

CHAPTER DLXVIII.

AN ACT FOR OBLIGING THE SHERIFFS AND TREASURERS OF THE SEVERAL COUNTIES WITHIN THIS PROVINCE AND THE COLLECTOR OF THE DUTIES OF TONNAGE TO GIVE SUFFICIENT SURETIES FOR THE FAITHFUL EXECUTION OF THEIR TRUSTS.

Whereas it is expedient for the public security that the sheriffs and treasurers of the several counties within this province should give sureties in larger sums of money than have been heretofore accustomed or enjoined by law:

[Section I.] Be it therefore enacted by the Honorable John Penn, Esquire, Lieutenant-Governor under the Honorable 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 before the sheriff of any county within this province shall enter upon the duties of his office, he shall become bound in an obligation with two or more sufficient sureties to be approved of by the governor of this province for the time being: That is to say, the sheriff of the county of Philadelphia in the sum of six thousand pounds, the sheriff of the county of Bucks in the sum of two thousand pounds, the sheriff of the county of Chester in the sum of three thousand pounds, the sheriff of the county of Lancaster in the sum of four thousand pounds, the sheriff of the county of York in the sum of two thousand pounds, the sheriff of the county of Cumberland in the sum of two thousand pounds, the sheriff of the county of Berks in the sum of two thousand five hundred pounds and the sheriff of the county of Northampton in the sum of one thousand five hundred pounds lawful money of this province, upon condition:

“That if he shall and do well and truly serve and execute all the King’s writs and process to him directed without delay and according to law, and shall and do from time to time, upon request to him for that purpose made, well and truly pay, or cause to be paid, to the several suitors and parties interested therein, their lawful attorneys, factors, agents or assigns, all and every sum and sums of money to them respectively belonging which shall come to his hands, and shall and do from time to time and at all times during his continuance in the said office of sheriff well and faithfully execute the said office and perform in everything the duty and trust in him reposed, then the said obligation to be void or else to remain in full force and virtue.”

And that all the said obligations shall be taken in the King’s name and entered upon record in the office for recording of deeds in the county for which the said sheriffs shall be respectively commissioned, which said obligations shall be and they are hereby declared to be only in trust to and for the use and benefit of the person or persons who shall be injured by any breach, neglect or omission of duty in such sheriffs respectively; and that when they shall be put in suit there shall be on them the like proceedings as are directed on the bonds enjoined to be given by sheriffs in and by the act of general assembly of this province passed in the fourth year of Queen Anne, entitled “An act for [the] regulating elections of sheriffs and coroners.”¹

[Section II.] And be it further enacted by the authority aforesaid, That the several treasurers of the respective counties within this province hereafter to be appointed for receiving the levies made and collected for sinking the bills of credit heretofore granted to His Majesty’s use shall and they are hereby enjoined and required to become bound in an obligation with two or more sufficient sureties to the commissioners of the county for the time being: That is to say, the treasurer of the city and county of Philadelphia in the sum of six thousand pounds, the treasurer of the county of Bucks in the sum of two thousand pounds, the treasurer of the county of Chester in the sum of three thousand pounds, the treasurer of the county of Lancaster in the sum of three thousand pounds, the treasurer of the county of York in the sum of two thousand pounds, the treas-

¹ Passed January 12, 1705-6, Chapter 161.

urer of the county of Cumberland in the sum of two thousand pounds, the treasurer of the county of Berks in the sum of three thousand pounds, and the treasurer of the county of Northampton in the sum of two thousand pounds lawful money of this province, conditioned for the true and faithful performance and execution of the duties of their respective offices; and that the treasurers for the respective counties who shall be hereafter appointed to receive the sums of money which shall be raised for the use of the [said] counties shall become bound in obligations with two or more sufficient sureties to the commissioners of the county: That is to say, the treasurer of the city and county of Philadelphia in the sum of two thousand five hundred pounds, the treasurer for the county of Bucks in the sum of eight hundred pounds, the treasurer for the county of Chester in the sum of one thousand pounds, the treasurer for the county of Lancaster in the sum of one thousand pounds, the treasurer for the county of York in the sum of eight hundred pounds, the treasurer for the county of Cumberland in the sum of eight hundred pounds, the treasurer of the county of Berks in the sum of one thousand pounds, and the treasurer for the county of Northampton in the sum of eight hundred pounds lawful money of this province, conditioned for the true and faithful performance and execution of the duties of their respective offices.

[Section III.] And be it further enacted by the authority aforesaid, That the collector of the duties of tonnage appointed by the act, entitled "A supplement to the act, entitled 'An act for erecting a light-house at the mouth of the bay of Delaware, at or near Cape Henlopen, for placing and fixing buoys in the said bay and river Delaware, and for appointing commissioners to receive, collect and recover certain sums of money heretofore raised by way of lottery and to appropriate the same to the purposes aforesaid,'" ¹ shall within one month from the publication of this act become bound in an obligation with two or more sufficient sureties to be approved of by the governor of this province for the time being in the sum of fifteen hundred pounds lawful money of this province, conditioned for the faithful exe-

¹ Passed September 22, 1764, Chapter 515.

cution and performance of the duties enjoined and required of him by the said recited act of assembly.

[Section IV.] And be it further enacted by the authority aforesaid, That the said treasurers who shall be hereafter appointed for receiving the levies made and collected for sinking the bills of credit heretofore granted to His Majesty's use shall and they are hereby enjoined and required yearly and every year to lay before the committee of assembly for the time being appointed for settling the public accounts their several and respective accounts, together with the duplicates or accounts of the rates and assessments of their respective counties delivered them by the county commissioners, and that on or before the first day of September in every year, which said accounts of such treasurers shall be finally adjusted and settled by the said committee; and in case any treasurer of the said counties shall neglect or refuse to account and settle with the said committee in manner and on or before the time aforesaid, every such treasurer shall forfeit all his commissions arising on the moneys which hath or shall come to his hands as treasurer for the current year, any law, usage or custom to the contrary in any wise notwithstanding; and that each of the said treasurers who shall produce their said accounts and settle with the said committee in manner aforesaid shall be allowed three pence for every mile in coming from their respective places of abode and the same for each mile in returning.

[Section V.] And be it further enacted by the authority aforesaid, That so much of the said recited act of general assembly of this province, entitled "An act for regulating the elections of sheriffs and coroners,"¹ and of another act of general assembly, entitled "An act for the preventing bribery and corruption in the election of sheriffs and coroners within this province,"² as relates to the securities to be given by the sheriffs of the several counties within this province, so much of the act of general assembly of this province, entitled "An act for raising county rates and levies,"³ as relates to the sureties to be given by the

¹ Passed January 12, 1705-6, Chapter 161.

² Passed March 11, 1752, Chapter 397.

³ Passed March 20, 1724-25, Chapter 284.

county treasurers, and so much of the act, entitled "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,"¹ as relates to the securities to be given by the treasurers of the respective counties appointed to receive the levies and bills of credit collected for sinking the moneys granted to His Majesty's use shall be and are hereby declared to be repealed, null and void.

Passed September 26, 1767. Confirmed by the King in Council March 6, 1769. See Appendix XXVI, Section III.

As to Section I, see the Acts of Assembly passed March 5, 1780, Chapter 1488; March 28, 1808, P. L. 497; April 15, 1834, P. L. 537; April 21, 1876, P. L. 46.

As to Sections II-IV, see the Acts of Assembly passed April 11, 1799, Chapter 2095; March 30, 1811, P. L. 145; April 8, 1826, P. L. 260; April 15, 1828, P. L. 491; April 15, 1834, P. L. 537; May 27, 1841, P. L. 400; February 2, 1854, P. L. 21; May 7, 1855, P. L. 495; February 13, 1871, P. L. 88.

The power of the states to impose tonnage duties was taken away by Article I, Section VIII, of the Constitution of the United States, which consequently abolished the state office of collector of tonnage duties.

CHAPTER DLXIX.

AN ACT FOR THE SUPPORT OF THE GOVERNMENT OF THIS PROVINCE AND PAYMENT OF THE PUBLIC DEBTS.

Whereas by an act of general assembly of this province passed in this present year of His Majesty's reign, entitled "An act for raising the sum of twenty thousand pounds for the support of the government of this province and payment of the public debts,"² the sum of twenty thousand pounds in bills of credit were made and deposited in the provincial treasury, with which the treasurer was directed to pay off and discharge all such drafts and certificates as had been before the passing of the said act made by order of assembly, and in case there should re-

¹ Passed November 27, 1755, Chapter 406.

² Passed May 20, 1767, Chapter 559.