

as shall become due in the recovery thereof, the overplus if any to be returned to the owner or owners of such goods or chattels, his or her executors or administrators.

Provided always, That if any person or persons shall find him or themselves aggrieved with any judgment of the justices given out of their sessions in pursuance of this act, such person or persons may appeal to the next general quarter-sessions of the peace for the county or city where such judgment or sentence was given, whose decision in all such cases shall be conclusive.

Passed March 29, 1735. See Appendix XII, Section I, and the Acts of Assembly passed August 19, 1749, Chapter 379; March 5, 1756, Chapter 408; January 18, 1757, Chapter 416; September 27, 1757, Chapter 426; February 8, 1766, Chapter 534; February 21, 1767, Chapter 552; February 20, 1768, Chapter 573; May 27, 1769, Chapter 596; November 27, 1779, Chapter 873; March 18, 1780, Chapter 900. The act in the text was repealed temporarily by the Act of Assembly passed March 9, 1771, Chapter 635, which latter act was made perpetual by the Act of Assembly passed April 6, 1776, Chapter 723, was declared to be in force by the Act of Assembly passed March 24, 1778, Chapter 792, was continued by the Act of Assembly passed April 2, 1779, Chapter 839, and was finally made perpetual by the Act of Assembly passed March 25, 1782, Chapter 962.

CHAPTER CCCXXXVII.

AN ACT FOR CONFIRMING THE ELECTION OF THE COMMISSIONERS AND ASSESSORS FOR THE COUNTY OF BUCKS, &c.

Whereas by an act of general assembly of this province passed in the eleventh year of the reign of King George the First, entitled "An act for raising of county rates and levies,"¹ it is directed and provided that when the commissioners and assessors are chosen in the manner directed by the said act the sheriff [sic] of the respective counties shall take their names in writing under the hands and seals of at least six or more of the freeholders and certify the same to the justices at their

¹ Passed March 20, 1724-5, Chapter 234.

general sessions of the peace in each county next after such election, which return is by the said act directed to be entered on record by the justices' clerk in their sessions minute-book. And whereas Joseph Chapman, of the county of Bucks, yeoman, was duly elected commissioner for the said county of Bucks on the first day of October in the year one thousand seven hundred and thirty-three, according to the directions of the aforesaid act of assembly, but the then sheriff of the said county neglected to return the name of the said Joseph Chapman as the commissioner elected for that year to the justices of the said county at their next general quarter-sessions of the peace. And whereas William Paxton and Matthew Hughes, both of the said county, being at the time of the said election of the said Joseph Chapman the acting commissioners for the said county, the said William Paxton soon after died, so that there remained but one commissioner qualified to act; and there being no directions in the before-mentioned act of assembly for supplying the place of the said William Paxton after his decease, nor any directions for the electing more than one commissioner at one time, the said county is like to remain under the want of a proper number of commissioners to put in execution the said act for raising county rates and levies unless some provision be made to supply the said defect:

[Section I.] Be it therefore enacted by Patrick Gordon, Esquire, with the King's royal approbation Lieutenant-Governor under the Honorable John Penn, Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and of the counties of Newcastle, Kent and Sussex on Delaware, by and with the advice and consent of the representatives of the freemen of the said [Province] in General Assembly met, and by the authority of the same, That the said Joseph Chapman, upon his taking the qualifications directed to be taken by the commissioners in the said act of assembly, which any two justices of the peace of the said county are hereby empowered and required to administer, shall be and is hereby declared to be duly elected, and is hereby enabled to act as a commissioner as fully to all intents and purposes as if his name had been returned to the justices of the

peace in the manner in the said act directed, and that he shall continue so to act as a commissioner for the space of three years from the time of his election as aforesaid, the sheriff not making any return of his name to the justices aforesaid or the said Joseph not having taken his qualification enjoined to be taken by the said act or either of these or any other neglects to the contrary in anywise notwithstanding.

And whereas through some doubts which arose among the freeholders and others qualified to elect members of assembly for the county of Bucks aforesaid on the first day of October last concerning the number of commissioners to be elected at one time, William Biles and Simon Butler, of the said county, gentlemen, were nominated as commissioners in one piece of paper with the names of sundry freeholders of the said county as assessors for the said county for the ensuing year; and Joseph Kirkbride, Junior, of the same county, gentleman, was nominated likewise as commissioner in one other paper with the names of sundry persons, freeholders of the said county, as assessors likewise, and it being held by the justices of the said county at their general sessions of the peace next after the said election that the aforesaid act for raising county rates and levies did not warrant the electing more than one commissioner at one time, the said Joseph Kirkbride [Junior] was returned and qualified as commissioner according to the directions of the said act. And whereas the said William Biles declining to act as commissioner for this year and the said Simon Butler then having the greatest number of votes for another commissioner, and Benjamin Taylor, Richard Mitchell, Nathan Watson, John Dawson, Joseph Lupton and David Wilson, all of Bucks county, yeomen, though their names were not all wrote on one piece of paper with the commissioners duly elected, yet had the greatest number of votes for being assessors, and it being necessary that any doubts that have arisen or which may arise touching the legality of the election of the said commissioners and assessors should be removed:

[Section II.] Be it therefore enacted by the authority aforesaid, That the said Simon Butler on his taking the qualification in the said act directed and the said Joseph Kirkbride, Junior,

shall be and are hereby declared to be the two other commissioners for the said county of Bucks, the said Simon Butler for the space of one year and the said Joseph Kirkbride [Junior] for the space of three years next ensuing the first day of October last, the not returning their or any of their names to the justices at their general quarter-sessions of the peace or any mistake or defect in their election or the manner thereof to the contrary in anywise notwithstanding.

Provided always, That nothing herein contained shall be deemed or understood to prevent the said Simon Butler from being elected a commissioner for the said county of Bucks on the first day of October next or at any other time in the manner directed by the said act for raising county rates and levies if the persons qualified to elect shall see fit so to do. And that in case of death or misbehavior of any of the said commissioners it shall and may be lawful to and for the other commissioners and assessors for the time being to elect another person to serve instead of the person so dying or misbehaving himself in the same manner as by the aforesaid act of assembly is directed, and that Benjamin Taylor, Richard Mitchell, Nathan Watson, John Dawson, Joseph Lupton and David Wilson, of Bucks county, yeomen, be and are hereby declared to be the assessors legally elected for the said county of Bucks, to serve as assessors for the year ensuing from the first day of October last, any neglect or defect in their election to the contrary in anywise notwithstanding.

Passed March 29, 1735. See Appendix XII, Section I, and note to the Act of Assembly passed March 20, 1724-25, Chapter 284.

CHAPTER CCCXXXVIII.

AN ACT TO PREVENT THE DAMAGES WHICH MAY HAPPEN BY FIRING OF WOODS.

Whereas by an act of the general assembly of this province passed in the twelfth year of the reign of King William the Third¹ it is enacted that whosoever shall presume to set on

¹ Passed November 27, 1700, Chapter 59.