

CHAPTER DCXXX.

AN ACT FOR THE BETTER SECURING AND PUNISHING CERTAIN OFFENDERS THEREIN MENTIONED.

Whereas divers wicked and evil-minded persons in defiance of the laws of this province have confederated together and rescued a certain Lazarus Stewart from the custody of the constable who had legally arrested him for a capital offense:

And whereas the said Lazarus Stewart, with divers other wicked and evil-disposed persons, in further contempt of the authority of this government, did undertake and conspire together to defend and protect the said Lazarus Stewart and divers other offenders by force and arms from the arrest of the officers of justice duly authorized to apprehend the said Stewart and others for the offenses aforesaid:

And whereas in pursuance of such wicked and daring design the said Lazarus Stewart, with divers other persons hereinafter mentioned, his confederates, on the twenty-first day of January in the present year, at Wyoming in the county of Northampton, in opposing the sheriff for said county and his posse, duly summoned to aid and assist him in the execution of process legally issued for apprehending the said Stewart and others, did kill and treacherously murder a certain Nathan Ogden and dangerously wounded divers other persons, all of the said posse then and there aiding and assisting the said sheriff in the execution of his office:

And whereas it is necessary for the better securing and punishing the said offenders that the trial of the facts be held and had in the county of Philadelphia:

Therefore:

[Section I.] Be it enacted by the Honorable John Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent

and Sussex upon 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 all and every the capital offense and offenses which hath or have been committed by the said Lazarus Stewart, and by James Stewart, William Stewart, John Simpson, William Speedy, William Young, John McDaniel (alias Donnell) and Richard Cook, his accomplices, aiders and abettors in the said murder, and by any or either of them, shall be inquired of, heard, tried and determined in the county of Philadelphia in the same manner and form as if the facts had been committed in the same county, any law, usage or custom to the contrary in any wise notwithstanding.

Passed March 9, 1771. Referred for consideration by the King in Council, October 9, 1771, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIX.

CHAPTER DCXXXI.

AN ACT FOR APPOINTING COMMISSIONERS FOR OPENING AND MAINTAINING PARTS OF TWO ROADS THEREIN MENTIONED.

Whereas by virtue of an order from the governor and council a provincial road has been laid out from the town of Reading in the county of Berks, through Tulpehocken to the Susquehanna, on the south side of Machanoy Mountain near Fort Augusta:

And whereas by virtue of one other order from the governor and council another road has also been laid out from a road near Ellis Hughes's saw-mill and Schuylkill to Fort Augusta on the Susquehanna:

And whereas parts of both the said roads pass through a large tract of unimproved country where no townships are laid out, so that there is no law by which such parts of the said roads can be opened: