

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

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.

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.

Passed March 10, 1790. Recorded L. B. No. 4, p. 70

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### CHAPTER MCDLXCIII.

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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.

(Section I, P. L.) 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:

[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 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 in case any such widow has since departed this 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 such pensions or proportionable parts of pensions.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That every such 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, if 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.

[Section III.] (Section IV, P. L.) 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.

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 honorable reward of the Pennsylvania troops in the service of the United States of America"<sup>1</sup> 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 honorable 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 thereafter mentioned,"<sup>2</sup> passed the first day of October one thousand seven hundred and eighty-one or which may be made by virtue of this act.

[Section IV.] (Section V, P. L.) 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 respective 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 beforementioned 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 purpose aforesaid.

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<sup>1</sup> Chapter 880.

<sup>2</sup> See Chapter 955.

Passed March 27, 1790. Recorded L. B. No. 4, p. 79. See the Act of Assembly passed April 11, 1793, Chapter 1696; April 9, 1799, Chapter 2068.

[Section V.] (Section VI, P. L.) 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 herein mentioned shall be and is hereby repealed.

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## CHAPTER MCDLXCIV.

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### AN ADDITIONAL SUPPLEMENT TO THE SEVERAL ACTS OF ASSEMBLY RESPECTING PUBLIC AUCTIONS AND AUCTIONEERS.

(Section I, P. L.) 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:

[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 it shall and may be lawful for the president or vice president in council to appoint and license two additional auctioneers, one for the city of Philadelphia, and one for the Northern Liberties for the sale of estates, real and personal within the same respectively who shall continue in office for and during the will and pleasure of the said president and council and shall severally give bond to the president and his successors with two or more sufficient securities in the sum of two thousand pounds conditioned for the faithful discharge of their and every of their respective duties and for well and truly performing the terms and payments in and by this act and the several acts of general assembly to which this is a supplement directed and required, and the said auc-