

# A C T S

OF THE

## General Assembly of Pennsylvania.

Passed at a Session which commenced February 1st, 1779,  
and ended April 5th, 1779.

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JOSEPH REED, PRESIDENT OF THE EXECUTIVE COUNCIL.  
JOHN BAYARD, SPEAKER OF THE GENERAL ASSEMBLY.

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1779.

### CHAPTER DCCCXXI.

*A SUPPLEMENT to an act, entitled An act for the attainder of divers traitors, if they render not themselves by a certain day, and for vesting their estates in this commonwealth; and for more effectually discovering the same; and for ascertaining and satisfying the lawful debts and claims thereupon.*

[See the original act, ante, chap. 773, pa. 449, and post, chap. 884, an error in the date of this act amended "March," substituted for "April."]

WHEREAS, in and by the act above mentioned, passed at Lancaster the sixth day of March, in the year of our Lord one thousand seven hundred and seventy-eight, it is enacted, that the President or Vice-President and Council may and shall, within twelve months after the claims and debts upon the estates therein described shall be respectively adjudged, or in case there shall be no debts, sell, or cause the said estates to be sold, by auction, to the best and highest bidder.

II. And whereas it is highly necessary and expedient to compel an exhibition of such debts or demands in a reasonable time, and prevent further waste and spoil of the said estates, and to make reasonable provision for the defence of the state, and the contingent charges thereof, that the said estates, both real and personal, should be sold, without further delay, and the monies thence arising carried into the public treasury, for the purposes aforesaid.

III. *Be it therefore enacted, and it is hereby enacted,* That the President or Vice-President and Council may and shall, with all convenient speed, sell, or cause to be sold, by public auction, to the best and highest bidder, all and every the estates of traitors duly forfeit-

The Council to sell the estates of traitors at public auction.

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ed to this commonwealth by virtue of the act, to which this is a supplement, or by virtue of any judgment of any court of law within this state, and cause the monies arising from such sales to be paid into the public treasury of this commonwealth, in manner hereinafter directed, any thing in the said act to the contrary notwithstanding (except that part of the estate of Joseph Galloway which is appropriated by an act, entitled *An act for vesting the house and lots therein described in trustees, for the use of the President of the Supreme Executive Council of the State for the time being.*)

Claims on the said estates to be made within six months.

IV. *And be it further enacted,* That whenever such intended sales shall be advertised, public notice shall also be given that the creditors of the said traitors, and all claimants upon the said respective estates, exhibit their several claims and demands to the Justices of the Supreme Court for payment or satisfaction, as is by the said act directed, within six months thereafter, if residents within this state, or within twelve months, if residents in any other of the United States, or be for ever barred from the recovery thereof.

Provide as to minors, &c.

V. *Provided always nevertheless,* That if any such creditor or claimant shall, at the time of such notice given, be within the age of twenty-one years, feme covert, *non compos mentis*, imprisoned, or beyond sea, that then such person or persons shall be at liberty to exhibit their claims or demands as other persons now may, so as the same be done within six months, if residents within this state, or if residents within any other of the United States, within twelve months after such disability is removed.

If any attainder be reversed, it shall not affect the purchaser.

VI. *And be it further enacted,* That if any process or proceedings, by virtue of which any such attainder or judgment has been or may be made as aforesaid, shall hereafter be reversed or made void, for error, or for any other cause whatsoever, the same shall not affect or injure, or in any wise operate against, any *bona fide* purchaser under this act, but against the state only; but every such purchaser shall hold and possess the estate by him purchased, for ever exonerated and discharged of all former claims and demands whatsoever, in law or equity, (other than such as are herein after mentioned;) and in every such case, the plaintiff in error, or person injured by the attainder or judgment, by virtue of which any such estate shall be sold, shall apply to the legislature to be indemnified, out of the public treasury, to the amount of the purchase money of such estate.

The agents for forfeited estates shall pay in the monies within three months after the sale.

VII. *And be it further enacted,* That the agent or agents for disposing of forfeited estates in the city of Philadelphia, and each respective county, shall, within three months after the sale of any such estate, real and personal, in such county, pay the sum or sums of money arising therefrom to the treasurer of the state, after deducting all such lawful costs and charges as may accrue on the prosecution of each respective traitor, and on the sale of each respective estate; and the receipt of the said treasurer shall be a sufficient discharge to such agents, their executors and administrators, for the monies by them paid; and if any of the said agents shall neglect or refuse to pay the said monies, or any part thereof, as aforesaid, such agent or agents, so neglecting or refusing, shall forfeit and pay double such sum or sums, which he or they shall so neglect or refuse to pay as aforesaid, to be recovered by action of debt, case, or account

render, as the case may require, in the name and for the use of the commonwealth of Pennsylvania. 1779.

VIII. *And be it further enacted,* That nothing in this act contained shall extend, or be construed to extend, so as to debar or prevent any person or persons, or bodies politic or corporate, other than such as claim under any attainted or convicted traitor, from pursuing his, her or their action or actions, suit or suits, in any of the Courts of Record in this state, in the usual way, for the trial of his, her or their title to any of the lands, or to the possession of any of the lands, or other real estate, seized as the estate of any such traitor.

This act no bar to persons claiming title paramount.

IX. *Provided always nevertheless,* That if any person or persons, who shall purchase any real estate, seized and sold as the estate of any convicted or attainted traitor, shall be evicted, or shall be dispossessed of the same, by the judgment of any Court of Common Pleas, or of the Supreme Court of this state, given in any ejectment, which shall be brought by any person or persons having a lawful title thereunto at the time of the said sale, or afterwards, by remainder or reversion, against such purchaser, his heirs or assigns, his or their tenants, within twenty years after the same shall be sold, by virtue of this act, every person so evicted, his heirs or assigns, shall be paid the value of such estate at the time of such eviction, out of the treasury of this commonwealth.

Purchasers evicted on ejectment shall be repaid.

X. *And be it further enacted,* That where any claims or demands have heretofore been made, and where any claims or demands shall hereafter be made, on any of the estate of any traitor, in pursuance of the act to which this is a supplement, if the party or parties making such claim or demand, his, her or their agent or agents, attorney or attorneys, shall request the same, the said Justices shall direct proper issues to be joined, and shall cause and direct a jury to be summoned for the trial of such issues, and such proceedings shall thereupon be had, as is usual and according to the course of law; and the said Court, on the finding of such jury, shall pronounce judgment, and award process, agreeable to the practice in other cases; provided such claim or demand amount to five pounds or more.

The Justices are to direct issues to be tried by juries, when requested.

XI. *And be it further enacted,* That the agent or agents in the city of Philadelphia, and in each of the respective counties, shall, over and above their necessary expenses, have and receive, as a compensation for his or their trouble in attending the management and disposal of each estate, at the rate of one *per centum*, if the money for which such estate shall be sold shall not exceed one thousand pounds; and at the rate of three fourths of one *per centum*, if it shall exceed one thousand pounds, and not exceed five thousand pounds; and at the rate of one half *per centum*, if the amount of said sales shall exceed five thousand pounds.

Commissions to the agents for forfeited estates.

XII. *And be it further enacted,* That the fees and allowances of the Prothonotary of the Supreme Court, auditors, jurors, and witnesses, for all services done by them respectively, in pursuance of the act to which this is a supplement, or of this act, shall be the same as the fees and allowances of the said Prothonotary, auditors, jurors and witnesses, for like services by them done and performed in the Supreme Court in other cases: And that the Judges of the

The fees to be as in other cases in the Supreme Court.

1779. Supreme Court shall be allowed their reasonable expenses, while they shall be employed in performing the *extra* services required to be performed by them by the act to which this is a supplement, or by this act, and their accounts for the same to be liquidated by the committee of accounts appointed by the General Assembly for the time being, and draughts for the same on the Treasurer of this state shall be signed by the Speaker of the said General Assembly.

Judges to be allowed reasonable expenses.

Judges salaries to be paid on their own order.

Repeal.

**XIII.** *And be it further enacted,* That the salaries allowed, or to be allowed to the Judges of the Supreme Court, shall from time to time be paid to them by the Treasurer of this state, on their own orders, by equal quarterly payments.

**XIV.** *And be it further enacted,* That so much of the said recited act, to which this is a supplement, as is herein altered or amended, is hereby declared to be repealed, and of no further force or effect.

[\* March ]

Passed 29th April,\* 1779.—Recorded in Law Book vol. I. page 245. (1)

(1) The Trustees of the University held to be entitled to compensation for lands or ground rents reserved to them, or bought by their agents, in case of eviction, under the 9th section of this act. *Trustees, &c. v. Rempublicum*, April, 1795. Sup. Court, MSS. Reports.

### CHAPTER DCCCXXIII.

*An ACT for incorporating the Scots Presbyterian church in the city of Philadelphia.*

Passed 31st March, 1779.—Private Act.—Recorded in Law Book vol. I. page 252.

### CHAPTER DCCCXXVI.

*An ACT declaring replevins, attachments, judgments and executions, in certain cases, to be erroneous and void.*

[See chap. 139, ante, pa. 44, and the notes there-to subjoined.]

**WHEREAS** divers writs of replevin have of late been granted and issued for goods and chattels taken in execution, and for fines and penalties legally incurred and due to this commonwealth, to the delay of public justice, and to the great vexation of the officers concerned in taking and levying the same:

Replevins issued for goods seized by any officer to be quashed

**II.** *Be it enacted and declared, and it is hereby enacted and declared,* That all writs of replevin granted or issued for any owner or owners of any goods or chattels, levied, seized, or taken in execution, or by distress, or otherwise, by any Sheriff, Naval Officer, Lieutenant or Sub-lieutenant of the city of Philadelphia or of any county, Constable, Collector of the public taxes, or other officer, acting in their several offices under the authority of the state, are irregular, erroneous and void; and that all such writs may and shall, at any time after the service, be quashed (upon motion) by the court to which they are returnable, the said court being ascertained of the truth of the fact, by affidavit, or otherwise.

and treble costs awarded.

**III.** *And be it further enacted,* That the court, besides quashing the said writs, may and shall award treble costs to the defendant or defendants in such writs; and also, according to their discretion, order an attachment against any Prothonotary or Clerk, who shall make out or grant any such writ, knowing the same to be for goods or chattels taken in execution, or seized as aforesaid.