

Penn, Esquire, absolute Proprietary and Governor-in-Chief of the Province of Pennsylvania and Territories, by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That no person, ordinary-keepers or others within this province, shall trust any mariner belonging to any vessel above five shillings, unless the master of the ship or vessel to whom such mariner belongs engage for the same; upon the penalty of losing what they so trust, and of the sum of five pounds over and above, for each offense, one moiety thereof to the master or merchant injured, and the other to the governor; and shall further forfeit their license; except such mariner have goods on board the said vessel, or otherways to answer the same.

Passed January 12, 1705-6. Allowed to become a law by lapse of time in accordance with the proprietary charter, having been considered by the Queen in Council, October 24, 1709, and not acted upon. See Appendix II, Section III. Repealed by the Act of Assembly passed March 20, 1810, P. L. 188.

CHAPTER CXLIX.

AN ACT FOR COUNTY SEALS AND AGAINST COUNTERFEITING HANDS AND SEALS.

[Section I.] Be it enacted by John Evans, Esquire, by the Queen's royal approbation Lieutenant-Governor under William Penn, Esquire, absolute Proprietary and Governor-in-Chief of the Province of Pennsylvania and Territories, by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That there shall be a county seal in every county of this province, for the use of each county; and if any person within the said province shall be convicted of counterfeiting the hand or seal of another with intent to defraud, such person shall suffer three months' imprisonment at hard labor, and be fined treble the value he or she shall have defrauded, or attempted to have de-

frauded thereby, to the use of the party wronged. And whosoever shall counterfeit the privy or broad seal of the said province, being convicted thereof, shall suffer seven years' imprisonment as aforesaid, and be fined at the discretion of the court where such party shall be convicted, in any sum not exceeding one hundred pounds, to the support of the government.

Passed January 12, 1705-6. Allowed to become a law by lapse of time in accordance with the proprietary charter, having been considered by the Queen in Council, October 24, 1709, and not acted upon. See Appendix II, Section III, and the Act of Assembly passed April 15, 1734, P. L. 538, and March 31, 1860, P. L. 423. Repealed by the Act of March 31, 1860, P. L. 451.

CHAPTER CL.

AN ACT FOR DEFALCATION.

[Section I.] Be it enacted by John Evans, Esquire, by the Queen's royal approbation Lieutenant-Governor under William Penn, Esquire, absolute Proprietary and Governor-in-Chief of the Province of Pennsylvania and Territories, by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That if two or more dealing together be indebted to each other upon bonds, bills, bargains, promises, accounts or the like, and one of them commence an action in any court of this province, if the defendant cannot gainsay the deed, bargain or assumption, upon which he is sued, it shall be lawful for such defendant to plead payment of all or part of the debt or sum demanded, and give any bond, bill, receipt, account or bargain in evidence; and if it shall appear that the defendant hath fully paid or satisfied the debt or sum demanded, the jury shall find for the defendant, and judgment shall be entered, that the plaintiff shall take nothing by his writ and shall pay the costs. And if it shall appear that any part of the sum demanded be paid, then so much as is found to be paid shall be defalked, and the plaintiff shall have judgment for the residue only, with costs of suit. But if it appear to the jury that the plaintiff is over paid, then