

where the governors of Pennsylvania have heretofore granted licenses, and the fees shall be the same as have heretofore usually been [in like cases] and shall be paid into the hands of the state secretary (except in the case aforesaid) and the said secretary shall make fair entries of all such moneys he shall so receive and shall once in three months or oftener pay the same into the hands of the treasurer aforesaid for the use of the state, retaining in his hands the sum of five shillings for his trouble in making out each of the said licenses and affixing the seal to the same, and shall transmit an account thereof on oath or affirmation to the committee of accounts for the time being appointed by the general assembly to settle the public accounts.

[Section VI] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That all peddlers, hawkers and petty chapmen shall be and are hereby declared to be within the meaning and intention of this act.

Passed February 18, 1777. As to Sections I-V, see the notes to the Acts of Assembly passed February 28, 1710-11, Chapter 172; September 21, 1756, Chapter 412; March 21, 1772, Chapter 656; and the Act of Assembly passed April 22, 1794, Chapter 1763.

As to Section VI, see the note to the Act of Assembly passed February 14, 1729-30, Chapter 308.

CHAPTER DCCXLIV.

AN ACT TO DISCOURAGE DESERTION AND TO PUNISH ALL SUCH PERSONS AS SHALL HARBOR OR CONCEAL DESERTERS.

(Section 1, P. L.) Whereas many soldiers being duly enlisted or employed in the service of the United States of America and others in the service of this state desert and absent themselves illegally from their respective duties [to] the great prejudice of the service and the ill example of others:

In order therefore that an evil so dangerous in its consequences may be properly discouraged and (if possible) finally prevented, and the encouragers and abettors thereof duly punished:

[Section I] (Section II, P. L.) Be it enacted by the representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That it shall and may be lawful to and for the constable of the township, ward or borough where any person who shall be suspected to be a deserter shall be found who is hereby authorized and required to apprehend, or cause him to be apprehended and brought before any justice of the peace of this state living in or near such place who is hereby authorized and required to examine such suspected person, and if by his confession or the testimony of one or more witness or witnesses upon oath or affirmation or by the knowledge of such justice of the peace it shall appear that such suspected person is an enlisted soldier and ought to be with the troop or company to which he belongs, such justice of the peace shall forthwith cause him to be conveyed to the gaol of the county where he shall be found and the sheriff of the county shall forthwith transmit an account thereof to the colonel or commanding officer of the battalion to which the said deserter shall belong or of the nearest battalion, to the end that such person may be proceeded against according to the martial law of the United States and the keeper of such gaol or house of correction shall receive the full subsistence of such deserter or deserters, but shall not be entitled to any fee or reward on account of the imprisonment of such deserter or deserters, any law, usage or custom to the contrary notwithstanding.

And for the better encouragement of every constable to secure or apprehend such deserters as aforesaid:

[Section II] (Section III, P. L.) Be it further enacted by the authority aforesaid, That the officer to whom said deserter shall be delivered shall pay into the hands of the gaoler or sheriff where such deserter shall be apprehended and detained the sum of three dollars over and besides the reward ordered to be paid by Congress for each deserter he shall so deliver for the use of the constable or constables who hath or have apprehended the said deserter or deserters.

[Section III] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any person shall harbor or enter-

tain for the space of six hours by day or twelve hours by night any deserter or deserters knowing him or them to be such without apprehending him [or them] or giving notice thereof to the next justice of the peace or to some constable, every such person so offending shall forfeit and pay for every such offense the sum of five pounds, or if any person shall knowingly detain, buy or exchange or otherwise receive any arms, caps, clothes or other furniture or accoutrements belonging to the United States of America or either of them from any soldier or deserter upon any account or pretense whatsoever or cause the color of such clothes to be changed, the person or persons so offending on being thereof legally convicted shall forfeit and pay over and above the value thereof the sum of five pounds, one moiety thereof and of the last mentioned fine to the overseers of the poor of the township for the use of the poor thereof, and the other moiety to the informer; and in case any such offender who shall be convicted as aforesaid of harboring or assisting any such deserter or deserters, or having knowingly received any arms clothes, caps or other furniture belonging to the said United States or either of them, or having caused the color of such clothes to be changed contrary to the intent of this act, and shall not have sufficient goods or chattels whereon distress may be made to the value of the penalties and forfeitures incurred by him, her or them for such offense, or give sufficient sureties for the payment of such penalties within sixty days after such conviction, then and in such case any two justices of the peace shall and may by warrant under their hands and seals either commit such offender to the common gaol, there to remain without bail or mainprise for the space of six weeks, or cause such offenders to be publicly whipped on his or her back, with any number of lashes not exceeding twenty-one.

(Section V, P. L.) Provided always, That no commissioned officer or any other person shall break open any house to search for deserters without a warrant from a justice of the peace; and every commissioned officer of any other person who shall without warrant from one or more justice or justices of the peace of this state (which said warrant the said justice or justices are

hereby empowered to grant) forcibly enter into or break open the dwelling house or outhouse of any person under pretense of searching for deserters, shall upon due proof thereof forfeit and pay the sum of thirty pounds to the owners of such house and make good all damages he, she or they may sustain by such breaking.

[Section IV] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the constables of each ward in the city of Philadelphia, the district of Southwark and of every township in this state respectively are hereby enjoined and required under the penalty of twenty shillings for every neglect to go as often as the case may require to every suspected place or house in his township or the adjacent townships that he shall suspect or be informed of, and apprehend every suspected person and take him or them before the next justice, and if on examination it shall appear probable that he or they is or are a deserter or deserters, such justice shall commit him or them to the county gaol until it shall be known whether he or they be a deserter or deserters or not. And if any able-bodied man shall travel or come into any part of this state without a pass from some justice of the county or some other justice of the peace from whence he may have come or if a soldier from his commanding officer, every such person so traveling or coming into the state as aforesaid shall be deemed and taken to be a deserter, and within the meaning of this act except the contrary be made appear, and every constable is hereby authorized (if need be) to call to his aid sufficient assistance (men of the neighborhood) to apprehend any deserter or deserters, and if any person or persons so called or commanded to assist the constable shall disobey or refuse such assistance, on complaint thereof made to the next justice every person so refusing shall if convicted forfeit and pay to the said justice the sum of twenty shillings, one moiety to the use of the poor of the township where such refusal shall be and the other for the use of such constable, to be recovered as debts under forty shillings; and in order to encourage the apprehending deserters, every person not a constable who shall apprehend any deserter and deliver him to some constable shall be entitled to receive for every such deserter, the sum of twenty

shillings, to be paid out of the state treasury, or if he conveys such deserter to the county gaol he shall be entitled to the same reward as constables by this act are entitled to receive.

Passed February 20, 1777. See the Acts of Assembly passed March 12, 1778, Chapter 786; March 8, 1780, Chapter 888; June 1, 1780, Chapter 912; March 17, 1783, Chapter 1014; April 5, 1785, Chapter 1161.

CHAPTER DCCXLV.

AN ACT TO MAKE EFFECTUAL BONDS HERETOFORE GIVEN TO THE GOVERNORS OF PENNSYLVANIA BY THE SEVERAL OFFICERS OF GOVERNMENT FOR THE FAITHFUL DISCHARGE OF THEIR RESPECTIVE OFFICES.

[Section I, P. L.] Whereas under the late government of the [province of] Pennsylvania divers officers were by the laws of the said province directed and required to give bond to the governor for the time being with sufficient sureties for the just and faithful performance and discharge of the duties and trust of their respective offices, which said bonds were intended for the use and indemnity of such of the inhabitants as might be injured by such officers refusing or neglecting to do and perform the respective duties of their offices in the manner they ought to do:

In order, therefore, that all such bonds may have the effect and use for which they were given:

[Section I] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all and singular the bonds or obligations that have been executed and given by the officers of government in the said province to any governor thereof conditioned for the faithful discharge of their respective offices, and such bonds or writings obligatory are hereby declared to be valid, good and effectual in law for the uses and purposes for which they were executed and given, and actions or suits may be commenced, sued and prosecuted on any or every of such bonds or writings obligatory as fully and effectually as might,