

# A C T S

OF THE

## GENERAL ASSEMBLY

OF

### PENNSYLVANIA.

---

#### CHAPTER I.

*An ACT to regulate the Payment of Costs on Indictments.*

**W**HEREAS experience has proved, that the laws obliging the respective counties to pay the costs of prosecutions, in all criminal cases, where the accused is or are acquitted, have a tendency to promote litigation; inasmuch as they enable restless and turbulent people to harass the peaceable part of the community, with trifling, unfounded, or malicious prosecutions, at the expence of the public: Therefore,

Section 1. *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 first of November next, in all prosecutions, cases of felony only excepted, if the bill or bills of indictment shall be returned "ignoramus," the grand jury who returns the same shall decide and certify on such bill, whether the county or the prosecutor shall pay the costs of prosecution; and in all cases of acquittals, by the petit jury, on indictments for

Of the payment of costs on indictments where the bill is returned "ignoramus;" and where there is an acquittal, by the petit jury.

the offences aforesaid, the jury trying the same shall determine, by their verdict, whether the county or the prosecutor, or the defendant or defendants, shall pay the costs of prosecution; and the jury so determining, in case they direct the prosecutor to pay the costs, shall name him or them in their return or verdict.

**How the prosecutor, in certain cases, shall be compelled to pay them.**

Sec. 2. *And be it further enacted by the authority aforesaid,* That whenever any jury shall determine, as aforesaid, that the prosecutor or prosecutors shall pay the costs, the court in which the said determination shall be made, shall forthwith pass sentence to that effect, and order him, her, or them committed to the gaol of the county, until the costs are paid, unless he, she, or they give security to pay the same within ten days.

**Of taxing costs, where several persons are included in one indictment.**

Sec. 3. *And be it further enacted by the authority aforesaid,* That when a number of persons shall be charged and tried upon one indictment, such costs shall be taxed, as if the name of one person only was contained in the said indictment; any law, usage or custom to the contrary notwithstanding.

Sec. 4. *And be it further enacted by the authority aforesaid,* That this act shall be and continue in force during the term of three years, and from thence to the end of the next Session of the General Assembly.

SIMON SNYDER, *Speaker*

*of the House of Representatives.*

ROBERT WHITEHILL, *Speaker*

*of the Senate.*

IN THE HOUSE OF REPRESENTA-  
TIVES.*December 8th, 1804.*

25

Mr. Thompson, the Secretary of the Commonwealth, being introduced, presented to the Chair a message from the Governor, which was read as follows, *viz.*

*To the Senate and House of Representatives of the Commonwealth of Pennsylvania.*

GENTLEMEN,

The bill, entitled, An Act to regulate the Payment of Costs on Indictments, which was presented to me near the close of the last session, has not been returned within three days after your present meeting, so that it is now become a law. I have directed it to be returned to the House of Representatives in which it originated.

THOMAS M'KEAN.

*Lancaster, December 7th, 1804.*

Extract from the journal,

MATTHEW HUSTON,

*Clerk of the House of Representatives.*

IN SENATE.

*December 8th, 1804.*

The Secretary of the Commonwealth presented a message from the Governor, which was read as follows, *to wit:*

*To*

*To the Senate and House of Representatives of the  
Commonwealth of Pennsylvania.*

GENTLEMEN,

The bill, entitled, An Act to regulate the Payment of Costs on Indictments, which was presented to me near the close of the last session, has not been returned within three days after your present meeting, so that it is now become a law. I have directed it to be returned to the House of Representatives in which it originated.

THOMAS M'KEAN.

*Lancaster, December 7th, 1804.*

Extract from the journal,

GEORGE BRYAN,

*Clerk of the Senate.*

CHAPTER II.

*An ACT erecting a new Election-District in the  
County of Centre.*

Section 1. **B**E 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, all Miles township, agreeably to the present boundaries thereof, including all that part of Sugar Valley which falls into Centre county, shall be an election-district, to be called the sixth election-district, and the electors there-

Sixth election-district erected in Centre county.

of