

as aforesaid shall protect such person in any suit or civil action brought against him by his creditors or others except during his being in actual service in field or garrison, nor from a prosecution for any offense committed against the laws of this province.

[Section III.] Provided also, That no regiment, company or party of volunteers shall by virtue of this act be compelled or led more than three days' march beyond the inhabited parts of the province, nor detained longer than three weeks in any garrison, without an express engagement for that purpose first voluntarily entered into and subscribed by every man so to march or remain in garrison.

This act to continue in force until the thirtieth day of October next and no longer.

Passed November 25, 1755. Repealed by the King in Council, July 7, 1756. See Appendix XXI, Section I.

CHAPTER CCCCVI.

AN ACT FOR GRANTING THE SUM OF SIXTY THOUSAND POUNDS TO THE KING'S USE, AND FOR STRIKING FIFTY-FIVE THOUSAND POUNDS THEREOF IN BILLS OF CREDIT AND TO PROVIDE A FUND FOR SINKING THE SAME.

Whereas the King's service at this time requires extraordinary supplies from this province, and the treasury (by the several sums of money already given by former assemblies for purchasing provisions for the King's forces, erecting and maintaining posts, payment of expresses, clearing of roads, maintaining of Indians and other heavy charges for the King's use) is exhausted, we, the representatives of the freemen of the province of Pennsylvania, being desirous of demonstrating our duty to our Sovereign, and willing to give a further testimony of our loyalty and the most sincere affection of his loving subjects within this province, do pray that it may be enacted:

[Section I.] And be it enacted by the Honorable Robert Hunter Morris, Esquire, Lieutenant-Governor under the Honor-

able Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon 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 fifty-five thousand pounds in bills of credit, to be struck by virtue of this act, shall be given to the King's use.

And to the end the fifty-five thousand pounds in bills of credit so as aforesaid given may be duly sunk and destroyed:

[Section II.] Be it further enacted by the authority aforesaid, That there shall be levied upon all the estates, real and personal within this province, of all and every person and persons (the estates of the Honorable Thomas Penn and Richard Penn, Esquires, proprietaries of the province of Pennsylvania, only excepted in consideration of their free gift hereinafter-mentioned), the sum of six pence for every pound clear value of the said estates yearly for the space of four years, to be paid by the owners or possessors thereof. And that every single freeman, whether residing with his parents or elsewhere, who at the time of the assessment shall be of the age of twenty-one years and hath been out of his apprenticeship or servitude for the space of six months and is not worth in goods or chattels thirty pounds, shall pay the sum of ten shillings, except such as now are or hereafter shall be engaged in His Majesty's service; all which said several sums so to be raised as aforesaid shall be assessed and levied as in and by an act passed in the eleventh year of the late King George the First, entitled "An act for raising of county rates and levies,"¹ is directed to be assessed and levied. And that every article, clause and thing therein contained concerning the assessing and levying taxes shall be used, exercised and put in practice for assessing and levying the tax hereby imposed as if the same articles, clauses and things were inserted in this act, except in such cases as are herein ascertained, provided for or altered.

[Section III.] And be it further enacted by the authority aforesaid, That the commissioners of the respective counties or any two of them shall, as soon as may be after the expiration of six months next following the publication of this act, issue

¹Passed March 20, 1724-25, Chapter 284.

forth their precepts, directed to the constables of every township, requiring them to bring to the respective assessors within three weeks next after the date of such precepts fair and true certificates in writing, upon their oaths or affirmations, of the names and surnames of all and every the persons dwelling or residing within the limits of those townships or places, as in and by the hereinbefore-mentioned act for raising of county rates and levies and as by this present act is particularly set forth and directed to be assessed.

But before the commissioners and assessors shall take upon them the respective service and duty by this act required of them, they shall take an oath or affirmation to the effect following: (That is to say)

Thou shalt well and truly cause the rates and sums of money by virtue of this act imposed to be duly and equally assessed and laid according to the best of thy skill and knowledge, and herein thou shalt spare no person for favor or affection nor grieve any for hatred or ill-will.

Which qualification shall be administered as in and by the said act for raising county rates and levies is enjoined and required.

[Section IV.] And be it further enacted by the authority aforesaid, That if the said commissioners or assessors shall refuse or neglect to perform and discharge the duties required of them by this or the before-mentioned act, each and every of the said commissioners or assessors so refusing shall forfeit and pay to the provincial treasurer the sum of twenty pounds.

Provided always, That all fines and forfeitures arising by virtue of this act shall be levied as in the aforesaid act for raising of county rates and levies is directed, and shall be paid and added to the public provincial stock.

Provided also, That the constables shall have and receive for their care and trouble in executing and returning the precepts by this act directed and enjoined one penny per pound and no more; and that the assessors, for their time and labor in their assessments, shall be allowed three pence per pound upon the whole sum contained in the rates of their respective counties after the assessment is rectified and adjusted by the commissioners and no more; and that the county treasurers shall be al-

lowed for their care and trouble one per cent for all moneys by them received and paid and no more; and that the collectors shall retain in their hands for all sums of money by them respectively collected six pence per pound and no more, anything in this act or in the aforesaid act for raising of county rates and levies to the contrary notwithstanding.

[Section V.] And be it further enacted by the authority aforesaid, That if the said collector or collectors shall refuse or neglect to take upon him or themselves the trust and duty required of him or them by this act, he or they so refusing shall forfeit and pay to the county treasurer the sum of ten pounds each; and the assessors shall appoint some other fit person or persons in the place or stead of the collector or collectors so refusing or neglecting as aforesaid.

[Section VI.] And be it further enacted by the authority aforesaid, That all the sum or sums of money levied by the collectors of the respective districts throughout this province by virtue of this act shall be paid by the said collectors to the county treasurers, and by the county treasurers respectively into the hands of the provincial treasurer.

[Section VII.] But be it further enacted by the authority aforesaid, That before the said provincial treasurer or the said respective county treasurer for the time being shall receive any of the moneys to be raised by virtue of this act, they shall severally become bound with one or more sufficient sureties as follows: (That is to say) the said provincial treasurer for the time being in an obligation of five thousand pounds to the governor or commander-in-chief of this province for the time being, and the several county treasurers within this province each in an obligation of one thousand pounds unto the commissioners of the proper county, conditioned for the true and faithful performance and discharge of their duty respectively in the execution and observance of this act.

And whereas some owners of land whereon improvements are made may not reside in the same county or district where such land lies, whereby it may be difficult to recover or collect the tax assessed on the said land:

[Section VIII.] Be it therefore enacted by the authority aforesaid, That the tenant or other person residing on and hav-

ing the care of such lands, their goods and chattels, and the goods and chattels of the landlords (on his refusal or neglect to pay) if there found, shall be liable to be distrained for the payment of the said tax. And in case the tenant or person having the care thereof shall pay or their goods be distrained for the same, then it shall and may be lawful to and for the said tenant to deduct the tax so paid out of the rent agreed for; or for the tenant or tenants or person having care of the said lands to recover the same from the owner by action of debt in any court where the same shall be cognizable, together with costs of suit:

Provided, That nothing in this act shall in any manner alter any contract heretofore made between any landlord and tenant.

And forasmuch as large tracts of valuable lands have been located and held in this province without intention of improvement, but merely in expectation of receiving hereafter higher prices for private advantage, by means whereof those lands remain uncultivated and great numbers of people [have] been necessitated to leave this province and settle in other colonies where lands are more easily purchased, to the manifest injury and charge of the public. And forasmuch as those lands by the act for raising county rates and levies hereinbefore-mentioned are exempted and cannot by the laws now in being be taxed, it is thought reasonable on this occasion to settle the manner by which the said lands shall be assessed and rated in their proportion of the tax hereby imposed on all the estates, real and personal, within this province.

[Section IX.] Be it therefore enacted by the authority aforesaid, That all such located and unimproved lands shall be rated according to their situation and value, at any prices not exceeding fifteen pounds nor under five pounds for every hundred acres of such unimproved land. And if the owner or owners of the said lands or some person or persons for them do not appear or shall neglect or refuse to pay the rates assessed thereon by the space of thirty days after the days of appeal, then and so often as this shall happen the said lands, together with the rates assessed thereon, shall be advertised in the township or county in which such lands do lie or in the place or town where such owner or owners dwell. And the commissioners of the respective counties shall and they are hereby required to give public notice

thereof in the Pennsylvania Gazette, for at least three months, that sale will be made of such part of the said lands as shall be sufficient to discharge the taxes due for the same and all charges accruing by reason of the refusal or non-payment thereof. And if the owner or owners of such lands or some person or persons in their behalf do not appear and discharge and pay the said taxes, with all charges as aforesaid, then the said commissioners of the respective counties are authorized and hereby empowered to sell the said land, or so much thereof as aforesaid, by public vendue to such person or persons as may appear and give most for the same, returning the overplus if any be to the owner or owners of such land or their legal representative as aforesaid after all necessary charges deducted. And when any sale of such land shall be so as aforesaid made by the sheriff or coroner respectively pursuant to this act, the title and conveyance thereof shall be by deed, signed, sealed and delivered by the sheriff or coroner to such person or persons as shall purchase the same in fee-simple, which shall be most absolute and available in law against the said delinquents and their heirs and assigns and all claiming under them.

And whereas many persons residing in this province have seated themselves on certain large tracts of land, neither having property therein [n]or paying rent for the same, yet nevertheless do actually hold and occupy certain parts thereof, and therefrom do receive the like common benefits that the freeholders of this province do generally receive from their fee-simple estates, and to exempt such persons seated as aforesaid from paying their just proportion of the taxes herein-directed to be levied for the lands they severally hold and occupy as aforesaid would be a manifest injury to the said freeholders and other inhabitants of this province made ratable by this act:

For remedying whereof:

[Section X.] Be it enacted by the authority aforesaid, That all and every person or persons residing within this province seated on, occupying and holding lands, not having the property thereof or paying rent for the same, shall, notwithstanding, give a true account of the particular parts of all such land which they are respectively seated on, both clear and woodland, as

much as they pretend to hold, to the assessors of this province respectively when thereunto required, and shall pay their several and respective taxes for the same in like manner as the freeholders aforesaid are liable to do by virtue of the directions of this act, and upon neglecting or refusing to give such accounts and pay such taxes as aforesaid, shall be subject to the like pains and penalties as the said freeholders are subject to by virtue of the directions of this act or by the before-mentioned act for raising county rates and levies.

[Section XI.] And be it further enacted by the authority aforesaid, That the provincial treasurer shall and he is hereby empowered and required to order and direct the county treasurers respectively, so often as he shall think necessary, to lay before him the books and accounts of the rates and assessments and to pay the money that shall be in their hands by virtue of this act. And if thereupon the said county treasurers or either of them shall neglect or refuse to produce his said books and accounts and to pay the moneys in his or their hands, according to the directions of this act, the said provincial treasurer may and shall forthwith proceed against such county treasurer or treasurers so neglecting or refusing in the same manner as the county commissioners are directed to proceed against delinquent collectors in the before-recited act for raising county rates and levies, in order to recover the moneys due to the provincial treasury from such delinquent county treasurer.

[Section XII.] And be it further enacted by the authority aforesaid, That the said provincial treasurer shall, out of the money paid into his hands by virtue of this act, yearly and every year for the space of four years next ensuing the first day of the month called May next pay into the hands of the trustees of the general loan office for the time being thirteen thousand seven hundred and fifty pounds in bills of credit of this province, which sums so to be paid in to them the said trustees shall yearly during the term last aforesaid be by them produced to the committees of assembly appointed for that purpose, and in their presence be burnt and destroyed.

And the said provincial treasurer for his trouble in receiving and paying the moneys and performing the duties by this act re-

quired shall have and receive ten shillings for every hundred pounds and no more.

And the said trustees for their trouble in receiving and sinking the said bills shall have and receive ten shillings for every hundred pounds and no more.

[Section XIII.] And be it further enacted by the authority aforesaid, That bills of credit to the value of fifty-five thousand pounds current money of America, according to an act of Parliament made in the sixth year of the [reign of the] late Queen Anne, for ascertaining the rates of foreign coins in the plantations of America, shall be prepared and printed within two months next after the passing of this act on good strong paper, under the care and direction of the trustees of the general loan office for the time being, the charges whereof to be paid by the provincial treasurer out of the moneys to arise by virtue of this act, which bills shall be made and prepared in the manner and form following and no other, viz.:

This bill shall pass current for ——— within the province of Pennsylvania, according to an act of general assembly of the said province made in the twenty-ninth year of the reign of King George the Second. Dated the first day of the month called January, one thousand seven hundred and fifty-six.

And the same bills shall have such like escutcheons as in the margin hereof, with such other devices on the said bills as the said trustees shall think fit, as well to prevent counterfeits as to distinguish their several denominations, each of which bills shall be of the several and respective denominations following and no other, viz.:

Fifteen thousand of the same bills, the sum of twenty shillings in each of them; twenty thousand of the same bills, the sum of fifteen shillings in each of them; twenty thousand of the same bills, the sum of ten shillings in each of them; twenty thousand of the same bills, the sum of five shillings in each of them; thirty thousand of the same bills, the sum of two shillings and six pence in each of them; thirty thousand of the same bills, the sum of two shillings in each of them; thirty thousand of the same bills, the sum of one shilling and six pence in each of them; twenty thousand of the same bills, the sum of one shilling in each of them.

And the trustees shall use the best of their care, attention and diligence during the printing of the said bills that the number and amount thereof, according to their respective denominations aforesaid, be not exceeded, nor any clandestine or fraudulent practice used by the printer, his servants or others concerned therein.

And for perfecting the said bills, to make them current within this province, according to the true intent and meaning of this act:

[Section XIV.] Be it further enacted by the authority aforesaid, That all and every of the said bills shall be signed by three of the persons hereafter named: (That is to say) Evan Morgan, John Baynton, Thomas Crosby, Thomas Wharton, Joseph Marriott, Daniel Roberdeau, Attwood Shute, Samuel Neave, Charles Steadman, Jonathan Evans, Edmond Kearney, John Taylor, William Grant, Amos Strettell, Samuel Morris, Jacob Duche, Thomas Gordon, Charles Meredith, Redmond Conyngham, Daniel Benezet, William Fisher, George Okill, Abel James, Joseph King, William Vanderspeigel, Joseph Redman, William Shippen, William Griffiths, Enoch Flower, Henry Harrison, Charles Jones, Isaac Paschal, Thomas Davis and Jacob Lewes, who are hereby nominated and appointed to be signers of the said bills, and shall before they receive or sign any of the said bills, take an oath or affirmation to the following effect, viz.:

That they shall well and truly sign and number all the bills of credit that shall come to their hands for that purpose by the direction of this act, and the same so signed and numbered will deliver or cause to be delivered unto the trustees of the general loan office of the province of Pennsylvania, pursuant to the direction of this act.

And for avoiding the danger of embezzlement or misapplication of any of the said bills of credit:

[Section XV.] It is hereby further enacted, ordained and provided, That the said trustees after the said bills are printed shall deliver them to the said signers to be signed and numbered by parcels, for which the said signers or some of them shall give their receipt: (That is to say) one thousand pounds value in the said bills at one time, and so from time to time until all the said bills of credit shall be signed and numbered, yet so as that

the said trustees shall not deliver any other of the said bills to the signers aforesaid whilst the sum in their custody exceed one thousand pounds. Of all which bills of credit so delivered to be signed by the trustees true account shall be kept by the signers, who, upon their re-delivery of each or any parcel of the said bills of credit by them signed and numbered to the trustees of the general loan office shall take the receipt of the said trustees to charge them before any committee of the assembly to be appointed for that purpose.

And each of the said signers shall have fifteen shillings for every thousand of the aforesaid bills by them signed and numbered, to be paid by the provincial treasurer out of [the] moneys to arise by virtue of this act. And if any of the persons before nominated to be signers shall happen to die or be rendered incapable of doing his or their duty by this act required, the assembly for the time being shall or may appoint some other person or persons in his or their stead from time to time until all the bills hereby directed to be made be wholly signed and numbered as aforesaid.

[Section XVI.] And be it further enacted by the authority aforesaid, That all the aforesaid bills of credit to be made as this act directs shall be current bills of this province until the first day of the month called January in the year one thousand seven hundred and sixty and no longer, and as such shall during the said term be received in payments for the discharge of all manner of debts, rents, sum and sums of money whatsoever due, payable or accruing upon or by reason of any mortgage, bill, bond, specialty, note, book account, promise or [other] contract or cause whatsoever, as if the same were tendered or paid in the coins mentioned in such bond or other writing, book account, promise, assumption or any other contract or cause whatsoever, and at the rates ascertained in the said act of Parliament, and shall be so received in all payments by all persons whatsoever.

[Section XVII.] And be it further enacted by the authority aforesaid, That if any person or persons shall presume to counterfeit any of the said bills of credit to be made current by this act, or shall be aiding or assisting therein, or shall enlarge the

sum expressed in any of the said bills, or shall utter or cause to be uttered or offered in payment any such bill or bills, knowing the same to be forged or counterfeited or the sum or value therein altered with an intent to defraud any other person, he, she or they so offending and being thereof legally convicted shall for every such offense incur and suffer the same pains and penalties respectively as forgers, counterfeiters or alterers of bills are by former acts of assembly now in force directed to incur and suffer. And the discoverer or prosecutor by virtue of this present act shall be entitled to like reward as by former acts is directed in respect to the bills thereby made current.

And whereas the honorable proprietaries of this province have towards the defense thereof been pleased to make a free gift of five thousand pounds to the public:

[Section XVIII.] Be it further enacted by the authority aforesaid, That the said sum of five thousand pounds shall immediately after the publication of this act be paid by the receiver-general into the hands of Isaac Norris, James Hamilton, John Mifflin and Benjamin Franklin, Esquires, and Joseph Fox, John Hughes and Evan Morgan, gentlemen, who or the major part of them or of the survivors of them, with the consent and approbation of the governor or commander-in-chief of this province for the time being and not otherwise, shall order and appoint the disposition of all the moneys arising or that shall come to their hands by virtue of this act for supplying our friendly Indians, holding of treaties, relieving the distressed settlers who have been driven from their lands and other purposes for the King's service. And that the receipt or receipts of the said Isaac Norris, James Hamilton, John Mifflin, Benjamin Franklin, Joseph Fox, John Hughes and Evan Morgan or of a majority of them or of the survivors of them to the said receiver-general or to the trustees of the loan office shall discharge him or them respectively of and from so much of the said sums of five thousand pounds and fifty-five thousand pounds by this act granted, or mentioned to be granted as may be in such receipts expressed, and the receipts to the trustees shall be by them produced to the committees of assembly for the time being and be allowed in the settlement of the accounts of the said trustees.

[Section XIX.] And be it further enacted by the authority aforesaid, That if the four yearly taxes to be levied by virtue of this act shall not be sufficient to sink the full sum of fifty-five thousand pounds in bills of credit hereby to be issued and defray all incident charges, in such case a further tax or taxes in the next succeeding year or years shall be laid and levied in the same manner as the said four yearly taxes are directed to be laid and levied until the said fifty-five thousand pounds is fully completed. And if the said four yearly taxes shall produce more than the said fifty-five thousand pounds, the incident charges as aforesaid being defrayed, the overplus shall be disposed [of] in such manner as by act of general assembly of this province shall be hereafter ordered and directed.

Passed November 27, 1755. Confirmed by the King in Council, July 7, 1756. See Appendix XXI, Section I.

As to Sections I-XVII, see note to the Act of Assembly passed March 5, 1725-26, Chapter 289; and the Acts of Assembly passed September 21, 1756, Chapter 412; March 23, 1757, Chapter 422; June 17, 1757, Chapter 423; April 22, 1758, Chapter 431; April 17, 1759, Chapter 437; April 12, 1760, Chapter 453; May 14, 1762, Chapter 483; March 4, 1763, Chapter 497; October 22, 1763, Chapter 505; May 30, 1764, Chapter 513; September 22, 1764, Chapter 516; (the two acts of) September 20, 1766, Chapters 542, 547; February 18, 1769, Chapter 586; May 27, 1769, Chapter 595; March 21, 1772, Chapter 661; January 22, 1794, Chapter 692; January 28, 1777, Chapter 737.

As to Section XVIII, see the Act of Assembly passed February 17, 1768, Chapter 571.

CHAPTER CCCCVII.

AN ACT FOR THE RELIEF OF GEORGE CROGHAN AND WILLIAM [TRENT] FOR AND DURING THE SPACE OF TEN YEARS.

Whereas David Franks for Levy & Company, Jeremiah Warder, Samuel Neave, William and David McIlvaine, Buckridge Sims, Benjamin and Samuel Shoemaker, James Wallace, James Benezet, Thomas Campbell, William West, Adam Hoops; John Potter and Joseph Morris, by their petition to the representatives of the freemen of the province of Pennsylvania in