

1783. paid to the Treasurer of the state, the said Sheriffs deducting a commission of two and one half per cent. for their trouble in collecting such monies; and the Treasurer of the state shall be allowed a commission of one half per cent, for all such monies, so as aforesaid paid into the treasury.

Commissions allowed.

Clerks, &c. fineable for neglect or breach of duty.

SECT. VII. *And be it further enacted by the authority aforesaid,* That if any of the said Clerks, Prothonotaries, Justices, Sheriffs, or other officers before mentioned, shall neglect or refuse to do and perform the several duties required of them by this act, or shall wittingly and willingly spare, take off, discharge, or conceal any fine, issue, amercement, forfeited recognizance, or other forfeiture, whatsoever, which shall be due to the commonwealth, and ought to be certified, estreated, or paid by him, by virtue of this act, such Clerks, Prothonotaries, Justice or Justices, Sheriffs, or other officers, shall be indicted and fined, for every such offence, at the discretion of the court.

Repealing clause with exception.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the act, entitled "An act for the effectual recovering and securing the fines, forfeitures and other monies, due or belonging to the commonwealth, for the use of the same," shall have no effect or force whatever, after the publication of this act, except so far as the same may relate to fines, issues, amercements, forfeited recognizances, sum and sums of money, paid in lieu and satisfaction of them, and other forfeitures, which have been set, imposed, lost, or forfeited in the Supreme Court, or in any of the courts of Common Pleas, courts of General Quarter Sessions of the peace, and Gaol Delivery, or before any special commissioners of Oyer and Terminer, in any county of this state, or before any Justice or Justices of the peace, before the publication of this act, to which purposes, only, the said recited act, and all the powers and authorities therein given, shall be and remain in force, any thing contained in this act notwithstanding.

Passed 9th December, 1783.—Recorded in Law Book No. II. page 220.

CHAPTER MLII.

An ACT to revive and continue in force the acts of Assembly regulating sales by public auction, and for other purposes therein mentioned. (s)

SECT. I. WHEREAS the Assembly of this commonwealth, in the year one thousand seven hundred and eighty, frequently made the title a part of the laws by them enacted: And whereas, from that and other good causes, the act passed the twenty-third day of September, one thousand seven hundred and eighty, entitled "An act to alter and amend an act, entitled "An act for the effectual suppression of public auctions and vendues, and to prohibit male

(s) For the act cited in the first reference to all the laws respecting section of this act, see ante. chap. 908, vendues, see the note there subjoined. and for the original act, and a general (Note to former edition.)

persons, capable of bearing arms, from being hawkers and pedlars," 1783. and of consequence the supplement to the same, passed April the thirteenth, one thousand seven hundred and eighty-two, expire, by their own limitation, on the termination of the war with Great Britain, as will more fully appear, reference being had to the act on which the said acts are grafted, passed on the twenty-sixth day of November, one thousand seven hundred and seventy-nine: And whereas from the exigencies of the state, it appears necessary that the said recited acts should be continued, and made perpetual:

SECT. II. *Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That the said act, entitled "A Supplement to an act entitled "An act to alter and amend an act, entitled "An act for the effectual suppression of public auctions and vendues, and to prohibit male persons, capable of bearing arms from being hawkers and pedlars," and every clause, matter and thing, therein contained, and so much of the act aforesaid passed September the twenty-third, one thousand seven hundred and eighty, as is not altered or supplied by the said supplement, or by this act, shall be, and the same are hereby declared to be, in full force, and binding, to all intents and purposes whatsoever, and made perpetual, as if every clause, matter and thing, in the acts aforesaid (except as before excepted,) were herein specially inserted.

Certain acts declared perpetual.

SECT. III. *And be it further enacted by the authority aforesaid,* That if any auctioneer or auctioneers, appointed under this act, or any person or persons by his or their directions, shall, at any time hereafter, purchase on account, or for the use, of the said auctioneers, or any of them, at his or their respective auctions, any goods, wares or merchandize, and the same be proved, on the oath of one or more credible witness or witnesses, before the Justices of the Quarter Sessions, in the city or county of Philadelphia, such auctioneer shall forfeit and pay the sum of five hundred pounds, one half for the use of the state, and the other for the use of the person who informs and proves the buying aforesaid, to be recovered in any court of record within this state, and shall moreover be rendered incapable thereafter to serve in any post of honour or profit in this state.

Penalty on auctioneer, &c. buying on his own account.

One moiety of forfeiture to the state, the other to the informer.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the several and respective auctioneers shall, once in every three months, or oftener, if thereunto required by the Comptroller-General,* exhibit and render their accounts upon oath or affirmation to the said Comptroller-General, of all the effects or property by him or them sold at any time before the said time of rendering the same account, and since his last settlement, and of the monies paid by him to the Treasurer, arising from the duty upon sales, and any auctioneer so failing or neglecting shall be discharged from his place, and his bond put in suit.

Penalty on auctioneers failing to account, &c. once in three months, or oftener. [*Now Auditor-General.]

[SECT. V. And whereas applications from many deserving citizens have been made for the office of auctioneer, the merits of which, from the short time the house intends to sit, cannot now be decided :]

1783.

Auctioneers appointed. [Repealed April 4th, 1785, chap. 1147,] but the appointment is now in the Governor.] Repealing clause.

[SECT. VI. *Be it therefore enacted by the authority aforesaid,* That John Bayard, William Brown, and Alexander Boyd, shall continue to do and execute the duty of auctioneer, respectively, as they have heretofore done, until the end of the next sitting of this House, or until they shall, by their resolution, otherwise direct or appoint.]

SECT. VII. *And be it further enacted by the authority aforesaid,* That so much of the act aforesaid, passed the twenty-third day of September, one thousand seven hundred and eighty, as is altered or supplied by this act, be, and the same is hereby, repealed and made void.

Passed 9th December, 1783.—Recorded in Law Book No. II. page 223.

CHAPTER MLV.

An ACT to establish a ferry over the Monongahela and Youghiogony rivers, and to vest the right in John M. Kee, his heirs and assigns, for ever.

[THIS ferry is near the mouth of Youghiogony, to be at all times kept in good order and repair, fit for men, horses and carriages to pass and repass, with good and substantial boats, and capable and good ferrymen, and to be subject to such rates, rules and regulations as the Legislature should in future direct.]

Passed 5th February, 1784.—Private Act.—Recorded in Law Book No. II. page 230.

CHAPTER MLVII.

An ACT for annexing part of Westmoreland county to the county of Fayette.

[Original act erecting Fayette county, ante, page 81, chap. 1045.]

SECT. I. WHEREAS the inhabitants of that part of Westmoreland county, circumscribed by Fayette county on the west, on the east by part of Bedford county, and on the north by part of Westmoreland county, have represented to the Assembly of this commonwealth, by their petition, the remote distance they may be left from the seat of justice, and the inconsiderable size of the new county: For remedy whereof,

SECT. II. *Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That all that part of Westmoreland county, beginning at the mouth of Jacob's creek, thence up the main branch of the said creek, to Cherry's mill, thence along the road leading to Jones's mill, until the same shall intersect the line of Bedford county, thence south-westerly, by the line of Bedford county aforesaid, until the same intersects the Youghiogony river, thence down the said river to the place of beginning, be, and the same is hereby, annexed to the

Boundaries described.