

shall private property be taken for public use, without just compensation. 1790.

Article 8. In all criminal prosecutions, the accused shall enjoy eighth; the right of a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour; and to have the assistance of counsel for his defence.

Article 9. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law. ninth;

Article 10. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. tenth;

Article 11. The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people. eleventh;

Article 12. The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people. twelfth;

Be, and they are hereby, ratified on behalf of this state, to become, when ratified by the Legislatures of three fourths of the several states, part of the constitution of the United States. proposed by Congress.

Passed 10th March, 1790.—Recorded in Law Book, No. IV. page 70.

CHAPTER MCCCCLXXXII.

An ACT to provide for the more effectual relief of the widows and children of the officers and privates of the militia who have lost their lives in the service of their country.

SECT. I. THE benevolent provisions heretofore made by the Legislature of this state for the widows and children of the officers, non-commissioned officers and private men of the militia, who have been killed or died of their wounds in the service of this state or of the United States, having, from several causes, proved ineffectual:

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* the widows of such officers, non-commissioned officers, and private men of the militia, who, at the time of their being called into service, resided within this state, and who have been killed or have died of their wounds, received in the service of this State or of the United States, shall, during their widowhood, be respectively entitled to receive pensions, not exceeding the half pay and value of the rations that, such officer or private was entitled to at the time of his death; and that in case any such widow hath since departed this

Pensions to be allowed to the widows of officers, non-commissioned officers and privates, who died in the service.

1790. life, or hath married again, or such officer or private left no widow, the child or children of such officer or private shall be entitled to the like pension, or such proportionable part thereof, as upon the circumstances of the case, and conformably to the true intent and meaning of this act, the Justices of the court hereinafter mentioned shall adjudge reasonable and just, until such child or children, respectively, shall attain the age of fourteen years; and the said court shall appoint one or more suitable persons to be guardians of such child or children, for the purpose of receiving and applying the said pensions, or proportionable parts of pensions.

In case the widow is dead, or married again, the pension to be allowed to the children till they are 14. Guardian to be appointed.

Mode of applying to obtain the benefit of this act; and proofs to be made.

Certificates to be granted.

and transmitted to the Comptroller, who may direct a revision.

Certificates to be examined, and registered and transmitted to the Executive, who shall draw orders.

SECT. III. *And be it further enacted by the authority aforesaid,* That every person claiming the benefit of this act shall make application to the Orphans' court of the county, wherein he or she may reside; and it shall be lawful for such court, upon due proof to them made that such applicant is the widow or lawfully begotten child of such officer or private; if a widow, that she remains unmarried; if a child, that he or she is under the age of fourteen years; that such officer or private was at the time of being called into service, resident within this state, and was killed or died of his wounds, received in the actual service of this state or of the United States; to grant a certificate, setting forth the name, age, rank, and regiment or other corps, in which such officer or private served at the time of his death, the time, place and manner of his death, and the pension to which they have adjudged such applicant entitled according to this act; which certificate shall be transmitted to the Comptroller-General of this state, who shall examine the same, and, if need shall be, return it to the said court to be revised and corrected in manner hereinafter mentioned.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the Comptroller-General shall cause all such certificates, as shall be by him examined and approved, to be registered in alphabetical order, and, having first submitted the same to the examination of the Register-General, shall transmit such certificates to the Supreme Executive Council, who are hereby authorized to draw orders upon the state treasurer for payment thereof.

SECT. V. And as it is expedient from time to time to revise the orders, adjudications and decrees, which have heretofore been made by virtue of the act of Assembly, entitled "An act for the more effectual supply and honourable reward of the Pennsylvania troops, in the service of the United States of America," passed the first day of March, one thousand seven hundred and eighty; the act, entitled "A supplement to the act, entitled "An act for the more effectual supply and honourable reward of the Pennsylvania troops, in the service of the United States of America," and the act, entitled "An act to settle and adjust the accounts of the troops of this state, in the service of the United States, and for other purposes thereinafter mentioned," passed the first day of October, one thousand seven hundred and eighty-one, or which may be made by virtue of this act: *Be it enacted by the authority aforesaid,* That the Justices of the Orphans' Court, in their respective counties, shall have power, as often as they respectively shall think proper, and are hereby required, at least once in every year, to revise the re-

Orphans' court to revise their orders for pensions.

spective orders, proceedings and adjudications, which by virtue of the before mentioned acts have been made, or by virtue of this act shall be made, in their respective counties, and to cause any such pensioner or pensioners, or the guardians of any such pensioner or pensioners, to appear before them, with such evidence as may be necessary; and may and shall thereupon make new orders, adjudications and certificates, as the nature of the case and the true construction of the before mentioned act, or of this act, may require; and if any alteration or further order may be made, it shall be certified in manner aforesaid, for the purposes aforesaid.

[SECT. VI. *And be it further enacted by the authority aforesaid,* That so much of the act of Assembly, entitled "An act for the regulation of the militia of the commonwealth of Pennsylvania," passed the twentieth day of March, one thousand seven hundred and eighty, as authorizes and directs the Justices of the Orphans' Court in the several counties to draw orders on the county Lieutenants in the cases therein mentioned, shall be, and is hereby, repealed.]

1790.

Repeal of so much of a former act, as directs the orphans' court to draw for pensions. [The militia law here referred to, is itself repealed.]

Passed 27th of March, 1790.—Recorded in Law Book No. IV. page 79. (c)

(c) Respecting pensions, see the act passed 18th of September, 1777, (chap. 752,)—1st of March, 1780, (vol. 1, pa. 487, chap. 869,)—10th of April, 1781, (chap. 930,)—1st of October, 1781, ante. pa. 8, (chap. 944,)—31st of January, 1783, (chap. 991,)—22d of September, 1785, (chap. 1183,)—10th of March, 1787, (chap. 1260,) and 20th of November, 1789, (chap. 1455.)

By the act of 22d of September, 1785, (which repealed every preceding act and regulation for granting and paying pensions to disabled officers, non-commissioned officers, privates mariners and seamen.) The power to decide on applications for pensions was vested in the Orphans' courts of the respective counties; but by the act of 10th of March, 1787, that jurisdiction was transferred to the Supreme court. An authority was also given to the executive, to form a corps of invalids, to guard the public records at the State-house,

which was likewise rescinded by act of 27th of March, 1789, (chap. 1404, § 4,) which latter act (§ 4,) at the same time (contemplating the provision made upon the subject by Congress) declared that so much of the act of 22d September, 1785, (or of any other act) as authorized or required the payment of pensions to the persons in that act described, beyond the 1st of May, 1789, should be void. A temporary appropriation of money, however, was made, for the immediate relief of the pensioners by the act of 20th of November, 1789, upon an assignment of an equal amount of their pensions payable at the treasury of the United States on the 5th of March, 1790.

The offices of Comptroller and Register-General, mentioned in the act in the text, are abolished, and the duties transferred to other officers, see the act of 30th of March, 1811.

CHAPTER MCCCCLXXXIII.

An additional SUPPLEMENT to the several acts of Assembly respecting public auctions and auctioneers.

SECT. I. WHEREAS the acts of Assembly now in force in this commonwealth, for regulating sales by public auction within the districts in the same acts specified, have been found defective in some important particulars: 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 it

[See vol. 1, pa. 509, chap. 908, and the notes thereto, for a reference to all the laws respecting auctions.]