

At a General Assembly begun and holden at Philadelphia the fourteenth day of October, A. D. 1738, and continued by adjournments until the eleventh day of August, 1739, the following acts were passed:

CHAPTER CCCXLVIII.

AN ACT FOR THE MORE EFFECTUAL PRESERVING THE CREDIT OF OUR PAPER MONEY AND RECOVERING THE PROPRIETARY QUIT-RENTS.

Whereas it has been found by experience that bills of credit emitted upon land security as a medium in commerce has [sic] been of great service for carrying on the trade and other improvements in this province, and money and gold being now become a commodity and generally remitted to Great Britain in return for the manufactures of that kingdom imported hither:

And it being objected by the proprietors of the province of Pennsylvania that the quit-rents reserved to them and payable in sterling money are now greatly in arrear and that it would be a very great disappointment to them to receive the same otherwise than in silver money:

And whereas it would be a hardship upon the freeholders of this province to purchase silver to pay their quit-rents, and the same might also greatly affect the credit or value of our paper money and render it of less general use:

To remove which difficulties and for the preservation of the credit of our paper money, our proprietors having condescended to accept of the bills of credit of this province at the rate the same are made current bylaw in all payments for the quit-rents due or to become due to them on grants of land and lots made before the year one thousand seven hundred and thirty-two [during the continuance of this act], the representatives of the freemen of the province of Pennsylvania in general assembly

met, in consideration of the premises, have agreed to pay to them our proprietors the sum of twelve hundred pounds in bills of credit of this province at the days and times hereinafter mentioned, as also the sum of one hundred and thirty pounds annually during the re-emission of the bills of credit to be made current by an act of the general assembly [of this province] passed this session of assembly, entitled "An act for the re-printing, exchanging and re-emitting all the bills of credit of this province and for striking the further sum of eleven thousand one hundred and ten pounds five shillings to be emitted upon loan."¹

[Section I.] Therefore be it enacted by George Thomas, Esquire, with the King's approbation Lieutenant-Governor under the Honorable John Penn, Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex on Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That there shall be paid to our honorable proprietaries or their order by the trustees of the general loan office of this province for the time being out of the interest-moneys made payable to them by virtue of the act of assembly aforesaid the sum of seven hundred and thirty pounds in bills of credit on the twentieth day of October, which will be in the year of our Lord one thousand seven hundred and forty, and also the further sum of seven hundred and thirty pounds like money on the twentieth day of October, which will be in the year of our Lord one thousand seven hundred and forty-one, and likewise the sum of one hundred and thirty pounds every year after the said twentieth day of October [in the year one thousand seven hundred and forty-one] during the re-emission of the bills of credit aforesaid by the act aforesaid; which payments so made and receipts for the same from the proprietors or their order or assigns being produced, shall be deemed, taken and adjudged sufficient vouchers to discharge them the said trustees, their executors and administrators, of

¹ Passed May 19, 1739, Chapter 353.

and from so much of the interest-money payable into their hands by virtue of the act of assembly aforesaid.

And whereas the suffering the quit-rents to lie so long in arrear has proved not only a real loss to our proprietors, but at this time has brought a very great charge upon the province, which we judge may in a great measure be owing to the tedious and expensive way provided for the recovery of the said rents.

For remedying thereof:

[Section II.] Be it enacted by the authority aforesaid, That in case any person or persons holding or claiming any lands or lots within this province shall neglect to appear upon public notice given, as in and by one act of general assembly in this province made in the fourth year of the late Queen Anne, entitled "An act for the more easy and effectual collecting the proprietary quit-rents,"¹ is directed and provided, or within the space of ten days after the time limited by the aforesaid act of assembly, and pay the quit-rents that by him, her or them shall be then due to the proprietors of Pennsylvania in bills of credit of this province as then current [upon grants made before the year one thousand seven hundred and thirty-two and upon all grants made afterwards, according to the tenor of the said grants], it shall and may be lawful to and for the said receiver-general or such person as he shall appoint for that purpose to distrain the goods and chattels of the owner or possessor of the said lands for all such rents as shall then be in arrear or ought to have been paid as aforesaid, and the distress so taken to carry, lead or drive away, and if such goods or chattels shall not be replevied within the space of five days next after such distress made, then to cause the said goods and chattels to be appraised and sold in such manner and the money arising by such sales to be distributed as by an act made in the second year of the late King William and Queen Mary, entitled "An act for enabling the sale of goods distrained for rent in case the rent be not paid in reasonable time," is in that behalf directed and appointed.

And if upon such suit the person replevying shall discontinue his suit, become nonsuit or a verdict pass against him in the

¹ Passed January 12, 1765-6, Chapter 139.

said cause, the goods distrained shall be restored by the person who replevied the same, or he shall pay the rent in arrear with costs of suit and such damages only as shall be awarded by the court.

[Section III.] And be it further enacted, That where no sufficient distress can be found or where the owners of lands are not resident within this province, it shall and may be lawful for the said proprietors to cause a summons to issue in the usual manner as directed in the case of freeholders against the owner or possessor of such lands, and a copy of the said summons to be delivered by the sheriff or his deputy to such owner or possessor of the said lands or to some of his or her family ten days before the court to which [such] summons is returnable, or to leave a copy of the summons upon the land in case there be no person in possession of the same or that the owner be a non-resident at least ten days before the day of the return of the summons in the presence of one witness at least, and in case of the non-appearance of the party by himself or lawful attorney, then judgment to be entered against the defendant for the rent due with costs of suit. And the better to avoid the expense and delay often occasioned by long and tedious special pleadings, it shall and may be lawful and sufficient for the said proprietors, where any action or suit shall be brought or distress made for quit-rents due to them, to declare generally as proprietors of Pennsylvania upon an *insimul computasent* in debt or otherwise to avow as the case may require for so much quit-rent due to them out of the lands or lots and for so many years in arrear, to which the defendant may appear and plead that he or those under whom he claims hath or have paid the whole or some part of the rents demanded, as the cause may be, or that he made a lawful tender of all the moneys due for rent in arrear and is still ready and offers to pay the same, and if verdict or judgment be given for such defendant he shall thereupon be discharged without payment of costs.

Provided always, That nothing herein contained shall be deemed to repeal or disannul the aforesaid act of general assembly for the more easy and effectual collecting of the pro-

prietors' quit-rents, except such part thereof as is hereby altered or other provision made by this act; and that this act continue until the fifteenth day of October in the year one thousand seven hundred and forty-nine and no longer.

Passed May 19, 1739. See Appendix XIV, Section I, and note to the Act of Assembly passed January 12, 1705-6, Chapter 139. Expired, but see the acts of Assembly passed March 7, 1745-46, Chapter 363. Repealed by the Act of Assembly passed November 27, 1779, Chapter 874.

CHAPTER CCCXLIX.

AN ACT FOR THE BETTER ENABLING DIVERS INHABITANTS OF THE PROVINCE OF PENNSYLVANIA TO TRADE AND HOLD LANDS WITHIN THE SAID PROVINCE.¹

Whereas by the royal charter of the late King Charles the Second to William Penn, Esquire, late proprietary and governor of the province of Pennsylvania, license is granted to all persons not specially forbidden to transport themselves and families into the said province in such shipping as by the laws of the Kingdom of England they ought to use, paying the customs therefor due, and here to settle themselves, dwell and inherit, and plant for the public and their own private advantage, with license to purchase and hold lands in fee simple or otherwise of the said proprietary and his heirs, with full license to all persons who shall from time to time repair hither with a purpose to inhabit or trade with the natives of this country to load, freight and transport all and singular their goods, wares and merchandise not prohibited by the laws and statutes of England into any ports whatsoever of the said late King, his heirs and successors, according to the laws made or to be made within the said Kingdom of England, saving always to the said late King, his heirs and successors, the legal impo-

¹ See note to Chapter 309.