaries described. 4. Two Burgesses, one whereof to be called the Chief Burgess, and four Assistants, High Constable and Town-clerk, appointed, to continue until the next election. 5. Made a body corporate, with the usual powers, by the name of "The Burgesses and Inhabitants of the borough of Carlisle." 6. The election of borough officers to be, annually, on the first day of May, by the Burgesses, Constable, Assistants and Freeholders, with such inhabitants, house-keepers within the said borough, as shall have resided therein at least for the space of one whole year next preceding any election, and

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hired a house and ground within the said borough, of the yearly value of five pounds or upwards. The election to be held by the High Constable of the year preceding, who shall certify the names, &c. within fifteen days afterwards, under his seal to the President of Council. And in case of no election being had, the President in Council shall appoint until the next time of annual election, &c.

7. The powers of the Burgesses defined, (but so far as they are declared to be Justices of the peace, this section is repealed by an act passed 13th September, 1785, chap. 1168, and by the existing constitution.)

8. To take and subscribe a certain oath or affirmation.

9. Authorized to hold markets and fairs, a Clerk of the market to be appointed.

10. Fines imposed on borough officers refusing to serve.

11. Power to make rules and ordinances for the government of the borough, not inconsistent with the constitution.

12. Buildings heretofore erected, encroaching, &c. not to be deemed nuisances, but not to be rebuilt.

13. No foundation of any party wall, &c. to be laid by any person before applying to the regulators, who are to be appointed by the Burgesses, &c.

14. Penalty on laying the foundation of a party wall before view by the regulators.

15. Appeal allowed to the next Sessions by party aggrieved.

16. Pay of the regulators.

17. Their power to regulate party fences, &c.

18. Supervisors and Assessors to be chosen on the third Saturday in March, annually, by persons qualified to choose Burgesses, &c. and the penalty for refusing to serve.

19. Five days notice of the election of them, by the supervisors of the highways.

20. Supervisors and Assessors to lay a tax, first taking a prescribed oath or affirmation, to be administered by one of the Burgesses, or any Justice of the peace of the county.

21. Supervisors or assessors, dying, refusing, or neglecting to serve, the Burgesses to appoint others; and their pay fixed.

22. The tax, before collection, to be allowed by the Burgesses, or one of them, and one or more Justices of the county, and the proceedings in case of refusal to pay, and on an appeal directed.

23. Goods of tenants may be distrained for the tax. But,

24. They may deduct it out of their rent, or recover it by action.

25. Supervisors to repair the streets, &c.

26. And may enter on lands adjoining to cut drains or ditches for carrying off the water, &c.

27. Penalty on Supervisors for neglect of duty, with appeal, if aggrieved.

28. Supervisors to produce fair and just accounts to the Burgesses, &c. who are to settle and adjust the same, with appeal to the next Sessions, if aggrieved.

29. The borough of Carlisle declared to be one distinct district for general elections.

30. Justices residing within the borough empowered to act in all matters appertaining to their office, notwithstanding they are chargeable to the rates, &c.

31. Except on determining on appeals to the Sessions, (this section now obsolete.)

32. Penalty on persons casting dirt, earth, &c. from their improvements into any public street and not removing the same.

33. And for laying shavings, ashes, dung, &c. on any pavement.

34. Or casting rubbish in any public street.

35. On Distillers discharging nauseous liquor, so as to run through the streets.

36. On leaving carrion on any uninclosed grounds, within the borough,

without covering, &c. 37. On obstructing the common sewers. 38. 1782.
 On making any pavement or footway contrary to the directions of
 the regulators. 39. Regulations relating to encroachments by cellar
 doors, &c. 40. Owners of porches, &c. exceeding the limited re-
 gulations, to be assessed, till they are reduced, or taken away. 41.
 Penalty on persons removing, or damaging pipes or trunks for con-
 veying water, &c. 42. No person to keep more than 25lb. of
 gunpowder in their houses, &c. 43. Buildings erected on the com-
 mons declared nuisances. 44. Penalty on doing so after publication
 of this act. 45. Penalty on persons digging holes, &c. on the com-
 mons. 46. Manner prescribed for recovering and applying fines.
 47. The act relating to public roads and highways not to extend to
 the borough. 48. Persons sued for any thing done in pursuance of
 this act, may plead the general issue, &c.

Passed April 13th, 1782.—Recorded in Law Book No. I. page 493.

CHAPTER DCCCCLIX.

*An ACT for methodizing the department of accounts of this commonwealth,
 and for the more effectual settlement of the same.*

SECT. I. WHEREAS the methods heretofore practised for
 the settlement of the accounts of this state have, by experience,
 been found not to answer the good purposes intended thereby: For
 remedy whereof, *Be it enacted by the Representatives of the Free-
 men of the commonwealth of Pennsylvania, in General Assembly met,
 and by the authority of the same,* That an office shall be instituted in
 this commonwealth, for auditing, liquidating and adjusting all the
 accounts thereof, and that the same shall be established and kept at
 the place where the General Assembly of the state shall hold their
 sessions, to be styled "The Comptroller-General's office;" and that
 a person of known integrity, diligence and capacity, be appointed,
 to execute and perform the duties of said office, by the name of
 "The Comptroller-General," who shall be, and hereby is, author-
 ized and empowered to liquidate and settle, according to law and
 equity, all claims against the commonwealth, for services perform-
 ed, monies advanced, or articles furnished, by order of the legisla-
 tive or executive powers, for the use of the same, or for any other
 purpose whatever; to inspect and examine all vouchers which shall
 be produced in support of such accounts or claims, and in all cases
 of doubt or difficulty to call upon witnesses, examine them on oath
 or affirmation, touching any charge or account, which it may be pro-
 bable their evidence would tend to elucidate or explain; which oath
 or affirmation the said Comptroller-General is hereby authorized
 and empowered to administer; to judge of prices and charges, in all
 cases wherein such prices or charges have not been ascertained and
 fixed, by persons duly authorized to ascertain and fix the same; and,
 generally, to call upon all persons, or their representatives, who
 have been or shall be possessed of any monies, goods or effects, be-

Office for au-
 diting, &c.
 the accounts
 of the com-
 monwealth
 instituted

Style of the
 officer, and
 his jurisdic-
 tion.