

1793. counsel, under the direction of the court, and shall be tried by a jury of the county forthwith, as in such courts is usual and customary in other disputed facts, unless the parties shall agree to refer the matters in variance by rule of court, as usual in other cases in the said courts.

Passed 9th February, 1793.—Recorded in Law Book No. V. page 28.

CHAPTER MDCXLIV.

An ACT to confirm Daniel Leet's survey of a town and out-lots at the mouth of Beaver creek, and to supersede the powers heretofore given to certain commissioners for superintending the said survey.

[Ante, chap.
1589, pa. 56.]

WHEREAS in and by an act of the General Assembly of this commonwealth, entitled "An act to empower the Governor to lay out a town and out-lots at the mouth of Beaver creek, for the uses therein mentioned," passed on the twenty-eighth day of September, in the year one thousand seven hundred and ninety-one, it is, among other things, provided, "That the said town and out-lots shall be laid out, or caused to be laid out, by the Surveyor-General, in such manner as commissioners appointed by the Governor shall direct:" And whereas the Surveyor-General deputed and authorized Daniel Leet, one of the deputy-surveyors, to lay out the said town and lots, but the said commissioners not being able to attend, the said Daniel Leet surveyed and laid the same out in their absence, and without their direction: And whereas the survey so made by the said Daniel Leet corresponds with the original design, and has received the approbation of the General Assembly: Therefore,

Daniel
Leet's sur-
vey con-
firmed.

SECT. I. *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 Daniel Leet shall return the survey of a town and out-lots at the mouth of Beaver creek, by him made, to the Surveyor-General, and the same shall thereupon be deemed and taken to be as valid and effectual, to all intents and purposes, as if it had been made in the presence and by the direction of the commissioners appointed by the Governor, in pursuance of an act, entitled "An act to empower the Governor to lay out a town and out-lots at the mouth of Beaver creek, for the uses therein mentioned," passed on the twenty-eighth day of September, in the year one thousand seven hundred and ninety-one: and the Governor shall proceed to make sale of the town-lots and out-lots contained in said survey, and grant conveyances therefor, in the same manner, and under the same regulations, exceptions and reservations, as are prescribed in the said recited act of the General Assembly.*

The gover-
nor to sell
the lots
therein.

The appoint-
ment of com-
missioners
annulled.

SECT. II. *And be it further enacted by the authority aforesaid, That so much of the aforesaid recited act, as authorizes the Governor to appoint commissioners for the purposes therein mentioned, and the powers and authority of the said commissioners, appointed*

in pursuance thereof, shall henceforth cease, determine, and be forever void. 1793.

Passed 6th March, 1793.—Recorded in Law Book No. V. page 49.

CHAPTER MDCXLV.

A SUPPLEMENT to the act, entitled "An Act to regulate the trials of contested elections."

SECT. I. *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 in all contested elections of a Governor, or member of either branch of the legislature of this commonwealth, the person returned, and the candidate next highest in votes, shall be the parties in the trial thereof; and in case of the absence or neglect of such person next highest in votes, any one of the petitioners, duly qualified, who have signed the petition against such election, taking precedence according to the order in which they have signed the same, shall be considered as one of the parties.

(Ante. chap. 1574, pa. 43.)
Who shall be parties in case of a contested election for governor

SECT. II. *And be it further enacted by the authority aforesaid,* That if either or both of the parties shall neglect to attend, for the purpose of objecting to and striking from the names drawn in pursuance of the provisions of the first and second sections of an act passed on the twenty-ninth day of September, one thousand seven hundred and ninety-one, entitled "An Act to regulate the trials of contested elections," the members of the Senate and of the House of Representatives jointly, or the members of either house separately, as the case may require, shall appoint one of their own number, in the place of either or both of the said parties so neglecting to attend, which member or members, so as aforesaid appointed, shall have full power and authority to do and perform every act and thing touching the same, in as valid and effectual a manner, as if the party or parties were personally present.

If the parties neglect to strike the committee, a member to be appointed for that purpose.

SECT. III. *And be it further enacted by the authority aforesaid,* That no order shall be taken on any petition, unless the same is accompanied by a certificate from the treasurer, prothonotary, or any of the commissioners of the county or counties in which the petitioners reside, setting forth that the said petitioners, or as many of them as are required by the law to which this is a supplement, were, at the time of signing such petition, duly qualified electors.

Petitioners against an election to be qualified electors.

SECT. IV. *And be it further enacted by the authority aforesaid,* That all witnesses sent for and attending the trial of contested elections shall be allowed six cents for every mile of the distance necessarily travelled by them, in coming to and returning from the place of such trial, and shall be allowed the sum of one dollar and thirty-three cents for every day they may be detained at the place of such trial; which mileage and expenses, as well as the expense of summoning the said witnesses, shall be taxed by the said committee appointed to try the election, and certified by their chairman

Allowance to witnesses for travelling and attendance:

How to be taxed, certified, and paid.