

trator or administrators, his or their lawful attorney, to make an annual return to the orphans' court of Chester county, on oath or affirmation, how and in what manner he or they have executed the trust in him or them confided by this act.

Approved April 4, 1809. Recorded in L. B. No. 11, p. 389.

CHAPTER MMMCXXIII.

AN ACT RELATIVE TO CERTAIN PROCEEDINGS IN THE CASE OF THE PRIZE SLOOP ACTIVE.

Whereas by an act of the general assembly of this commonwealth, passed the second day of April, in the year of our Lord one thousand eight hundred and three, entitled "An act relating to the claim of this commonwealth against Elizabeth Sergeant and Esther Waters, surviving executrixes of David Rittenhouse, esquire, deceased,"⁽¹⁾ the right of this commonwealth was asserted to certain monies which the said executrixes of David Rittenhouse, heretofore treasurer of the commonwealth of Pennsylvania, admitted to have been received by them in the manner in the same act particularly set forth as part of the proceeds of a certain prize called the "Active," captured during the revolutionary war, and provision was made among other things, that if in pursuance of the requisition of the said act (the decree of the district court of Pennsylvania, in the said act mentioned, to the contrary notwithstanding) the said executrixes should pay the said monies into the treasury of the commonwealth, without suit brought against them to compel such payment, they should be indemnified for so doing. And whereas the supreme court of the United States have reviewed the proceedings of the said district court of Pennsylvania, and have adjudged that the decree thereof ought to be enforced notwithstanding the claim of the commonwealth, and the payment of the said monies into the

treasury thereof as aforesaid. And whereas the good faith of this commonwealth requires that the said engagement of indemnity should be effectually performed. And whereas sundry unforeseen difficulties may arise in protecting the just rights of the state, which ought to be provided for before the adjournment of the legislature. And as the legislature by their resolutions during the present session, have enjoined certain duties on the governor, touching the premises, and it is expedient to make such appropriations as shall meet every contingency. But protesting that nothing in this act contained shall be deemed or taken as a dereliction of any right or principle heretofore asserted on behalf of the commonwealth. And it is moreover the duty of the legislature to protect all good citizens from loss or injury in their property or persons, by reason of their obedience to the laws and constituted authorities of the commonwealth: 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 a sum not exceeding eighteen thousand dollars be, and the same is hereby appropriated and made subject to the orders of the governor on the state treasurer, to enable the governor to carry into effect all and every engagement of this commonwealth, touching the premises in such manner as may appear to him to be advisable, just and proper, and to meet all contingent expenses which may arise in the execution of any authority or power given to or enjoined on him by the resolutions of this legislature, passed April third, one thousand eight hundred and nine, or by the act of assembly of April second, one thousand eight hundred and three,⁽¹⁾ and also to protect all and every person or persons in any way concerned in the protection of the just rights of the commonwealth, in obedience to the injunctions of any law or authority derived therefrom.

Approved April 4, 1809. Recorded in L. B. No. 11, p. 390.

Note (1). Chapter 2390; 17 Statutes at Large, p. 472.