

Section XX. (Section XX, P. L.) And be it further enacted by the authority aforesaid, That after this act shall come into operation, so much of any law or laws as is or are hereby altered or supplied, be, and the same is hereby repealed.

Approved March 29, 1809. Recorded in L. B. No. 11, p. 349.

Note (1). Chapter 2693; Supra this volume, p. 222.

Note (2). Chapter 2999; Supra this volume, p. 897.

CHAPTER MMMLXXXI.

AN ACT MAKING PERPETUAL AN ACT ENTITLED "AN ACT TO REGULATE THE PAYMENT OF COSTS ON INDICTMENTS," (1), AND THE SECOND SECTION OF AN ACT, ENTITLED "AN ACT EXPLANATORY OF THE ACT ENTITLED 'AN ACT TO REGULATE THE PAYMENT OF COSTS ON INDICTMENTS' " (2).

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 the act entitled "An act to regulate the payment of costs on indictments,"⁽¹⁾ and the second section of an act, entitled "An act explanatory of the act entitled 'An act to regulate the payment of costs on indictments,' " ⁽²⁾ are hereby continued and made perpetual. And provided, that any prosecutor, notwithstanding his being liable for the payment of or exemption from costs, shall be a competent witness before the grand or petit jury.

Approved March 29, 1809. Recorded in L. B. No. 10, p. 45.

Note (1). Chapter 2525; 17 Statutes at Large, p. 882.

Note (2). Chapter 2582; 17 Statutes at Large, p. 998.

CHAPTER MMMLXXXII.

AN ACT ENABLING CERTAIN TRUSTEES TO SELL AND CONVEY THE REAL ESTATE OF HENRY STRATER, A LUNATIC.

Whereas it appears by the proceedings had in the court of common pleas, for the county of Lycoming, that a certain Henry Strater, of the said county, has been adjudged a lunatic,

and that Moses Willson and Israel Merrick were by said court, appointed trustees to take care of the person and estate of the said Henry Strater. And whereas the said trustees have represented to this legislature, that the personal estate of the said lunatic is of very little consequence, and that the said lunatic is indebted about two hundred and fifty dollars, upon various accounts. That the said Henry Strater ostensibly claims and hath a warrant of survey, and survey made founded upon an improvement right for a tract of about two hundred acres of land, situate on Crooked Creek, in Delmar township, in the provisional county of Tioga, yet belonging to Lycoming county, adjoining lands of Israel Buckley, and that it is necessary that the land aforesaid should be sold for the purpose of paying the debts of the said lunatic, and providing for the comfort of his wife and children: Therefore,

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 Moses Willson and Israel Merrick, of Delmar township, in the provisional county of Tioga, yet belonging to Lycoming county, be, and they are hereby authorized and empowered to sell and convey all the real estate of Henry Strater, a lunatic, to such person or persons, for such price or prices, and on such terms and conditions as they may deem most advantageous to the said lunatic and his heirs, and that the deeds or other assurances to be made by them to the purchaser or purchasers, shall be as good and effectual in law to all intents and purposes, as if the said Henry Strater was of sound mind and a party to the same: Provided, that the said Moses Willson and Israel Merrick shall, before they proceed to sell the estate of the said Henry Strater, enter into recognizance with sufficient security before the court of common pleas of Lycoming county, that all the monies arising from the sales authorized by this act, shall, after paying the debts of the said lunatic, be so disposed of as will be most for the benefit of the said lunatic and his heirs.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the monies arising from the sale of the said lands shall descend (if any) at the death of the said lunatic, to the same heirs, and in the same proportions as the real estate would have done if this act had not been passed.

Approved March 29, 1809. Recorded in L. B. No. 11, p. 353.

CHAPTER MMMLXXXIII.

AN ACT CONCERNING SENTENCES OF FOREIGN PRIZE COURTS.

Whereas it has been held on the authority of certain British precedents, that the sentences of foreign prize courts are conclusive evidence in all cases of every fact which on the face of them it appears that they meant to decide so that a citizen of this commonwealth, whose property has been unjustly captured and condemned as belonging to the enemy of the captor, or on some other false pretext, cannot according to that principle, be admitted, to prove in our own courts, that he was at the time of such capture, the bona fide owner of such property, but the sentence of the foreign prize courts is considered as conclusive evidence of the contrary fact against him, in consequence whereof underwriters who have received large premiums for insuring American property against the risk of capture and its consequences, are discharged from the obligation of their contract by the very accident against which it was meant to provide, which is contrary to every principle of justice and morality, and is in direct opposition to the principles of the constitutions of the United States, and of this State: Therefore,

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 from and after the passing of this act, no sentence, judgment, or decree, final or inter-