

1789. pronounced and entered, in pursuance of the verdict of a jury, or by virtue of the confession of the party.

SECT. IV. And whereas it frequently happens that garnishees in writs of attachment have in their hands and possession goods and chattels belonging to the defendant, which cannot be found by the officer serving such writs, to be taken and secured by him, and others are indebted in large sums of money, which they refuse to pay, or in anywise to secure: For remedy whereof, *Be it further enacted by the authority aforesaid*, That if any plaintiff in any writ of attachment to be issued within this commonwealth, or any person for him, shall, upon oath or solemn affirmation, declare that he or she verily believes that any person or persons, upon whom any writ of attachment shall be directed to be served as garnishee, hath or have any goods, chattels or effects, belonging to the defendant or defendants, in his, her or their hands or possession, or under his, her or their care, or is or are indebted to the defendant or defendants in any sum of money, although the same shall not then be due; and shall also, in manner aforesaid, declare that the person or persons, upon whom such writ of attachment shall be directed to be served as garnishee, is or are not an inhabitant or inhabitants of the county within which the same shall issue, or that he or she verily believes that there is just cause to fear that such person or persons is or are about to depart and remove from the same, it shall and may be lawful for the plaintiff to cause to be inserted in the body of the writ of attachment, a clause of *capias* against all such person and persons as aforesaid, upon whom the same shall be directed to be served as garnishee, and he, she or they, shall thereupon be held to sufficient sureties to appear at court, and to make answers as by this act is required; and further, render his, her or their bodies to the prison of the proper county, or to pay the condemnation money, if judgment shall pass against him, her or them.

In what case
a *capias* may
issue against
a garnishee.

Passed 28th September, 1789.—Recorded in Law Book No. III. page 557.

CHAPTER MCCCXL.

An ACT for the inspection of Shingles.

SECT. I. WHEREAS the inspection laws of this state have been found beneficial to commerce, and productive of fair dealing between individuals, but the same are not sufficiently extensive: Therefore,

SECT. II. *Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same*, That no shingles shall be exported from this state, unless the same shall be of one of the kinds hereinafter mentioned and described, viz.

Dimensions
of shingles
for exporta-
tion.

Shingles of the first kind, shall be two feet nine inches at least in length, five and an half inches at least in width, and of such thickness, that, when dressed, they may remain at least half an inch thick at every place between the butt end and a distance of ten inches from the same.

Shingles of the second kind shall be twenty-four inches at least, and not more than twenty-six inches in length, five inches at least in width, and of such thickness, that when dressed, they may remain at least half an inch thick at every part between the butt end and a distance of seven inches therefrom. 1789.

Shingles of the third kind shall be at least eighteen inches, and not more than twenty inches long, nor less than four inches wide, and of thickness sufficient to remain, when dressed, three eighth parts of an inch thick at every place between the butt end and a distance of six inches from the same.

And every of the said kinds of shingles shall be made of sound wood, free from splits, and in other respects of merchantable quality; and every exporter of shingles shall, previously to lading the same on board any vessels, submit them to the inspection of an officer for such purpose legally appointed.

SECT. III. *And be it further enacted by the authority aforesaid,* That the officer who now is, or hereafter may be, appointed to inspect staves and heading, shall be the officer for inspecting shingles, in conformity to the directions of this act, and shall be authorized to appoint deputies; and the said officer and his deputies shall respectively have all the powers and authorities, respecting the culling and inspecting shingles, which the officer, or his deputies, for the culling and inspecting staves and heading now by law have, with respect to staves and heading: And if the determination of any such officer shall be disputed, a like review shall be allowed, and on the like terms, as by the laws in force are directed with respect to staves and heading; and like penalties shall be adjudged, inflicted and recovered, for offences against this act, as would legally be adjudged, inflicted and recovered, for similar offences against the laws for the inspection of staves and heading; and all fines shall be applied and appropriated in like manner.

Inspector of staves and heading to inspect shingles. [See post. chap. 1869. 17th of March, 1796.]

Proceeding, if his decision is disputed.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said officer, or his deputies, when thereunto required, shall inspect, count and cull, conformably to the directions of this act, all shingles intended to be exported, and shall keep a like record thereof, as is required by law with respect to staves and heading, to which recourse may in like manner be had for similar fees and allowances; and the following fees shall be allowed for inspecting, culling and counting of shingles, viz. for the first and second kinds, eighteen pence per thousand; for the third kind, one shilling per thousand; which fees shall be paid by the exporter or purchaser, provided the shingles shall be adjudged merchantable, and by the seller, provided the same shall be deemed unmerchantable; and whenever shingles are offered for inspection in bundles, which require to be opened by the officer, the expense of putting up the same again (if so wanted) shall be borne by the seller.

Duty of the Inspector;

his fees;

SECT. V. *And be it further enacted by the authority aforesaid,* That before the said officer, or any deputy, shall proceed to the execution of this act, he shall take an oath or affirmation, "faithfully and impartially to perform his duty or trust according to the directions of this act, to the best of his judgment;" which oath shall be

and qualification.

1789. administered to him, and a record thereof kept, as is by law directed respecting the inspectors of staves and heading, the expense whereof shall be paid by such officer.

Period when
this act com-
mences.

SECT. VI. *And be it further enacted by the authority aforesaid,* That this act shall take effect, and be in force, from and immediately after the first day of March next.

Passed 29th September, 1789.—Recorded in Law Book No. IV. page 11. (z)

(z) By an act passed 5th of April, 1790, chap. 1503, the operation of this act was suspended until the 1st of January, following: And by the third section of the same act, it was enacted, That shingles of the third kind, mentioned in the act in the text, when sold in bundles, shall be packed in a close and compact manner, in the same bun-

dles, each of which shall contain one hundred and twenty-five shingles, and no more, and each row in every of the said bundles shall contain three shingles, and no more, and shall measure fifteen inches, and that no such shingles shall measure less than three inches and an half in breadth.

CHAPTER MCCCXLII.

An ACT to cede to and vest in the United States, the light-house at Cape Henlopen, and all the beacons, buoys, and public piers, together with the lands and tenements thereunto belonging, and together with the jurisdiction of the same.

SECT. I. WHEREAS, by an act of the Senate and House of Representatives of the United States, in Congress assembled, approved the seventh day of August, in the year of our Lord one thousand seven hundred and eighty-nine, by the President of the United States, entitled "An act for the establishment and support of light-houses, beacons, buoys, and public piers," provision is made, "That all expenses which shall accrue, from and after the fifteenth day of August, one thousand seven hundred and eighty-nine, in the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, and public piers, erected, placed, or sunk, before the passing of the said act, at the entrance of, or in any bay, inlet, harbour, or port of the United States, for rendering the navigation thereof easy and safe, shall be defrayed out of the treasury of the United States;" under this proviso, nevertheless, "That none of the said expenses shall continue to be so defrayed by the United States, after the expiration of one year from the day aforesaid, unless such light-houses, beacons, buoys, and public piers, shall, in the mean time, be ceded to and vested in the United States, by the state or states, respectively, in which the same may be, together with the lands and tenements thereunto belonging, and together with the jurisdiction of the same:" And whereas, by the constitution of the United States, the Congress thereof are vested with the power of regulating the commerce of the Union, and it is necessary that the jurisdiction, property, and control of the light-houses, beacons, buoys, and public piers, should be ceded and vested in them, for the purpose of carrying such power into complete effect:

SECT. II. *Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,*