

CHAPTER MMCCCLII.

AN ACT ESTABLISHING AND CONFIRMING THE PLACE FOR HOLDING THE COURTS OF JUSTICE, AND FOR ERECTING THE PUBLIC BUILDINGS FOR THE COUNTY OF BUTLER.

Whereas in pursuance of an act passed the sixth of April, one thousand eight hundred and two,⁽¹⁾ entitled "An act to establish the places for holding the courts of justice in the counties of Armstrong, Butler and Mercer," it appears that the governor did appoint Isaac Weaver, John Hamilton, Thomas Morton, James Brady and Prely Carr Lane, esquires, to be commissioners to perform the duties enjoined and required by the said act. And whereas, by the report of the said commissioners deposited by them in the office of the secretary of the commonwealth, and now laid before the general assembly, it appears that the said commissioners have performed the duties enjoined and required by the said act. In order therefore to complete and secure to the people of the said county of Butler, the benefits intended in and by the act aforesaid:

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 John M'Bride, esquire, William Elliott, esquire, and John David, be, and hereby, are appointed trustees for the county of Butler, and the said trustees or a majority of them, are hereby authorized and required to survey or cause to be surveyed, three hundred acres of land, situate on the north side of Conequinesing creek, near Samuel Cunningham's mill, agreeably to a description given of the situation and boundary thereof, expressed in the grant and obligation of Samuel Cunningham, John Cunningham and Robert Graham, made by them to the governor for the use of the county of Butler; and the said trustees are hereby authorized and required to lay out a convenient lot or lots of land, within the said three hundred acres, not exceeding five acres,

whereon the public buildings shall be erected for the use of the county of Butler, and the surplus or residue of said three hundred acres of land, which shall remain after the sites for the public buildings are set apart and determined, shall be laid out for a town, with suitable town lots and out lots, at the discretion of the trustees with necessary reservations, for a quarry, streets, lanes, alleys, and roads, or highways. Provided however, that no out lot shall exceed five acres; and the town hereby directed to be laid out shall be called Butler.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the trustees, or a majority of them, to sell by public auction, the said town lots and out lots, at such time or times, as they may judge most advantageous to the county, which sale shall be held at the said Cunningham's mill, in the said county; previous to which the said trustees shall advertise the same, three times at least in one or more newspapers published in Pittsburgh, Greensburg and Washington, one month before the day appointed for such sale. Provided that before the said commissioners proceed to the discharge of the duties, herein enjoined and required, they shall demand and receive from the aforesaid Samuel Cunningham, John Cunningham and Robert Graham, sufficient deeds, in fee simple, of the above described three hundred acres of land, in trust for the use of the said county of Butler, agreeably to the grant thereof heretofore made to the governor, for the use of the county of Butler, by the said Samuel Cunningham, John Cunningham and Robert Graham, and shall procure the same to be recorded in the office for recording of deeds, in Allegheny county; and when the said trustees have so done, they shall have authority, and it shall be their duty, to make out and grant sufficient deeds, in fee simple, for the town and out lots by them sold in pursuance of this act.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the aforesaid trustees or a majority of them, shall within two years after the said county of Butler shall be organized, and the courts and board of com-

missioners in operation, surrender and convey all the trust vested in them by this act, to the commissioners of Butler county, and to their successors in office; and the said county commissioners and their successors shall enjoy and exercise all the powers vested in, and discharge all the duties required and enjoined on the said trustees, as fully to all intents and purposes, as if they were expressly herein named; and the said county commissioners shall have power, and it shall be their duty, to call upon, and if necessary to compel the said trustees or either of them, by suit to settle their accounts with respect to the performance of their trust, and pay over the money due to the county, if any such money remains in their hands, to the treasurer of Butler county, subject to the disposal of the said county commissioners.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the aforesaid trustees shall each receive one dollar and thirty-three cents, for every day they shall be employed in the performance of the duties of the aforesaid trust together with all expenses necessarily incurred, for assistance in surveying and laying out lots, streets, lanes and alleys, which shall be paid by the treasurer of the county of Allegheny, on orders, from the commissioners of said county, out of the county taxes levied in Butler county.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said trustees shall as soon as may be, file a draught and return of the survey and proceeding under and by virtue of this act, in the office of the recorder of deeds, in and for the county of Allegheny, or in the said office for the county of Butler, if such office be then established by law.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That so much of the act passed the twelfth of March, one thousand eight hundred,⁽²⁾ entitled "An act erecting certain parts of Allegheny, Westmoreland, Washington and Lycoming counties, into separate counties," as authorizes the commissioners therein named, to be trus-

tees for the county of Butler, shall be and hereby is repealed and made void.

Approved March 8, 1803. Recorded L. B. No. 8, p. 239.

Note (*). Chapter 2296; *Supra*, this volume, p. 146.

Note (*). Chapter 2130; 16 *Statutes at Large*, p. 454.

CHAPTER MMCCCLIII.

AN ACT TO RAISE BY WAY OF LOTTERY, A SUM NOT EXCEEDING FIVE THOUSAND DOLLARS, FOR THE PURPOSE OF COMPLETING THE BUILDING OF THE BUSTLETON ACADEMY, IN THE COUNTY OF PHILADELPHIA.

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 Samuel Swift, Strickland Foster, Jacob Shearer, John Holmes, junior, John Thompson, Elisha Gordon, Edward Swift, Jacob Hall, Bernard J. Malleson and William Duncan, be, and they are hereby appointed commissioners, to raise by way of lottery a sum not exceeding five thousand dollars, to be applied to the defraying of the expense of completing the building of the Bustleton academy, in the county of Philadelphia, in such manner as to the trustees of the said institution, or a majority of them, may appear most beneficial to said academy.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That each of the said commissioners shall previously to entering upon the duties of his office, take and subscribe an oath or affirmation, diligently and faithfully to perform the duties entrusted to him, and at least two of them shall attend at the drawings of each day, and when the whole is completed, shall cause an accurate list of the fortunate numbers in the said lottery to be published, in at least two newspapers printed in the city of Philadelphia, and the expences necessarily attending the carrying of this act into effect, shall be paid by the said commissioners, out of the net proceeds of the said lottery.

Section III. (Section III, P. L.) And be it further en-