

the freemen of the townships of Air and Bethel, in the county of Bedford, to attend the annual election at the house of John Burd, in the second district of said county, as by the above-recited act is directed:

Therefore:

[Section II.] (Section IV, P. L.) Be it enacted by the authority aforesaid, That henceforth the said townships of Air and Bethel shall be a fifth district of the said county of Bedford for the purpose of such annual election, and that the freemen of the said townships shall hereafter meet on the day appointed by the constitution of this commonwealth for such election at the house of William Hart, in the said township of Bethel, and then and there elect members of general assembly and other elective officers for said county according to the said constitution and the laws in such case made and provided, and a return of such elections shall be made in the same manner as the laws of this commonwealth direct for other districts, anything in the above-recited act to the contrary in any wise notwithstanding.

Passed September 20, 1780. See the note to the Act of Assembly passed June 14, 1777, Chapter 757. Recorded L. B. No. 1, p. 399, &c.

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## CHAPTER CMXV.

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### A SUPPLEMENT TO THE ACT ENTITLED "AN ACT FOR REGULATING AND ESTABLISHING ADMIRALTY JURISDICTION."<sup>1</sup>

(Section I, P. L.) Whereas by the act of assembly, entitled "An act for regulating and establishing admiralty jurisdiction,"<sup>1</sup> passed the eighth day of March last, no provision is made for the trial of capital and criminal offenses committed at sea previous to the passing of the said act, and it is reasonable that the same mode [of trial] should be adopted for offenders of this kind before the said time as since and it is necessary that all such offenders should be duly punished:

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<sup>1</sup>Chapter 887.

[Section I.] (Section II, P. L.) 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, That all traitors, pirates, felons and criminals who have offended upon the seas or within the admiralty jurisdiction on or before the said eighth day of March last may and shall be inquired of, tried, adjudged and punished in the same manner, at any admiralty sessions to be held for the trial of such offenses as if the same had been committed since the aforesaid day; and if any person or persons happen to be indicted for any such offense done or hereafter to be done upon the seas, or in any other place within the admiralty jurisdiction, or as accessaries before or after the fact, either on the land or upon the seas, by a grand jury [for] the city or county of Philadelphia or for either of them, before the judges, or any two of them, of the court of admiralty sessions mentioned in the act to which this is a supplement, that then such order, process, judgment and execution shall be used, had, done and made to and against every such person and persons so being indicted, as against traitors, felons, murderers and other criminals, for treason, felony, robbery, murder, manslaughter or other like offense done upon the land within the said city or county as by the laws of this commonwealth is accustomed; and the trial of such offense or offenses, if it be denied by the offender or offenders, shall be had by twelve lawful men of the said city and county of Philadelphia, or either of them; and such as shall be convicted of any such offense or offenses, by verdict, confession or otherwise in the said court, shall have and suffer such pains of death, losses of lands, goods and chattels and other punishment as if they had been convicted and attainted of any treasons, felonies, robberies or other the said offenses done upon the land, and shall be utterly excluded the benefit of clergy where the same is taken away or not admitted for such like offense committed within the body of a county or on land.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any of the subjects of this state or any of the United States of America shall commit any piracy

or robbery or any act of hostility against other the subjects of this state or of any of the other United States of America, upon the sea, under color of any commission from any foreign prince or state, or pretence of authority from any person whatsoever, such offender and offenders and every of them shall be deemed, adjudged and taken to be pirates, felons and robbers, and they and every of them being duly convicted thereof, according to the act of assembly above recited for regulating and establishing admiralty jurisdiction or this act, shall have and suffer such punishment and forfeitures as pirates, felons and robbers upon the seas ought to have and suffer.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any commander or master of any ship or any seaman or mariner shall, in any place where the admiralty hath jurisdiction, betray his trust and turn pirate, enemy or traitor and piratically and feloniously run away with his or their ship or ships, or any barge, boat, ordinance, ammunition, goods or merchandises or yield them up voluntarily to any pirate, enemy or traitor, or bring any seducing message from either of them, or consult, combine or confederate with, or attempt or endeavor to corrupt any commander, master, officer or mariner to yield up or run away with any ship, goods or merchandise or turn pirate, or go over to pirates or enemies; or if any person shall lay violent hands on his commander, whereby to hinder him from fighting in defense of his ship and goods committed to his trust or shall confine his master or make or endeavor to make a revolt in his ship, he shall be adjudged [to be] a pirate, felon and robber, and being convicted thereof as aforesaid shall have and suffer such pains of death, loss of lands, goods and chattels as pirates, felons and robbers upon the seas ought to have and suffer.

(Section V, P. L.) And whereas, complaint has been made that many soldiers have deserted from the armies of the United States of America and entered on board private armed ships, and when in foreign ports have deserted them, whereby the states have been greatly injured in the loss of soldiers and subjects:

[Section IV.] (Section VI, P. L.) Be it therefore enacted

by the authority aforesaid, That every captain, master or other officer belonging to any vessel who shall receive or entertain any deserter, knowing him to be such, shall forfeit and pay to this commonwealth the sum of ten thousand pounds, to be recovered by seizure of his or their goods and chattels, or of moneys in the hands of the marshal or agents, or where a sufficient sum of money cannot be obtained through the above means then and in that case to suffer one year's imprisonment without bail or mainprise.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That all shares of prizes and wages to which deserters from the armies of the United States of America who have or shall enter on board any private ship of war or other vessel that are or may hereafter be entitled to, shall be confiscated and forfeited to the use of this commonwealth and applied for the recruiting the line of this state in the federal army, and all wills and powers, letters of attorney, deeds of sale and every other species of conveyance executed by such deserters, either before the sailing of such vessels or at any time after their return, sending prizes into any port of this state, before the marshal of the admiralty court has given notice of his being fully prepared [fully] to pay shares of prizes to persons entitled to receive them shall be null and void; and if, after the publication of this act the marshal of the admiralty court or any agent shall advance goods or money to any person discovered to be a deserter before the marshal shall have given notice that he is ready to fully pay all shares of prizes, such advance shall be at the risk and loss of the person advancing it.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That his excellency the president or honorable vice-president and executive council of this state be authorized to appoint an agent and proper persons under him to visit all vessels in the ports of this state on board of which it may be suspected deserters are entered or engaged, and there demand of the senior officer on board the roll of his crew, and that each man, when his name is called over, shall be shown to the person or persons authorized as above, and

all such as are claimed as deserters shall be delivered up, and in case the officer immediately commanding on board any vessel shall refuse to produce his roll, show the men or deliver up such as shall be claimed as deserters, he shall forfeit and pay the sum of ten thousand pounds, to be recovered by an action to be brought for that purpose, or suffer one year's imprisonment, which penalty shall also be incurred by every person obstructing such search, and it shall be the proper business of the above-mentioned agent to give notice to the marshal of all deserters by him or the persons under him discovered, and claim and receive their shares of prizes and wages and pay the same unto the state treasurer.

(Section IX, P. L.) And whereas, it is found by experience inexpedient to continue the eleventh section in the act to which this is a supplement any longer in force:

[Section VII.] (Section X, P. L.) Be it enacted by the authority aforesaid, That the said section "providing that nothing in the said act contained, which might contradict or interfere with the directions of an act of assembly of this commonwealth, entitled 'An act for the effectual suppression of public auctions and vendues, and to prohibit male persons capable of bearing arms from being peddlers and hawkers,'<sup>1</sup> passed on the twenty-sixth day of November last, should have effect or be in force for and during the continuance of the said-recited act," be and the same is hereby repealed and made void, and all prizes and property condemned by the judge of the admiralty in pursuance of the directions of the said act, except negroes and mulattoes, may and shall be sold at public auction by the marshal of the said court of admiralty to the highest bidder for the same, which sale shall commence within twelve days after such condemnation, on giving six days' previous notice thereof, as well in hand bills as in one or more of the public newspapers of the city of Philadelphia, and the said sale shall be continued without unnecessary intermission until the whole are sold; and the net proceeds thereof be distributed as by the said act is prescribed, which distribution shall by him be made within twenty days after such sale is completed, under the

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<sup>1</sup> Passed November 26, 1779, Chapter 870.

penalty of twenty per centum for the sum so neglected to be paid, to be recovered in an action brought for the same. Provided always, That persons legally authorized shall appear and make demand thereof agreeable to the mode prescribed by the act to which this is a supplement.

[Section VIII.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That in case any vessels, goods, wares or merchandise so as aforesaid sold by the marshal shall not be paid for by the purchaser within three days after the sale thereof, that then the said marshall shall or may again expose such vessels, goods, wares or merchandise to public auction for the account of the captors, and having disposed of them for money, shall and may recover against the first purchaser all loss whatsoever which may arise on such second sale, together with costs, damages and charges, in any court of common pleas within this commonwealth.

[Section IX.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That all other parts of the act of assembly before recited, and to which this is a supplement, not hereby altered or supplied, shall remain, continue and be in full force and virtue.

Passed September 22, 1780. See the note to the Act of Assembly passed March 8, 1780, Chapter 887, and the Act of Assembly passed March 28, 1787, Chapter 1281. Recorded L. B. No. 1, p. 399, &c.

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## CHAPTER CMXVI.

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A SUPPLEMENT TO THE ACT ENTITLED "AN ACT FOR THE REGULATION OF THE MILITIA OF THE COMMONWEALTH OF PENNSYLVANIA."<sup>1</sup>

(Section I, P. L.) Whereas, the mode of determining the bounty of the militia while in actual service by the justices of the several courts of quarter sessions, as directed by the act above mentioned, has been found on experience inconvenient

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<sup>1</sup> Passed March 20, 1780, Chapter 902.