

of the poor of the city, district or township as aforesaid, and the other half to the person or persons who shall sue for and recover the same.

Approved March 25, 1805. Recorded in L. B. No. 10, p. 132.

Note ('). Chapter 2388. Supra, this volume, p. 469.

CHAPTER MMDLXXXII.

AN ACT EXPLANATORY OF THE ACT, ENTITLED, "AN ACT TO REGULATE THE PAYMENT OF COSTS ON INDICTMENTS." (').

Whereas the act entitled, "An act to regulate the payment of costs or indictments,"⁽¹⁾ has been construed by some courts of justice, to be of force, and by others not of force: Therefore, in order to prevent any mischief which might arise from such difference of construction,

Section I. (Section I, P. L.) 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 the act, entitled, "An act to regulate the payment of costs on indictments" shall be considered in full force and operation, and the proceedings and adjudications had by any court of justice, agreeably to the provisions of the said act, are declared to be lawful and valid.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That in all cases where two or more persons have committed an indictable offense, the names of all concerned (if a prosecution shall be commenced) shall be contained in one bill of indictment, for which not more costs shall be allowed than if the name of one person only was contained therein.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the prosecutor, witness or witnesses marked on any bill of indictment which may be

tried, shall be competent to give testimony as to the facts charged therein.

Recorded in L. B. No. 10, p. 135.

Note (*). Chapter 2525. Supra, this volume, p. 882.

(Note. The original act, December 7, 1804, (Chapter 2525), and the second section of this act made perpetual by an act passed 29th March, 1809; Chapter 3081; 18 Statutes at Large, which also supplies the third section of this act.

TO THE SENATE AND HOUSE OF REPRESENTATIVES
OF THE COMMONWEALTH OF PENNSYLVANIA.

Gentlemen,

THE bill, entitled, An act explanatory of the act, entitled, "An act to regulate the payment of costs on indictments, which was presented to me on Saturday the sixteenth instant, has not been returned within ten days, (Sundays excepted) so that it is now become a law: I have directed it to be returned to the House of Representatives, in which it originated.

THOMAS M'KEAN.

Lancaster, March 28th, 1805.

WE certify that the foregoing is a true copy of a message of the Governor, transmitted on the day of its date, (together with the act referred to therein) to the Senate and House of Representatives.

GEORGE BRYAN, Clerk
of the Senate.

MATTHEW HUSTON, Clerk
of the House of Representatives.

CHAPTER MMDLXXXIII.

AN ACT FOR THE RELIEF OF BENJAMIN CLARK.

Whereas it has been represented to the legislature, that Benjamin Clark, now an inhabitant of Greene county, entered the service of his country for three years, in the revolutionary war, under the command of captain Kilgore, in the eighth Pennsylvania regiment; that he has faithfully fulfilled the