

by the act to which this is a supplement, conformably to the regulation which is or may be established by said act, for the foot-ways thereof; and shall pave, or cause to be paved, passage-ways of at least four feet in breadth across the same, in a line with the several foot-ways paved on the sides thereof, and also all the gutters crossing the same, and the expense thereof shall be allowed to the said supervisors in the settlement of their accounts.

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SECT. II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, if any person shall wilfully ride, lead or drive any horse, or shall drive any cart, wagon or other carriage, on, or over any of the paved foot-ways of the aforesaid streets, lanes or alleys, every such person shall for each offence, forfeit and pay any sum not exceeding two dollars, to be sued for, and recovered before any Justice of the Peace; the one moiety or half part, to be paid to the overseers of the poor of the said township, for the use of the poor thereof, and the other half to the person who shall sue for the same.

Penalty for leading or driving horses or carriages on the foot-ways.

Passed 12th February, 1801.—Recorded in Law Book No. VII. page 238.

## CHAPTER MMCLXX.

*An ACT to empower and authorize the Board of Health to dispose of certain property on State Island, and for other purposes.*

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 the Board of Health be, and they are hereby empowered and authorized to sell the Lazaretto on State island, and the ground therewith reserved and therewith occupied, and appropriate the proceeds to the completion of the new one now erecting on Tinicum island.

Sale of the Lazaretto on State island, and appropriation of the proceeds.

Passed 14th February, 1801.—Recorded in Law Book No. VII. page 239.

## CHAPTER MMCLXXI.

*An ACT supplementary to an act, entitled "An Act to prevent intrusions on lands within the counties of Northampton, Northumberland and Luzerne," passed the eleventh day of April, one thousand seven hundred and ninety-five.*

(Ante. page 209.)

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 in all trials on indictments for taking possession of, entering, intruding, or settling on any lands founded on the act to which this act is supplementary, proof that the person indicted, entered into, intruded, settled on, or was in possession of the said land before the time of finding the said indictment, shall be sufficient to convict such person of the offence charged in the indictment, unless the said

Proof on indictments for intruding on lands in Wyoming.

1801. person indicted shall prove that he or she entered upon, took possession of, or settled on such land before the time of the passing of the said act, to which this is supplementary, or that he or she had at the time of his or her entering into, taking possession of, or settling on such land, a good and *bona fide* title to such land derived from, or under this commonwealth, or the proprietors of Pennsylvania before the revolution.

Conviction of a second offence for such intrusions.

SECT. II. *And be it further enacted by the authority aforesaid,* That if any person shall be convicted of a second offence against the act to which this act is supplementary on an indictment for taking possession of, entering, intruding, or settling on any lands; such person upon such second conviction, shall forfeit and pay the sum of five hundred dollars, one half to the use of the county, and the other half to the use of the informer, and shall also be subject to such imprisonment at hard labour not less than six months, nor exceeding two years as the court before whom such second conviction is had in their discretion shall direct. And if any person shall be convicted as aforesaid more than twice, the court before whom such subsequent conviction is had, may in their discretion adjudge that the person so convicted shall be imprisoned at hard labour for any term not less than two years, nor exceeding seven years, and pay a sum not less than five hundred dollars, nor more than one thousand dollars, one half to the use of the county, and the other half to the use of the informer.

Conviction more than twice.

An agent to be appointed to enquire into offences.

[SECT. III. *And be it further enacted by the authority aforesaid,* That the Governor shall be, and he is hereby authorized and empowered to appoint an agent, whose duty it shall be to make diligent inquiry into all offences committed, or to be committed against the act to which this is supplementary, and for the purpose of making such inquiry the said agent, and all persons acting under his authority shall have power to enter upon any lands within the counties of Northampton, Wayne, Northumberland, Luzerne and Lycoming, and to do any acts necessary for ascertaining the said tract of land on which any intruder lives, or any intrusion has been made. And the said agent shall as quickly as possible, and from time to time, send to the Attorney-General, or his deputy, in the proper county, a written account of the names of all offenders discovered by him together with the names of the necessary witnesses, and the best information in his power, on all matters necessary for prosecuting the offenders, or any or either of them.]

His power and duty.

(Repealed.)

Persons coming into certain counties to declare their country, and title to land.

SECT. IV. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, every male person above the age of twenty-one years, who shall come to reside in this commonwealth, within the counties of Wayne, Northampton, Luzerne, Northumberland or Lycoming, shall, within three months from the time of his arrival within the limits aforesaid, deliver to the aforesaid agent, or to the Constable of the township, or to the Sheriff of the county in which he resides, or one of his deputies, a written declaration of his name and place of abode, and of the American state or the foreign country in which he last resided, and also whether he claims any, and if any, what lands within the bounds of the commonwealth under a title derived directly or indirectly, from or through the colony or state of

Connecticut, or the Delaware or Susquehanna company, and every such person who shall not have delivered such declaration within the time aforesaid, shall be subject to the penalty of forty dollars, one half to the use of the county, the other half to the use of the informer, to be recovered before any Justice of the Peace together with legal costs. And every officer aforesaid to whom any such declaration shall be delivered, shall return the same to the next Court of Quarter Sessions to be held in his county, under the penalty of one hundred dollars for every default, to be recovered on conviction on indictment in any Court of Quarter Sessions or of Oyer and Terminer to be held in the proper county, one half to the use of the informer, the other half to the use of the county, and the several Clerks of the Courts of Quarter Sessions, shall carefully preserve among their public papers to be filed and recorded, all declarations delivered to them as aforesaid.

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Penalty for not doing so.

Returns of the declaration to be made to the Quarter Sessions.

[SECT. V. *And be it further enacted by the authority aforesaid,* That if any person shall resist or obstruct the aforesaid agent, or any person acting under his authority, or under the authority of this act, every person so offending, and every person who shall be an accessory before or after the fact, as also those who shall conspire to resist or obstruct the said agent or any person acting under his authority, or under the authority of this act shall, on conviction forfeit and pay for every such offence, a sum not exceeding one thousand dollars; and shall also be subject to imprisonment at hard labour, for any period not more than seven years, as the court in their discretion shall direct.]

Penalty for obstructing the agent or his deputies.

[Repealed.]

SECT. VI. *And be it further enacted by the authority aforesaid,* That in all actions of ejectment hereafter to be brought in this commonwealth, for any lands to which any title or claim under the colony or state of Connecticut, or under the Connecticut, Susquehanna or Delaware company, is pleaded or drawn into question, the plaintiff may recover by way of damages satisfaction for the mesne profits of the lands recovered in any ejectment down to the time of the entry of judgment in such ejectment.

Mesne profits to be recovered in ejectments.

SECT. VII. *And be it further enacted by the authority aforesaid,* That in all actions of trespass *vi et armis*, hereafter to be brought in this commonwealth, wherein any title or claim under the colony or state of Connecticut, or under the Connecticut, Susquehanna or Delaware company, is pleaded or drawn into question, the plaintiff upon affidavit to be made by himself or any person on his behalf, shall be entitled to hold the defendant to special bail for such sum as shall be directed by any Judge or Justice of the court in which the suit is brought.

Special bail in certain cases.

[SECT. VIII. *And be it further enacted by the authority aforesaid,* That the agent to be appointed in pursuance of this act shall hold his office during the Governor's pleasure, and shall prior to his acting in his office, take an oath or affirmation, that he will diligently and faithfully execute the duties of his office, and the said agent shall receive for his services a yearly compensation of one thousand two hundred dollars, to be paid quarterly.]

Tenure of the agent's office and his compensation.

[Repealed.]

SECT. IX. *And be it further enacted by the authority aforesaid,* That in every such action commenced as aforesaid, the defendant

Pleadings in actions under this act.

1801. shall at the first term put in his plea specifying his title particularly, and if he shall refuse or neglect so to do, judgment shall be had against him as by default.

Provision for calling out the militia to execute this act.

[SECT. X. *And be it further enacted by the authority aforesaid,* That if it shall be made to appear to the satisfaction of the Governor by the oath or affirmation of the said agent, or of any person or persons acting under his authority, or of any other credible person or persons, that the said agent or any person acting under his authority has good reason to apprehend personal danger in the course of the discharge of his duty under this act, it shall be lawful for the Governor, and he is hereby directed to order out a sufficient part of the militia of the commonwealth for the protection of all persons acting under the authority of this act, and the detachments so ordered out shall receive the same pay and rations, and be subject to the same rules and regulations as are provided in other cases.]

Proclamation to be issued by the Governor.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the Governor be, and he is hereby authorized, and directed to issue his proclamation forbidding all future intrusions, and enjoining and requiring all persons who have intruded contrary to the provisions of the act, to which this act is supplementary, to withdraw peaceably from the lands, whereon such intrusions have been made; and enjoining and requiring all officers of government, and all good citizens of the commonwealth, to prevent, or prosecute by all legal means, such intrusions and intruders, and to render in their several capacities the most prompt and effectual aid for carrying into full execution the provisions of this act, and the act to which this is supplementary.

This act to be read in court.  
(Obsolete.)

SECT. XII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Prothonotaries of the several Courts of Common Pleas of the counties of Northampton, Wayne, Northumberland, Lycoming, and Luzerne; and they are hereby respectively enjoined and required to read, or cause to be read in open court this act, and the act to which this act is supplementary, at least once in each of the four terms next after receiving it.]

Expenses of this act how to be defrayed.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That all expenses which may arise under this act, shall be paid out of any unappropriated monies, which may be in the state treasury on warrants drawn by the Governor for that purpose.

Passed 16th February, 1801.—Recorded in Law Book No. VII. page 240.

## CHAPTER MMCLXXII.

*An ACT vesting a moiety of one of the city lots therein mentioned in the minister, trustees, elders and deacons of the German reformed congregation, in the city of Philadelphia.*

SECT. 1. [THE moiety of a lot in Philadelphia vested in the German reformed congregation, for a burial ground.]

Passed 19th February, 1801.—Recorded in Law Book No. VII. page 244.