

lands or any part thereof and whose demands for such services still remain unsatisfied being adjusted and settled as the law directs to draw orders for the amount of the balances due to such deputy surveyors respectively on the treasurer of this state, who shall pay the amount of such orders out of the fund appropriated for claims and improvements by an act entitled, "An act to appropriate divers funds accruing and growing due to this commonwealth towards the expenses of government and to provide a fund for other purposes:"<sup>1</sup> Provided the payment of such orders shall not interfere with the appropriation of part of the said fund, made and directed by an act, entitled "An act to appropriate the sum of five thousand pounds annually for the purposes therein mentioned";<sup>2</sup> any act or part of an act to the contrary hereof in anywise notwithstanding.

[Section II.] (Section III, P. L.) Be it further enacted by the authority aforesaid, That whensoever a sum sufficient to replace the sums which may or shall be paid by virtue of this act shall be raised and paid into the treasury of this state by the sales of the said depreciation lands or any part or parts thereof, so much of the moneys arising from such sales as shall be equal to the amount of the sums which may or shall be paid by virtue of this act shall be applied to the said fund set apart for claims and improvements as aforesaid to replace the sums for which orders shall be drawn in pursuance of directions of this act.

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Passed March 3, 1790. Recorded L. B. No. 4, p. 64.

<sup>1</sup> Passed March 26, 1789, Chapter 1404.

<sup>2</sup> Passed September 28, 1789, Chapter 1446.

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## CHAPTER MCDLXXXVIII.

### AN ACT RELATING TO THE SECURITIES TO BE GIVEN BY SHERIFFS AND CORONERS.

(Section I, P. L.) Whereas the security heretofore given by sheriffs and coroners for the faithful execution of their respective offices being of a personal nature is inadequate to the importance of the trusts reposed in them

[Section I.] (Section II, P. L.) 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 before any commission shall be granted to the sheriff or coroner of the city and county of Philadelphia or of any county in this state he shall enter into a recognizance before the president and supreme executive council or before commissioners by them for that purpose specially to be appointed in the several sums which by law the sheriffs and coroners of the city and county of Philadelphia and of each respective county are now required to give bond in, which recognizances shall be in the nature and effect of judgments obtained in the supreme court and shall bind the lands, tenements and hereditaments of the said sheriffs and coroners in the same manner as such judgment to the amount of the security by law required in each county respectively and to prevent injury to purchasers the said recognizances shall, as soon as may be after taking the same be delivered to and filed by the prothonotary of the supreme court who shall cause a docket to be made of the same for the information of persons applying and such sheriff or coroner shall also find two or more sufficient sureties to be approved by the president and supreme executive council who shall become bound to this commonwealth in the sum of money herein directed for the faithful performance of the respective trusts and duties of such sheriff or coroner which bonds, the execution thereof being first proved before the president of the court of common pleas of the respective county or in case of his death or absence before one of the judges of the said court shall be delivered to and filed by the prothonotary of the supreme court and copies of such bonds authenticated under the seal of the supreme court shall be admitted as legal evidence in any suit or suits that shall be brought thereon against the obligators, their heirs, executors or administrators.

(Section III, P. L.) That when the commonwealth or any individuals shall be aggrieved by the misconduct of any sheriff or coroner it shall be lawful as often as the case may require to institute actions of debt or of scire facias upon such recognizance against such sheriff or coroner, their heirs, executors

or administrators, or actions of debt upon such bonds against such sureties, their heirs, executors or administrators and if upon such suits it shall be proved what damage hath been sustained and a verdict and judgment be thereupon given execution shall issue for so much only as shall be found by the said verdict and judgment with costs, which suits may be instituted and the like proceedings be thereupon had as often as damage is so aforesaid sustained. Provided that such suits against such sureties shall be instituted within seven years after the date of their several bonds.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That until such securities shall be given as aforesaid all commissions granted to and all acts and things whatsoever done by any such sheriff or coroner under color of office shall be void and of none effect.

Passed March 5, 1790. Recorded L. B. No. 4, p. 65. See the note to the Act of Assembly passed August 24, 1717, Chapter 222; and the Act of Assembly passed March 12, 1791, Chapter 1532.

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## CHAPTER MCDLXXXIX.

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AN ACT TO SUSPEND FOR A LIMITED TIME SO MUCH OF THE ACT OF ASSEMBLY TO REGULATE THE FISHERY IN THE RIVERS CODORUS AND CONEWAGO IN YORK COUNTY AS RELATES TO THE ERECTING OF PLATFORMS TO THE DAMS THEREIN MENTIONED.

(Section I, P. L.) Whereas complaints have been made by a number of the inhabitants of the borough and county of York that they are deprived of the benefit of fish in the rivers Codorus and Conewago by the obstructions on said rivers and praying for an amendment to the act passed the ninth day of March one thousand seven hundred and seventy-one entitled "An act for regulating the fishery in the rivers Codorus and Conewago in York County."<sup>1</sup>

And complaints also from the owners of said dams together with a number of the inhabitants of said county that some of the water works have lately been renewed at very great expense to the owners and are also of public utility to the community at large and that the platforms prayed for by the pe-