

and shall deduct five per cent for his trouble in paying and receiving the same.

Provided always, That nothing in this act contained shall extend to be anyways prejudicial to the charter of the city of Philadelphia; but that the said city may have and enjoy the fines and forfeitures granted them by the said charter, as if this act had not been made.

[Section IX.] And be it further enacted, That the secretary, or his deputy who draws licenses for keeping public houses, and selling wine and other liquors in any town or place of this province, shall keep a true and just account of all the said licenses, expressing the time when, the persons' names to whom the same were granted, and where they live; and shall certify the same to the said treasurer for the time being, on the first day of November, in every year, upon pain of forfeiting and paying the sum of twenty pounds, money of this province, for [every] default or neglect in that behalf; the one moiety thereof to the governor for support of government, and the other moiety to him or them that will sue for the same, to be recovered as aforesaid.

Passed May 23, 1715. Allowed to become a law by lapse of time in accordance with the proprietary charter, having been considered by the Lords Justices in Council July 21, 1719, and not acted upon. See Appendix IV, Section II; repealed by Act of Assembly passed March 18, 1780, Chapter 899.

CHAPTER CCVII.

AN ACT FOR THE ASSIGNING OF BONDS, SPECIALTIES AND PROMIS- SORY NOTES.

Whereas it hath been held that bonds and specialties under hand and seal, and notes in writing, signed by the party [who] makes the same, whereby such party is obliged or promises to pay [unto any] other person, or his order or assigns, any sum of money therein mentioned, are not, by law, assignable or in-

dorsable over to any person, so as that the person to whom the said bonds, specialties, note or notes is or are assigned or indorsed, may, in their own names by action at law or otherwise, recover the same. Therefore, to the intent to encourage trade, commerce and credit:

[Section I.] Be it enacted by Charles Gookin, Esquire, by the royal approbation Lieutenant-Governor, under William Penn, Esquire, Proprietary and Governor-in-Chief of the Province of Pennsylvania, by and with the advice and consent of the freemen of the said Province in General Asesmbly met, and by the authority of the same, That all bonds, specialties and notes in writing, made or to be made, and signed by any person or persons, whereby such person or persons is or are obliged, or doth or shall promise to pay to any other person or persons, his, her or their order or assigns, any sum or sums of money mentioned in such bonds, specialties, note or notes, may, by the person or persons to whom the same is or are made payable, be assigned, indorsed and made [over] to such person or persons as shall think fit to accept thereof.

And that the person or persons to whom such bonds, specialties or notes are or shall be assigned, indorsed or made over, their factors, agents, executors or assigns may, at his, her or their pleasure, again assign, indorse and make over the same; and so *toties quoties*.

And that it shall and may be lawful for the person or persons to whom the said bonds, specialties or notes are assigned, indorsed or made over as aforesaid, in his, her or their own name or names, to commence and prosecute his, her or their actions at law for recovery of the money mentioned in such bonds, specialties or notes, or so much thereof as shall appear to be due at the time of such assignment, in like manner as the person or persons to whom the same was or were made payable, might or could have done.

And in every such action the plaintiff or plaintiffs shall recover his, her or their damages and costs of suit; and if such plaintiff or plaintiffs shall be non-suited, or a verdict be given against him, her or them, the defendant or defendants shall recover his, her or their costs against the plaintiff or plaintiffs.

And every such plaintiff or plaintiffs, defendant or defendants, respectively recovering, may sue out execution for such damages and costs, in the like manner as is usual for damages and costs in other cases.

[Section II.] And be it further enacted by the authority aforesaid, That all and every such actions on such promissory notes shall be commenced, sued and brought within such time as is appointed for commencing or suing actions upon the case by an act of this province, passed in the eleventh and twelfth years of the late Queen Anne, entitled "An act for limitation of actions."¹

Provided always, That no person or persons shall have power by virtue of this act to make, issue or give out any bonds, specialties or notes by themselves or servants, than such as they might have made, issued and given out if this act had never been made.

And that all assignments made of bonds and specialties shall be under hand and seal, before two or more credible witnesses.

Provided also, That it shall not be in the power of the assignors, after assignment made as aforesaid, to release any of the debts or sums of money really due by the said bonds, specialties or notes.

Passed May 28, 1715. Allowed to become a law by lapse of time in accordance with the proprietary charter, having been considered by the Lords Justices in Council July 21, 1719, and not acted upon. See Appendix IV, Section II, and the Acts of Assembly passed January 29, 1777, Chapter 738; April 3, 1781, Chapter 935; February 27, 1797, Chapter 1920; March 21, 1814, P. L. 154; March 29, 1819, P. L. 226; March 25, 1824, P. L. 59; April 11, 1825, P. L. 225; April 23, 1829, P. L. 355; April 6, 1830, P. L. 277; April 5, 1849, P. L. 424; April 22, 1863, P. L. 567.

¹ Passed March 27, 1712-13, Chapter 196.