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Contracts for  
lands with  
persons  
becoming  
non compos  
mentis,  
how to be  
enforced.

SECT. I. *Be it therefore 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 whenever any contract in writing has been made, or shall be made, for the sale of any lands and tenements within this commonwealth, by any person, who after making the same, shall become lunatic, or non compos mentis, it shall be lawful for the purchaser or purchasers under such contract to proceed to enforce the same against the person and persons, to whom the custody of the estate of such lunatic has been or shall be committed, in like form, and with like effect, and the person and persons having such custody shall have like remedy to recover the purchase money under such contract, as in case of contracts for the sale of lands and tenements, provided for in and by the act, to which this is a supplement.*

Passed 14th April, 1794.—Recorded in Law Book No. V. page 347.

## CHAPTER MDCCXXXI.

*An ACT to incorporate the district of Southwark.*

WHEREAS the laws now in force have, in consequence of the improvements in the district of Southwark, become inadequate to the purposes for which they were originally intended: And whereas it is the duty of the legislature, not only to remedy defects which a change of circumstances has created, but also to make such further regulations, as will tend to the advancement of public happiness and public order.

SECT. I. *Be it therefore 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 inhabitants of the district of Southwark, as the same is bounded and described in the act, entitled "An act for erecting the Southern Suburbs of the city of Philadelphia into the district of Southwark, for making the streets and roads already laid out therein public roads and highways, and for regulating such other streets and roads as the inhabitants thereof may hereafter lay out, and for other uses and purposes therein mentioned,\*" be, and they, and their successors for ever, are hereby constituted a corporation and body politic, in fact and in law, by the name and style of "The commissioners and inhabitants of the district of Southwark: and by the same name shall have perpetual succession, and they, and their successors, shall at all times for ever be able and capable in law to have, purchase, take, receive, possess and enjoy lands, tenements and hereditaments, liberties, franchises and jurisdictions, goods chattels and effects, to them, and their successors for ever, or for any other or less estate, and the same lands, tenements and hereditaments, goods, chattels and effects, to grant, bargain, sell, alien and convey, mortgage, pledge, charge and incumber, or demise and dispose of, at their will and pleasure: *Provided always, That no sale be made of any of the lands, tenements or hereditaments, except such as hereafter may be acquired, and that no part of the estate be mortgaged or incum-**

The district  
of South-  
wark incor-  
porated.

\* Vol. I, pa.  
248, chap.  
481, and see  
the notes  
thereto.]

What part  
of its real  
estate may  
not be sold,  
&c.

bered for any sum, exceeding the amount of three years taxes with- 1794.  
in the said district, nor for a longer term than three years.

SECT. II. *And be it further enacted by the authority aforesaid,* Of the  
That a majority of the commissioners shall be a quorum for trans- quorum to  
acting all business, except for the purchase or sale of real estate, transact  
for the mortgaging or incumbering of the same, or for borrowing business.  
any money as aforesaid, for which purposes the concurrence of ten  
members shall be essential; and the said commissioners shall re-  
ceive no pecuniary compensation for their services.

SECT. III. *And be it further enacted by the authority aforesaid,* Of the  
That the said corporation, by the name and style aforesaid, are, and corporate  
for ever shall be, able and capable in law to sue and be sued, plead capacity to  
and be impleaded, answer and be answered unto, defend and be de- sue, &c.  
fended, in all courts of record and elsewhere, in all actions, suits,  
complaints, pleas, causes and matters whatsoever, and to do and  
execute all things that to them, as a body politic and corporate, shall  
and may appertain; and for that purpose shall have and use one and have a  
common seal, and the same from time to time shall and may, at common  
their will and pleasure, change and make anew. seal.

SECT. IV. *And be it further enacted by the authority aforesaid,* Comm'r's  
That it shall and may be lawful for the freemen of the said district, when and  
who are or shall be qualified, agreeably to the constitution and laws how to be  
of this state, to vote for members to serve in the General Assembly, chosen.  
to meet together at the house now occupied by Catharine Fritz, in  
the said district, for the first election, and afterwards at such other  
place as shall be appointed by the commissioners, between the hours  
of ten in the morning and ten in the evening, on the first Monday  
in May next, and then and there to choose, by ballot, out of such  
of the inhabitants of the said district, who, according to the laws  
and constitution of this state, may be members of the House of Re-  
presentatives of this commonwealth, in the manner prescribed for  
choosing members to serve in the said House of Representatives,  
fifteen suitable persons, to serve as commissioners in and for the  
said district; and the five persons who shall have the greatest num-  
ber of votes shall be commissioners for three years next following; Their terms  
and the five persons who shall have the next greatest number of of service,  
votes shall be commissioners for two years next following; and the  
five persons who shall have the next or third greatest number of  
votes shall be commissioners for one year thence next following;  
and that on the first Monday in May, which will be in the year one  
thousand seven hundred and ninety-five, and so on the first Monday  
in May annually for ever, five persons shall be chosen as aforesaid,  
to serve as commissioners in the said district for the term of three  
years: *Provided always,* That no person shall be excluded from *Proviso.*  
the choice of the people, on account of his having before filled the  
office of commissioner: *And provided also,* That in all cases wherein  
the number of votes shall be equal for two or more candidates, the  
preference shall be decided by lot, to be drawn by the inspectors of  
the election.

SECT. V. *And be it further enacted by the authority aforesaid,* Inspectors  
That all elections to be held in pursuance of this act shall be con- how to be  
ducted by three inspectors, who shall be elected in the same man- el

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ner, and at the same place, as the commissioners, on the Saturday preceding the election of the said commissioners, between the hours of ten in the morning and ten in the evening; and each of them shall take an oath or affirmation, before entering on the duties in and by this act enjoined, well and faithfully, to discharge the same, according to the best of his skill and abilities.

Elections  
how to be  
conducted.

SECT. VI. *And be it further enacted by the authority aforesaid,* That all elections to be held in pursuance of this act shall be held and conducted, except as in and by this act is otherwise directed, in the same and like manner, as, in and by the laws of this commonwealth, is or shall be directed for holding of the general elections for persons to serve in the House of Representatives, under and subject to the same rules and penalties.

Returns of  
the elections  
how to be  
made.

SECT. VII. *And be it further enacted by the authority aforesaid,* That when each election to be had and held in pursuance of this act shall be closed, and the number of votes for each person shall be ascertained, the judges of the election, as aforesaid, or a majority of them, shall prepare and make, under their respective hands and seals, a return thereof, containing the names of the commissioners elect, with the number of votes in favour of each, and shall, within two days after the closing of each election, give notice in writing to each of the commissioners elect of their respective elections; and shall also deliver, or cause to be delivered, the said return, together with the tickets, lists of names, tally papers, and other documents, sealed up, to the said commissioners elect, for the first election, and at each succeeding election to the commissioners in office, at the times and places in and by this act appointed for them to meet, and receive the same.

The returns  
how deter-  
mined, &c.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the fifteen persons, who shall, at the next election, to be held in pursuance of this act, have the highest number of votes for the office of commissioners, shall meet together, at the house now occupied by Catharine Fritz, between the hours of nine and eleven of the clock in the forenoon of the fourth day next following the said election; and that the five persons, who shall, at every subsequent election, have the highest number of votes for the said office of commissioners, together with the ten commissioners whose time shall not have expired, shall meet together, at such place as may be legally appointed, between the hours of nine and eleven in the forenoon, on the fourth day next following each and every election to be held in pursuance of this act, and shall then and there receive the said returns of commissioners elect, and shall forthwith proceed to examine the same, and to judge and determine thereon. And for that purpose the said commissioners so met, or a majority of them, shall be judges of the said elections, and shall have full power and authority to approve thereof, or to set aside the same, and to order new elections, as the law may require, to be held in the manner herein before directed, and at such times as shall be by them appointed, of which they shall give at least six days previous notice, by hand-bills, posted up in at least ten of the most public places within the district,

Proceedings  
if rejected.

SECT. IX. *And be it further enacted by the authority aforesaid,* 1794.  
That each and every commissioner, who shall be elected and returned, and whose election shall be approved in manner aforesaid, shall, before he enters on the execution of his said office, take a solemn oath or affirmation, well and faithfully to execute the office of a commissioner of the said district. And shall thereupon without any further or other commission, enter upon the duties thereof, and shall hold and exercise the same for the term for which he shall have been elected as aforesaid.

Comm'r's  
official qua-  
lifications.

SECT. X. *And be it further enacted by the authority aforesaid,* Delinquent  
comm'r's how  
removeable.  
That if any commissioner of the said district shall misbehave in his said office, or shall fail or neglect well and faithfully to discharge the duties thereof, it shall and may be lawful for any number, not less than ten, of the said commissioners, on the petition and complaint in writing of thirty electors of the said district, fifteen of whom at least shall be freeholders, to remove, in a summary way, any such commissioner from his said office: *Provided nevertheless,* That the said petition and complaint in writing shall fully and minutely state all the causes assigned for such removal, and no other cause whatever shall be assigned, heard or enquired into: *And provided also,* That a copy of the said petition and complaint, with a notice of the time and place appointed for hearing and enquiring into the same, shall be served on such commissioner, at least ten days before any such hearing or enquiry shall be made.

SECT. XI. *And be it further enacted by the authority aforesaid,* Vacancies  
in the office  
of comm'r.  
how to be  
supplied.  
That in case two or more vacancies shall happen, by death, removal or otherwise, a majority of the board of commissioners may appoint special elections for supplying such vacancies, and for that purpose, a writ, under the hand of their president and seal of the corporation, shall issue, directed to the proper officers; and every special election shall be held and conducted, and the proper return thereof made in manner and form, as is herein before directed for the general election; and the persons so legally chosen shall be commissioners for the remainder of the time, that the commissioners, in whose places they were elected, had been elected for.

SECT. XII. *And be it further enacted by the authority aforesaid,* Comm'r's  
empowered  
to make by-  
laws; for  
what purpo-  
ses.  
That the said commissioners, when assembled together for that purpose, shall have full power and authority to make, ordain, constitute and establish such and so many laws, ordinances, regulations and constitutions, not inconsistent with the constitution and laws of this commonwealth, as shall be necessary and convenient for the purposes of ascertaining the toll and rates of wharfage of all articles brought to public landings in the said district; for directing the conduct of all persons concerned in buying, selling, or acting on any part of the estate belonging to the said district; for fixing the compensations of the officers appointed by the said commissioners, for their respective services; for lighting, watching, watering, pitching, paving, repairing and cleansing the streets, lanes and alleys; and for preventing and removing nuisances therein, on the wharves, in the docks, or elsewhere; and directing, appointing and regulating the time, order and manner of lighting, watching, watering, pitching, paving, repairing and cleansing the said streets, lanes and alleys;

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and the same to enforce, put in use and execution, by the proper officers, under such penalties as they may prescribe, and at their pleasure to revoke, alter and make anew: *Provided always*, That nothing herein contained shall vest in the said commissioners an authority to regulate the prices of property or labour.

Jurisdiction of the quarter sessions within the district.

SECT. XIII. *And be it further enacted by the authority aforesaid*, That the court of General Quarter Sessions of the peace for the county of Philadelphia shall have, and they are hereby vested with, full power and authority to enquire of, hear, try and determine all offences which shall be committed within the said district, contrary to this act, or against any of the laws, ordinances, regulations or constitutions, that shall be made, ordained or established, in pursuance of this act, and to punish the offender or offenders, as by the said laws, ordinances, regulations or constitutions, shall be prescribed or directed.

By-laws, not duly published and recorded, shall be void.

SECT. XIV. *And be it further enacted by the authority aforesaid*, That such and so many of the said laws, ordinances, regulations and constitutions, as shall not be published in two or more of the public newspapers published in the said district, or in the city of Philadelphia, and in hand-bills, within ten days from and after their being severally passed, ordained and established, and also recorded in the office of the master of the rolls, who shall be allowed and paid for recording thereof at the same rate as is allowed for recording the laws of this commonwealth, within thirty days from and after their being so as aforesaid passed, ordained and established, shall be null and void.

The publication to be proved before recording.

SECT. XV. *And be it further enacted by the authority aforesaid*, That before any of the said laws, ordinances, regulations and constitutions, shall be so as aforesaid recorded, the publications thereof, respectively, shall be proved, by the oath or solemn affirmation of some credible person, which oath or affirmation shall be recorded therewith, and at all times be deemed and taken as sufficient evidence of the time of such publications.

Commissioners may regulate vaults, &c.

SECT. XVI. *And be it further enacted by the authority aforesaid*, That the said commissioners shall have full power and authority to limit, direct and appoint the depth of all vaults, wells and sinks, hereafter to be dug in the said district, for privies or necessaries, which regulation, being so made as aforesaid, shall be published and recorded, and the publication proved in the same manner, and within the same period, as is herein before directed; and if any person or persons shall dig, or cause to be dug, any such vault, well or sink, for privies or necessary houses, of any greater depth than shall be limited or appointed as aforesaid, every such person or persons so offending, and being thereof legally convicted in the Court of Quarter Sessions of the Peace for the county of Philadelphia, shall forfeit and pay the sum of fifty pounds, and the said vaults, wells and sinks shall be filled up, at the expense of the owners.

Penalty, in case of transgressing such regulations.

Of party walls, and regulators.

SECT. XVII. *And be it further enacted by the authority aforesaid*, That no person or persons shall lay any foundation or party wall within the said district, before they shall have applied to the regulators appointed by the said commissioners, who are hereby re-

quired and empowered to appoint three or more discreet and skilful persons for that purpose.

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SECT. XVIII. *And be it further enacted by the authority aforesaid,* That the said regulators, upon application to them made shall have full power and authority to enter upon the land of any person or persons, in order to set out the foundations and regulate the walls to be built between party and party, as to the breadth or thickness thereof, which foundation shall be laid equally upon the lands of the persons between whom such party walls are to be made, and the first builder shall be reimbursed one moiety of the charge of such party wall, or for so much thereof as the next builder shall have occasion to make use of, before such next builder shall use or break into the said wall, the charge or value whereof to be fixed by the said regulators, or by arbitrators mutually chosen.

Duty of the regulators of party walls.

Expense how paid.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That all appeals hereafter made from the order, direction and award of the said regulators, shall be taken and made, and shall lie to the next Court of Common Pleas to be holden for the county of Philadelphia, within one calendar month from the time of making the order, direction or award, appealed from, but not afterwards, nor otherwise; whereupon the said court, upon security being entered by the party appealing for the payment of all costs, in case he or she should not prevail in his or her appeal, shall direct a venire to the Sheriff of the county, commanding him to summon a jury to try the matter in dispute, and shall proceed therein according to the course of common law.

Of appeals from the regulators.

SECT. XX. *And be it further enacted by the authority aforesaid,* That if any person shall lay the foundation, or begin to lay the foundation of any party wall, or any wall adjoining or upon the line of any public street, lane or alley, within the said district, before the line and boundaries of the lot or piece of land whereon the said foundation shall be so laid, or begun to be laid, shall be adjusted and marked out by the said regulators, or two of them, every such person, as well employer as master-builder, shall forfeit the sum of thirty pounds, one half part thereof to the said commissioners, to be laid out in making or amending the public streets in the said district, and the other half to the use of the informer, together with costs; provided the prosecution be commenced within twelve calendar months from the time the offence shall be committed.

Penalty, in case of building adjoining any street &c. before the line is regulated.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That the regulators so to be appointed shall enter in a book all directions, orders and awards, by them made in pursuance of this act; and every such order and award, if made with reasonable notice to the parties interested, shall be conclusive, unless the same be set aside upon appeal as aforesaid, which book shall be provided by the said commissioners, and shall be under their direction: *Provided always,* That no person under age, *non compos mentis*, *feme covert*, imprisoned, or beyond sea, or who shall not have notice as aforesaid, shall be injured or affected by any proceeding, order, direction or award, until the expiration of three years after their coming to full age, return from beyond sea, discovered, being at large, of sound memory, or if within the United States, until the expira-

Of records, of awards, of regulators, &c.

Proviso, in favour of persons under legal disabilities.

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Further powers of commissioners.

SECT. XXII. *And be it further enacted by the authority aforesaid,* That the said commissioners shall have full power and authority to contribute towards defraying the expense of making a common sewer under South-street, to erect and cause to be erected on the public estate now belonging to the said district, or which may hereafter belong to the same, market-houses, school-houses, and other public buildings, and to make, and cause to be made, any other improvements on such estate, which they may judge necessary.

Power of the commissioners to levy a tax for the purposes of this act.

SECT. XXIII. *And be it further enacted by the authority aforesaid,* That the said commissioners shall have full power and authority, for the purpose of carrying this act into execution, to lay and assess all the taxes which could be laid or assessed by the assessors, supervisors or commissioners of the said district, or others, at the time of passing this act, and shall also have full power and authority, in like manner, to make and lay, yearly and every year, one additional rate or assessment, not exceeding five shillings in every hundred pounds, of the clear value of all the real and personal estate within the said district, to be applied to the purpose aforesaid, and to appoint collectors for the same, from whom adequate security shall be taken; which rate or assessment, being fairly made, shall be transcribed in a book to be kept by the said commissioners, and a duplicate thereof shall be delivered to the said collectors, by them to be appointed from among the inhabitants of the said district, who are hereby authorized, enjoined and required to receive, collect, levy and recover the rates and assessments, in the same manner and form, and by the same legal remedies, which are by law appointed for recovering and collecting the county taxes in the said district; and having received or collected the same, or any part thereof, shall, at the end of every month from the time of appointment, or when thereunto required, account with and pay to the person whom the said commissioners shall appoint their treasurer all such sums of money, which they shall have so collected during the preceding month, deducting therefrom such sums as shall have been agreed upon, at the time of their entering security.

Treasurer to give bond and surety.

Condition of the bond.

SECT. XXIV. *And be it further enacted by the authority aforesaid,* That the treasurer of the said commissioners, before he undertakes his office, shall give a bond, with two sufficient sureties, to the commissioners, in such penalty as they from time to time shall judge proper, conditioned, that he will well and faithfully execute his office, keep regular accounts of his receipts and disbursements, pay all the orders drawn on him by the said commissioners, or a majority of their board, as soon as sufficient monies shall come to his hands from any of the funds under the direction of the commissioners, and that he will once in every year or oftener, if thereunto required, settle and adjust with the said commissioners a full and just account, supported by proper vouchers, of all his receipts and payments during the preceding time; and that upon his death, or the appointment of another treasurer in his room, which the said commissioners, or a majority of their board, are hereby authorized to do, whenever they see cause, he, his executors or administrators,

shall and will settle and adjust all his accounts with the said commissioners, and pay the remaining balance in his hands to his successor in office, charging for his trouble no more than shall be allowed him by the commissioners.

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SECT. XXV. *And be it further enacted by the authority aforesaid* That so much of all and every act or acts, as directs, authorizes or requires any matters or things to be done and performed by the surveyors or regulators, by the assessors and supervisors of the public highways, by supervisors of the public landings and highways, by trustees, or commissioners for the purchase of public landings, within the said district, or by all or any of them, or by any other person or bodies politic or corporate, authorized to lay taxes within said district, or to manage its concerns, shall, from and after the fourth day after the election of the commissioners, by this act constituted a body politic and corporate, be null and void, and the said officers shall no longer continue in office, nor shall any new appointment of such officers be made under any former law or act of Assembly: *Provided nevertheless*, That nothing herein contained shall bar, prevent, or in any manner impede, the recovery of any sum or sums of money, or of any other matter or thing, for the recovery whereof suits have been or may be instituted, but the same may be carried on by the said commissioners, hereby incorporated, to final judgment, execution and recovery: *And provided further*, That all and every matter and thing, that has been commenced, begun or entered upon, by the said surveyors, regulators, assessors, supervisors, trustees and commissioners, or either of them, in pursuance of the powers and authorities in them vested, shall be of the same force and effect as if this act had not been passed, and may, from and after the time last mentioned, be proceeded in and carried into effect, agreeably to the directions of this act, as fully as the same might or could have been done by the said surveyors, regulators, assessors, supervisors, trustees and commissioners, or either of them, had this act not been made; and for this purpose, all contracts and agreements made or entered into by the said surveyors, regulators, assessors, supervisors, trustees and commissioners, or either of them, in pursuance of the powers in them legally vested previously to the time last aforesaid, shall be equally binding upon the commissioners, and upon the person or persons with whom the same have been or shall be made, as if the same had been originally made and entered into by and between them.

Power formerly given to officers of the district annulled.

Provido.

SECT. XXVI. *And be it further enacted by the authority aforesaid*, That from and after the fourth day following their first election, the commissioners hereby incorporated shall be, and they are hereby fully authorized and empowered, either by themselves, or by proper persons to be by them appointed for that purpose, to do, perform and execute all such matters and things, not herein before provided for, as the said surveyors, regulators, assessors, supervisors, trustees and commissioners, were at and immediately before the passing of this act, respectively authorized or enabled by law to do.

Powers of former officers transferred to the commissioners.

SECT. XXVII. *And be it further enacted by the authority aforesaid*, That for the well governing of the said district, and the or-

Of district officers, and



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 }  
 their compensations.

dering of the affairs thereof, there shall be such other officers therein, and at such salaries or other compensations, as the commissioners shall direct, each and every of which said officer and officers shall nevertheless, before entering on the duties of his office, take a solemn oath or affirmation, well and faithfully to perform and execute the same.

All the former estate and rights of the district vested in the present corporation.

SECT. XXVIII. *And be it further enacted by the authority aforesaid,* That all the rights of the supervisors of the public landings and highways, trustees and commissioners, within the said district, in and to all lands, tenements, hereditaments, ferries, wharves, markets, stalls, landings and landing places, goods, chattels, monies and effects whatsoever, and also all other lands, tenements and hereditaments, rights, franchises, liberties, privileges, goods, chattels, monies and effects, whereof any person or persons, or bodies politic or corporate, are seized or possessed, or which they, or any of them, hold or enjoy, in trust for, or to and for the use of the inhabitants of the said district, to which the said inhabitants are in anywise entitled to be, and they are hereby, severally and respectively vested in the said corporation or body politic of the district of Southwark, and their successors, in and by this act established, by the name, style and title aforesaid, to and for the use and benefit of the said inhabitants, and their successors, for ever; saving nevertheless to all and every person and persons, and bodies politic and corporate, his, her and their rights therein.

Accounts of property to be rendered to the commissioners.

SECT. XXIX. And to the end and intent that all and singular the estate and estates, rights, privileges and interests aforesaid, may be had and received by the said commissioners, and be by them and their successors faithfully applied to and for the use of the said inhabitants, and their successors, for ever, *Be it further enacted by the authority aforesaid,* That all and every person and persons, and bodies politic or corporate, who are or shall be seized or possessed of the same, or any part thereof, shall, on reasonable request, deliver the same to the said commissioners, together with all deeds, writings, evidences, books and papers, touching and concerning the same, with proper assignments, where the same shall be necessary, and just, true and fair accounts thereof; and whoever shall fail therein shall be liable to be sued for the same, and shall moreover forfeit and pay to the said commissioners, any sum of money, not exceeding twelve hundred dollars, to be sued for and recovered in any court of record, and to be applied to the use of the inhabitants of said district.

Commissioners to publish their accounts.

SECT. XXX. *And be it further enacted by the authority aforesaid,* That the said commissioners shall cause all accounts of receipts and expenditures of money to be published, up to the thirty-first day of December, inclusive, in each and every year, within three months thereafter; and the vouchers in support of all charges may be viewed, at any seasonable hour, by any taxable inhabitant, who may demand the inspection thereof; and the said commissioners shall also keep regular minutes of their proceedings, which may be examined by like persons, and at like times, as the accounts aforesaid; provided that no inspection thereof shall be permitted until three months after making such minutes respectively, unless ten commis-

Their books, &c. liable to inspection.

sioners, the names of whom shall be entered on the minutes, consent thereto.

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SECT. XXXI. *And be it further enacted by the authority aforesaid,* That no misnomer of the said corporation shall defeat or annul any gift, grant devise or bequest, to or from the said corporation, provided the intent of the parties shall sufficiently appear on the face of the gift, grant, will, or other writing, whereby any estate or interest was intended to pass to or from the said corporation; nor shall any disuser or nonuser of the rights, liberties, privileges, jurisdictions and authorities, hereby granted to the said corporation, or any of them, create or cause a forfeiture thereof.

Misnomer shall not affect grants to or from the corporation.

SECT. XXXII. *And be it further enacted by the authority aforesaid,* That as often as any doubts shall arise touching this act, the same shall in all courts of law and equity, and elsewhere, be construed and taken most favourably for the said corporation.

This act how to be construed.

Passed 18th April, 1794.—Recorded in Law Book No. V. page 210.

## CHAPTER MDCCXXXII.

*An ACT to prevent the damages which may happen by firing of woods.*

WHEREAS it hath been represented, that numbers of persons are in the custom of setting fire to the woods for different purposes, thereby producing an extensive conflagration, injurious to the soil, destructive to the timber, and the infant improvements within this state: Therefore,

(Sec vol. 1, page 129.)

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 whosoever shall at any time hereafter wilfully set on fire, or cause to be set on fire, any woods, lands or marshes whatsoever, within this commonwealth, so as thereby to occasion any loss, damage or injury, to any other person or persons, every such person or persons, so offending, and being thereof legally convicted, by the oath or affirmation of one or more witnesses, in the county court of quarter sessions where the offence is committed, shall pay a fine not exceeding fifty dollars, and not less than twenty dollars, the one half of such fine to be paid to the informer, and the other half to the overseer of the poor of the township where the offence is committed, for the use of the poor in the said township.

Penalty on setting fire to woods, lands or marshes.

SECT. II. *And be it further enacted by the authority aforesaid,* That where any person or persons, so offending, as thereby to occasion any loss, damage or injury, to any other person or persons, every such person or persons, so offending, shall be and are hereby declared liable to make satisfaction for the same, in any action or actions on the case to be brought by the party or parties grieved, in the Court of Common Pleas of the county in which the offence was committed.

Offenders liable also to a civil suit.

SECT. III. *And be it further enacted by the authority aforesaid,* That where any party is injured, and shall not demand above fifty

Proceedings to recover damages un-