

thereof, and on such conviction to issue his warrant, after the expiration of five days from the date of such conviction, to any such constable, to levy the said sum of money on the goods and chattels of such offender, by distress and sale thereof; and in case no goods or chattels of the said offender can be found, on which to make such distress, then to take his body, and commit him to the gaol of the county where such offence is committed, until the said sum be paid. *Provided always*, That any person as aforesaid convicted, who shall find himself aggrieved thereby, may, within the said five days, appeal to the next court of Quarter Sessions for the county, which appeal, on giving security within the said time, before the said Justice, by two sufficient freeholders of the county, to pay all costs, shall be allowed, and if the conviction so made by the said Justice shall be confirmed, the said Justice shall proceed to levy the said forfeiture in manner herein before directed.

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Appeal allowed.

SECT. V. *And be it further enacted by the authority aforesaid*, That all poor persons, exempted from the payment of county rates and levies, shall have liberty to pass and repass the same bridge toll free.

What paupers shall be exempted from toll.

SECT. VI. *And be it further enacted by the authority aforesaid*, That whensoever, at any time after the erection and building of the said bridge, it shall seem expedient to the legislature to constitute and make the said bridge, so erected and built, a free bridge, by a law, to be enacted for that purpose, three commissioners shall be appointed by the legislature, on the part of the commonwealth, and three by the said Abraham Witmer, his heirs or assigns, who, or any four or more of them, shall estimate what sum or sums of money the said Abraham Witmer, his heirs and assigns, shall be entitled to receive, as a compensation for his trouble and expenses in building and maintaining the said bridge, which sum or sums shall be paid to him or them, out of the treasury of this commonwealth.

The legislature may make the bridge a free one, paying a compensation to the owner.

Passed 22d September, 1787.—Recorded in Law Book No. III. page 304.

### CHAPTER MCCCIII.

*An ACT to incorporate and endow an academy, or public school, in the town of Washington.*

Passed 24th September, 1787.—Private Act.—Recorded in Law Book No. III. page 307.

### CHAPTER MCCCIV.

*An ACT for erecting the town of York, in the county of York 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 3d vol. 8vo. pp. 221. 2d vol. folio. page 433.]

[SECT. II. YORK erected into a borough, and its boundaries described. 3. Borough officers appointed until others should be elected. 4. The corporation to be styled "The burgesses, and in-

1787. inhabitants of the borough of York, in the county of York," with the usual corporate powers. 5. The time and manner of choosing the future officers prescribed, and qualification of electors, election to be on the first Monday in May, annually. 6. The persons chosen to take a certain oath of office. 7. Times and places of holding markets and fairs fixed, clerk of the market, how to be appointed, and his powers and duties. 8. Penalty on persons elected, refusing to act as borough officers. 9. Of the borough meetings, and by-laws, how to be made; and fines to be imposed for the breach of them. 10. Buildings heretofore erected, not to be deemed nuisances. 11. But penalty on future encroachments on the streets, lanes and alleys. 12. Of the regulation of party walls and streets; and appointment of surveyors and regulators, their power and duty; the expense of party walls how to be borne. 13. Penalty on building before a view by the regulators. 14. Appeal allowed to the next sessions from the decision of the regulators. 15. Compensation of regulators, and how to be paid. 16. Power of the regulators respecting partition fences, and proceeding, if either party neglect the order of the regulators. 17. Supervisors and assessors to be elected annually on the third Monday in March, and the manner how. 18. Notification of the election, how to be given. 19. Rates for keeping the streets in repair, how to be laid, not to exceed a shilling in the pound, in any one year, on the clear annual value; a prescribed oath to be taken by the assessors, before any Justice of the county, to be recorded by the clerk of the Quarter Sessions. 20. How vacancies in the offices of supervisors and assessors are to be supplied, and the compensation to be allowed to those officers. 21. Rates are to be allowed by a burgess, and a justice of the peace of the county, before collection; proceedings to levy the same, with an appeal by petition, to the next sessions by the party grieved. 22. Goods of tenant may be distrained for payment of the tax; but 23. Tenant may deduct it from the rent, or recover it by action of debt, but not to affect any agreement between the parties, as to payment of the tax. 24. The streets, &c. how to be cleansed and repaired. 25. Supervisors may enter lands and lots for that purpose, and penalty for filling up drains or ditches opened by them. 26. Supervisors neglecting their duty, how punished, with an appeal to the next sessions, if aggrieved. 27. The accounts of the supervisors, how to be settled; and balances, how to be paid; and penalty on their neglect or refusal therein; with an appeal to the next sessions, if aggrieved. 28. The borough declared to be one district of the county of York, and overseers of the poor, and inspectors of elections to be appointed therein, &c. 29. Justices residing in the borough, may act relative to the poor. 30. But not in cases of appeal, (obsolete.) 31. Penalty on throwing rubbish in the street in case of building, &c. 32. Or in other cases. 33. Or casting it from waggons or carts. 34. Or for discharging nauseous liquors into the streets. 35. Or dead carcasses, or filth from vaults or privies, &c. 36. Or for obstructing the common sewers. 37. Or for extending pavements beyond the width allowed by the regulators or surveyors. 38. Or setting up porches or cellar doors beyond the legal distance. 39. Provision respecting porches, &c. now standing. 40. Penalty for maliciously removing water pipes.

or obstructing the water. 41. Of the storage of gunpowder in the borough. 42. Encroachments on the commons, how to be abated. 43. And future encroachments, how to be prevented. 44. Penalty for digging holes, pits, or quarries on the commons, without licence. 45. Penalties, fines and forfeitures, how to be recovered and appropriated. 46. Appeals to court how to be allowed and proceeded on. 47. The operation of the general road law not to extend to the borough. 48. Any person sued, &c. under this act, may plead the general issue, and give this act in evidence, in justification, &c.]

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Passed 24th September, 1787.—Recorded in Law Book No. III. page 269.

## CHAPTER MCCC.V.

### *An ACT to declare and regulate Escheats. (g)*

SECT. I. WHEREAS the due cultivation and improvement of every country greatly depends on the certainty of titles to real estates, and no regular course of proceeding hath been heretofore provided in Pennsylvania for distinguishing, and bringing into the public treasury, the value of the real and personal property of such persons, who, being possessed thereof within the same, die intestate, and without any known kindred, whereby the commonwealth is prevented of her rights, and the real estates which were of such intestates are holden by the possessors of the same, without any legal title, and the improvement thereof is consequently greatly hindred: Wherefore,

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, from and after the publication of this act, if any person, who, at the time of his or her death, was seized or possessed of any real or personal estate within this commonwealth, die intestate, without heirs or any known kindred, such estate shall escheat to the commonwealth, subject to all legal demands on the same; provided that no escheat of real estate, for want of heirs, shall be, where brothers or sisters of the half blood, or father or mother, or grandfather or grandmother of the deceased, survive, to take the same, but that such brother and brothers, sister and sisters, by equal portions, if there be more than one, or, in default thereof, such father, or, in default of him, such mother, or, in default thereof, such grandfather, or, in default of him, such grandmother, shall inherit and hold the same estate in fee simple.

When there shall be an escheat.

(g) By an act of the 11th of February, 1789, aliens were allowed to purchase and hold real estates within this commonwealth; and that act expiring, by its own limitation, on the first of January, 1792, was revived and continued, for the term of three years; by an act of the eighth of March, 1792. By an act of the 23d of February, 1791, aliens were enabled to acquire, to take, hold

and dispose of real estates, by *devise*, or *descent*, and dispose of personal estates, to which they may be entitled, by testament, donation, or otherwise. (Note to former edition.) [Supplement to the act in the text, chap. 1517.] And see the general index, title *alien*, and the act of 10th of February, 1807, (chap. 2737.)