

commissioners, excepting the word commissioner, in the stead of which the word assessor shall be used. And the commissioners or any one of them (having taken the oath as hereinbefore directed) are hereby authorized and required to administer [the same], which oath so taken shall be subscribed by the assessor aforesaid and certified by the commissioner.

[Section III] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the oaths and affirmations taken as directed in this act is [are] hereby declared to be as binding to all intents and purposes on all persons as the oaths and affirmations administered and taken according to the form prescribed by the laws of Pennsylvania.

Passed February 12, 1777. See the Act of Assembly passed April 17, 1795, Chapter 1852.

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## CHAPTER DCCXLII.

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AN ACT DIRECTING THE MODE OF COLLECTING THE FINES IMPOSED ON PERSONS WHO DID NOT MEET AND EXERCISE IN ORDER TO LEARN THE ART MILITARY ACCORDING TO THE RESOLVES OF THE LATE ASSEMBLY OF PENNSYLVANIA.

(Section I, P. L.) Whereas by a resolve of the late house of assembly dated the fifth day of April, one thousand seven hundred and seventy-six, imposing a fine on all able-bodied effective male white persons capable of bearing arms, not associators, between the ages of sixteen and fifty years (ministers of the gospel of all denominations, schoolmasters in actual employ and servants purchased bona fide and for a valuable consideration only excepted):

(Section II, P. L.) And whereas (to the great discouragement and dissatisfaction of the spirited and virtuous associators in this state) the fines have not been collected:

Therefore, for making effectual the said resolve:

[Section I] (Section III, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the freemen of the Common-

wealth of Pennsylvania in General Assembly met, and by the authority of the same, That the three commissioners who [*sic*] [which] at the time of their meeting shall then have been last elected in each county respectively in this commonwealth or any two of them be required and enjoined, and they are hereby required and enjoined to meet together at the court house in their respective counties on the twenty-eighth day of February instant and appoint a proper person in each ward, township and district under their hands and seals to make a return to them in writing of the names and surnames of every male white person capable of bearing arms at the time of passing the said resolves by the said late assembly between the ages of sixteen and fifty years (ministers of the gospel of all denominations, schoolmasters in actual employ and servants purchased bona fide and for a valuable consideration only excepted) where such returns have not already been made.

[Section II] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons appointed as aforesaid shall neglect or refuse to perform the duty aforesaid, the commissioners aforesaid of the respective counties or any two of them are hereby required and enjoined to fine him or them in any sum not exceeding twenty pounds and such fine shall be levied and recovered in the same manner as hath been heretofore directed by the laws of Pennsylvania for levying and recovering fines imposed on assessors refusing or neglecting to perform the duties therein required of them, which fines shall be paid into the hands of the respective county treasurer[s], to be by them applied to the same use as other moneys directed to be levied by this act. And the commissioners aforesaid or any two of them are hereby enjoined and required to appoint some proper person to make out the lists aforesaid in the place of the person first appointed, who shall make out such lists and return them to the commissioners on or before the twenty-seventh day of March next ensuing.

[Section III] (Section V, P. L.) And be it further enacted by the authority aforesaid, That every person appointed as aforesaid shall before he enters upon the duty of his office take an oath or affirmation, which any justice, commissioner or county

assessor is hereby authorized and required to administer without fee or reward (if a person of the first appointment), that he will make a faithful and diligent inquiry and endeavor by proper and lawful ways and means to procure a true and exact account and list of the names and surnames of all male white persons capable of bearing arms who were between the ages of sixteen and fifty years before the last Monday in February last past residing within his township, borough, ward or district, and will make a just and true return of such account or list to the commissioners aforesaid on or before the eleventh day of March next ensuing or (if a person not of the first appointment) on or before the twenty-seventh day of March next ensuing, and every person appointed and acting as aforesaid shall receive for his trouble in making out and returning such lists the sum of five shillings for every day he shall be employed in that service. And if any dispute shall arise concerning the age of any non-associator the same shall be determined by the commissioners aforesaid, who shall be judges of the evidence produced in favor of such non-associator.

[Section IV] (Section VI, P. L.) And be [it] further enacted by the authority aforesaid, That the captain or commanding officer of each company is hereby required and enjoined on or before the twentieth day of March next ensuing to deliver under his hand to the colonel or commanding officer of the battalion to which he belongs a list of all the persons belonging to his company who have at any time signed the articles of association, therein mentioning the time of their first signing the said articles, the county and township, borough, ward or district in which each of the said associators resides, which the colonel or commanding officer shall carefully keep, and therefrom shall immediately make out and return on or before the twenty-seventh day of March a fair duplicate to the commissioners aforesaid except the same be already done.

[Section V] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the commissioners aforesaid respectively or any two of them are hereby required and enjoined to cause their clerks to make out fair lists of the names and surnames of all persons mentioned in the duplicates returned to

them as aforesaid with the place of abode of those who appear by the duplicates returned by the colonels or commanding officers not to have signed the articles of association and thereupon the said commissioners are required to charge every such person not associating the sum of three pounds ten shillings on the lists made out on their order as aforesaid, and every person who hath signed the articles of association after the last Monday of February last three shillings and six pence for each and every parade day appointed by the aforesaid resolves before his signing as aforesaid, all which lists as aforesaid to be made out on or before the tenth day of April next, on which day the assessors of the city and the assessors of the counties respectively or any four of them and one or more of the commissioners shall meet together at the county court-house or such convenient place as the said commissioners shall appoint, and appoint a proper person in each township, ward and district in the same manner as directed in the county levy act of Pennsylvania for collecting the county taxes to collect the fines aforesaid, which collectors so appointed shall have the same powers and authorities as the collectors appointed by virtue of the county levy act aforesaid for collecting county taxes have had and exercised or ought to have and exercise.

[Section VI] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That if any collector appointed as aforesaid shall refuse or neglect to do and perform his several and respective duties as required by this act, he shall forfeit and pay the sum of twenty pounds, to be recovered in the same manner as fines are directed to be recovered from the collectors appointed by virtue of the county levy act aforesaid upon their neglect or refusal and be paid into the same hands and applied to the same uses as other money raised by virtue of this act. And in such case the commissioners of the counties respectively or any two of them shall appoint another collector in his stead, who shall have the same power and authority as the other collectors aforesaid and be subject to the same fines and forfeitures as aforesaid.

[Section VII] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That if any apprentice was willing

to associate and his master or mistress did not permit him so to do or detained him from going to the parade on any of the days of exercise appointed by the resolve of the late assembly, such master or mistress shall be liable to the payment of three shillings and six pence for each time he or she did hinder or so detain his or her said apprentice; and if such apprentice shall have neglected or refused to appear on any of the said days of exercise, not being detained by his said master or mistress, he, if of estate, shall by his guardian pay such fine, and the father or mother of any minor or minors associators and non-associators being in the service of his father or mother shall be accountable to the collector for his or their fines charged as aforesaid.

[Section VIII] (Section X, P. L.) And be [it] further enacted by the authority aforesaid, That if any commissioner or city or county assessor shall neglect or refuse to perform any of the duties required of him by this act, such commissioner or assessor shall forfeit and pay the sum of thirty pounds for every such offense, such fine to be levied and recovered in the same manner as the fines are directed to be levied and recovered in the county levy act aforesaid and paid and appropriated in the same manner and for the same purposes as the other moneys raised by virtue of this act; and in such case the commissioner or commissioners and assessors who shall proceed agreeable to the directions of this act or a majority of them are hereby enjoined to appoint another suitable and proper person to act in his stead, so refusing or neglecting as aforesaid, which person so appointed shall have the same power and authority and perform the several duties hereby required of the said commissioners and assessors, and on failure thereof shall forfeit and pay the sum of thirty pounds, to be applied as aforesaid.

[Section IX] (Section XI, P. L.) Provided nevertheless, and it is hereby enacted by the authority aforesaid, That those who have formed themselves into regular companies and signed written articles of association agreeable to the intentions of the resolves of the late assembly, and have attended the parade and mustered the number of twenty days within the time limited by the said assembly (unless having marched into the Jerseys

on actual service) shall be considered in the same light and dealt with in the same manner as those who have signed the articles of association framed by the late house of assembly. And that such as have not signed any association whatever nor attended to any particular muster days, yet on the first call of the associators last summer did cheerfully turn out to camp and serve the times required of the associators in defense of the American states, shall be deemed as associators from the time of their engaging in the said service.

[Section X] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if any non-associator or the parent, guardian, master or mistress of any non-associator between the ages of sixteen and twenty-one years or any other non-associator shall think him or herself aggrieved by the assessment aforesaid, he or she may appeal to the county commissioners where he or she resides, who or any two of them shall meet together on or before the twelfth day of May next ensuing and so from day to day as long as may be necessary and at such place or places as the commissioners or any two of them shall appoint, of which days and places of meeting they shall cause the collectors to give due notice to the persons so charged or by this act made liable to the fines as aforesaid and also return the names of all persons omitted or not charged in their duplicates respectively who are made finable by this act, and then and there the said commissioners or any two of them shall hear such appeals as may be made to them and may discharge such assessment or lower the same as to them on consideration of inability of person or estate (only) shall appear just and equitable.

[Section XI] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners of the counties respectively, or any two of them, within ten days after hearing and determining the appeal made to them shall rectify and adjust the lists returned to them as aforesaid and the assessments thereon and deliver to the treasurers of the counties respectively a true account of the sum total which every collector shall be charged with in pursuance of this act, and shall cause their clerks to make out and deliver duplicates thereof to the respective collectors of the townships, boroughs, wards and

districts within the said city and counties respectively, who shall collect the said sums and shall pay the same into the hands of the county treasurers respectively, who shall pay the same into the hands of the state treasurer for the time being to be applied in such manner as this or any future house of assembly shall direct; and the commissioners and assessors shall be allowed seven shillings and six pence per diem for their service aforesaid; and all persons shall be liable to the payment of the said sums in the same manner, and the collectors shall have the same powers and shall proceed in collecting and levying the said sums and shall be accountable in the same manner as is directed by the act of general assembly of Pennsylvania, entitled 'An act for raising county rates and levies,'<sup>1</sup> for collecting the county taxes; and the collectors shall have for their care and trouble in collecting the said fines one shilling in the pound for all such moneys collected as aforesaid; and the treasurer shall have for his care and trouble in receiving from the collectors, delivering to the state treasurer and paying the commissioners' orders one per cent; and the state treasurer shall have for his trouble one-fourth per cent.

[Section XII] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the treasurer of the counties respectively before they enter on the duties hereby required of them shall give security to the commissioners for the faithful discharge of their office in the sum of fifteen hundred pounds.

Passed February 14, 1777. See the note to the Ordinance of the First Constitutional Convention passed September 14, 1776, Chapter 735; and the Acts of Assembly passed March 17, 1777, Chapter 750; June 18, 1777, Chapter 758; October 10, 1779, Chapter 865.

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### CHAPTER DCCLXIII.

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AN ACT AUTHORIZING THE COLLECTORS OF THE EXCISE DUE AND TO BECOME DUE ON SPIRITUOUS LIQUORS TO COLLECT THE SAME, AND DIRECTING THE MODE OF OBTAINING TAVERN AND OTHER LICENSES AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas by the ceasing of the powers of government in the province of Pennsylvania the several and re-

<sup>1</sup> Passed March 20, 1724-25, Chapter 284.