

official duties of William T. Donaldson, sheriff of said county: Provided, such person be previously approved of by the governor, and by the judges of the court of common pleas of Philadelphia county, or any two of them in the manner directed by the act entitled, "An act directing sheriffs and coroners to give sufficient sureties for the faithful execution of their official duties and for other purposes," passed the twenty-eighth day of March, one thousand eight hundred and three:⁽¹⁾ And upon the execution of the said bond and recognizance, the said Dillaplain Ridgway shall be released and discharged from his obligation aforesaid, and the lien created by the said recognizance so far as it affects the lands, tenements and hereditaments of the said Dillaplain Ridgway shall be divested and annulled: Provided always, nevertheless, that nothing in this act contained shall be construed to impair or affect any right of action, which may have accrued to the commonwealth or any individual at the passing of this act, or which may accrue prior to the entering into of such new recognizance and bond, upon the said recognizance and bond, of the said Dillaplain Ridgway, but the same shall remain in full force for the purpose aforesaid, in the same manner as if this act had not been passed.

Approved February 15, 1808. Recorded in L. B. No. 11, p. 170.

Note (¹) Chapter 2366; 17 Statutes at Large, p. 377.

CHAPTER MMCMXIII.

AN ACT TO RAISE BY WAY OF LOTTERY, A SUM OF MONEY FOR THE PURPOSE OF FINISHING THE MEETING HOUSE IN WILKES BARRE, AND FOR PROTECTING THE BANK OF THE RIVER, OPPOSITE THE BOROUGH, FROM THE ENCROACHMENTS OF THE RIVER.

Section I. (Section I, P. L.) 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 Ebenezer Bowman, Lord

Butler, William Ross, Rosewell Welles, Matthias Hollenback, Matthew Covell, Ebenezer Locum, Thomas Wright, Arnold Colt, Cornelius Courtright, Nathan Palmer, Nathan Waller and John Robinson, be, and they are hereby appointed commissioners to raise by way of lottery, the sum of five thousand dollars, to be by them applied for finishing the meeting house, and for protecting the bank of the river, in the borough of Wilkesbarre, from the encroachments thereof.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners, before they proceed to sell any tickets in the said lottery, shall lay such scheme thereof before the governor as shall meet his approbation, and shall enter into bonds with him for the due performance of their duty in selling the tickets, drawing the lottery and paying the prizes; and each of them before entering on the duties of his appointment, shall take and subscribe an oath or affirmation diligently and faithfully to perform the duties hereby entrusted to him; and three or more of said commissioners shall attend at the drawing of each day, and when the whole is completed, shall cause an accurate list of the fortunate numbers to be published in at least three public newspapers; and shall pay and discharge the prizes that shall be demanded by persons legally entitled thereto, within sixty days after the drawing of the lottery shall be completed.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners be, and they are hereby authorized to settle and adjust all the accounts which may be exhibited by any person or persons legally employed in carrying this act into effect, and that all expenses attending the same shall be paid by the said commissioners, out of the proceeds of said lottery: Provided, that nothing herein contained, shall be taken to allow said lottery commissioners any compensation for their services enjoined on them by this act, nor shall any other person for the performance of said services.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That all prizes not demanded within twelve months next after the publication of the list of prizes, as aforesaid, shall be considered and deemed as relinquished for the benefit of the objects of the lottery.

Approved February 15, 1808. Recorded in L. B. No. 11, p. 171.

CHAPTER MMCMXIV.

AN ACT TO ENABLE JOSEPH MARSHALL AND WILLIAM MARSHALL, TO SELL AND CONVEY THE REAL ESTATE OF ANDREW MARSHALL, LATE OF HAMILTON TOWNSHIP, FRANKLIN COUNTY, DECEASED.

Whereas it hath been represented that Andrew Marshall of the township of Hamilton, and county of Franklin, died seized of certain lands and tenements, and by his last will and testament, did bequeath all his lands and tenements subject to the payment of certain legacies therein mentioned, unto his five sons, to wit: Joseph, William, Samuel, John and Andrew, them, their heirs and assigns forever. And whereas it appears that it was the intention of the testator, that if a majority of his sons should agree to sell his lands after his decease, that they should have power to sell and convey the same; but it appears that the intention of the testator is not fully expressed in said will, so that doubts have arisen whether a majority of his sons as aforesaid have sufficient power delegated to them by said will to sell and convey the same. And it further appears that Samuel, one of said sons, has since died intestate and without issue, and likewise that John, another of said sons, has likewise died intestate, leaving lawful issue, to wit: Three sons and one daughter, all of whom are minors. And whereas it appears that it would be to the advantage of all the parties concerned, that said land should be disposed of by sale. And whereas Joseph Marshall, William Marshall and Andrew Marshall, the three surviving sons of said Andrew Marshall have prayed the legislature to authorize the sale of the said lands, agreeable to what appears to have been the intention of the testator: Therefore,