

shall make use of any of the materials by him discovered and used in the manufacturing of oil and blubber as aforesaid.

(Section V, P. L.) And in order to prevent any disputes or uncertainties arising as to the identity of the materials discovered and used in the making of oil and blubber by the aforesaid Henry Guest, be it known and it is hereby declared that before the passing of this act he, the said Henry Guest, hath lodged in the clerk's office of this House, sealed up and endorsed by himself and the clerk, a particular account and description of the materials by him invented or discovered for the purpose of making therefrom oil and blubber.

[Section III.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That before or as soon as he, the said Henry Guest begins to manufacture the aforesaid oil and blubber in this state he shall put up in his said manufactory or manufactories a printed account in English and German of the said materials by him discovered or invented and used in the making oil and blubber, subject to the inspection of all persons, in order that no person may unknowingly offend and that all after the expiration of the term of five years may be enabled to prosecute the said manufactures to their own advantage.

Passed March 17, 1780. Recorded L. B. No. 1, p. 369, &c.

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## CHAPTER DCCCXCIX.

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AN ACT FOR THE EFFECTUAL RECOVERING AND SECURING THE FINES, FORFEITURES AND OTHER MONEYS, DUE OR BELONGING TO THE COMMONWEALTH FOR THE USE OF THE SAME.

(Section I, P. L.) To the end that all fines, forfeitures, issues, amerciaments, fees and moneys which, by the constitution and laws were designed and ought to be applied towards defraying the necessary charges of supporting government and the ad-

ministration of justice within this commonwealth, may be duly estreated, levied and paid into the public treasury, and go to the uses intended:

[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 fines, issues, americiaments, forfeited recognizances, sum and sums of money to be paid in lieu and satisfaction of them, and all other forfeitures which, from and after the publication of this act, shall be set, imposed, lost or forfeited in the supreme court or in any of the courts of common pleas, courts of general quarter sessions of the peace and gaol delivery, or before any special commissioners of oyer and terminer, in any county of this state, or before any justices or justice of the peace, shall by the justices, prothonotaries, clerks and sheriffs, respectively, be certified and estreated in and into the supreme court, to be held in Philadelphia on the tenth day of April next, expressing the cause of the loss, the court, the nature of the writ and names of the parties betwixt whom the said issues and americiaments are lost, and from whom the said moneys were received or are still due. And that all fines, issues, americiaments, forfeited recognizances, sum and sums of money to be paid in lieu or satisfaction of them, or any of them, and all other forfeitures whatsoever arising in the said courts, and due to the state, from and after the tenth day of April next in every year, to the twenty-fourth day of September in every year, shall be and are hereby ordained and required to be certified and estreated in and into the supreme court at Philadelphia, the last day of every September term in every year; and from the beginning of every September term there in every year to the beginning of April term there in every year, on the last day of every April term in every year, on pain that very officer and minister aforesaid who by this or any other law of this commonwealth ought to make certificates or estreats of any of the said fines, issues, americiaments, forfeitures or moneys, making default of offending therein, and being thereof legally convicted on indictment or information in the said court, shall be fined at the discretion

of the said court for the use of the state, and on further pain in case of a conviction for a second default or offense of a like nature, of being displaced and removed from office by the justices of the said supreme court.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the clerk of the city court in Philadelphia, and every of the clerks of the peace within this commonwealth, shall make and deliver, yearly, to the sheriff of the respective city or county where the sessions of the peace is or shall be kept, within ten days after the first day of November in every year, a true and perfect estreat or schedule of all fines, issues, americiaments, forfeited recognizances, sum and sums of money and other forfeitures whatsoever which shall happen to be imposed, set, lost or forfeited in any of the said sessions of the peace, respectively, which shall be held before the said first day of November, by or upon any person or persons whatsoever; and shall also yearly and every year, on or before the tenth day of April, make out and deliver to the prothonotary of the supreme court a true and perfect duplicate certificate, and estreat of all the schedules so delivered to the said respective sheriffs, that so they or their opposals in the said supreme court may be charged with the money levied and received by them, respectively, upon such schedules delivered as aforesaid, on pain that every person and persons offending herein, and being thereof legally convicted in manner aforesaid shall be fined in any sum at the discretion of the said court for the use of the state; and on further pain, in case of a conviction for a second default or offense of the like nature, of being displaced and removed from office by the justices of the said supreme court.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the justices of the supreme court may and shall award process for levying, as well of such fines, forfeitures, issues and americiaments as shall be estreated into the same, as of all the fines, forfeitures, issues and americiaments which shall be lost, taxed and set there, and not paid to the uses they shall be appropriated to.

[Section IV.] (Section V, P. L.) And be it further enacted

by the authority aforesaid, That all clerks and prothonotaries of the said courts, clerks of the peace and others to whom it belongs to make return of estreats into the said supreme court, shall deliver in all and every such estreat and estreats upon their oaths or affirmation to be administered by one or more of the judges of the same court, or any two justices of the peace to the effect following, That is to say: "You shall declare that these estreats now by you delivered are truly and carefully made up and examined, and that all fines, issues, americiaments, recognizances and forfeitures which were set, lost, imposed or forfeited and in right and due course of law ought to be estreated in the supreme court of Pennsylvania, are, to the best of your knowledge and understanding, herein contained; and that in the same estreats are also contained and expressed all such fines and americiaments as have been paid into the court from which the said estreats are made, without any wilful or fraudulent discharge, omission, misnomer or defect whatsoever."

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That no justice, officer or minister of or belonging to any of the said courts, nor any prothonotary or clerk of the said supreme or other court, clerk of the peace, nor any officer or minister under them, or any of them, nor other person or persons whatsoever, do or shall spare, take off, discharge or wittingly or willingly conceal any indictment, fine, issue, americiament, forfeited recognizance or other forfeiture whatsoever, exhibited, set, imposed, lost or forfeited in any of the courts above mentioned, or before any of the judges, justices or commissioners of or belonging to the same; or any sum or sums of money paid, or to be paid to any officer or officers, in lieu or satisfaction of any fine or forfeiture, unless it be by rule or order of court, where such indictment, fine, issue, americiament, forfeited recognizances or other forfeiture whatsoever is or shall be exhibited, set, imposed, lost or forfeited; nor shall any of the justices, officers or ministers aforesaid, or any other willingly or wittingly mis-certify or estreat in or into any of the said supreme courts, any fine, issue, americiament, forfeited recognizance or other forfeiture whatsoever,

whereby the process of the said supreme court for the levying thereof may be made invalid and of none effect. But every such justice, officer and minister and all and every other person and persons offending herein shall, for every such offense, forfeit and pay treble the value of such fine, issue, amercia-ment, forfeited recognizance, sum or sums of money or other forfeiture so spared, taken off, discharged, concealed, not certified or estreated or miscertified as aforesaid, the one moiety thereof to the use of the state, and the other moiety to such person or persons as will sue for the same, to be recovered with costs in any court of record within this commonwealth by action of debt, bill or information, wherein no essoin, protection or wager of law or more than one imparlance shall be allowed.

[Section VI]. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the justices of the supreme court, or any two of them, shall view all the said estreats and cause their prothonotary or clerk to enroll them in the same court; and shall hear and determine all complaints brought before them concerning immoderate fines, issues or amercia-ments estreated as aforesaid, and give relief to the party grieved, according to justice and their legal discretion.

[Section VII.] (Section VIII, P. L.) And be it enacted by the authority aforesaid, That the justices of the supreme court may and shall nominate and appoint an officer, to be styled "The Clerk of the Estreats," whose duty shall be to keep a fair and true account of all fines, issues, amerciements, forfeited recognizances, sum and sums of money paid in lieu and satisfaction of them, and all other forfeitures, also of all fees and license money belonging to this commonwealth to be taken from the schedules or estreats thereof, delivered by the respective sheriffs to the prothonotary of said court from time to time or otherwise; to ascertain the amount of the same annually in each county, and charge the same to the proper persons; to put the aforesaid recognizances in process under the direction of the supreme court, and to do and perform all such other matters and things as the said court shall think necessary for the effectual securing the fines and moneys aforesaid to the use of the commonwealth.

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That all and every the said fines, sums of money or other forfeitures which from henceforth shall be levied or received for the use of the state according to the directions and intent of this act shall be paid by the sheriff or other officer or minister who levied or received the same to such person as shall by the general assembly from time to time be appointed treasurer of this commonwealth, who shall keep a fair and true account of the same in a book to be by him provided for that purpose, and shall, from time to time lay an account thereof before the said general assembly; and the said treasurer shall receive for his trouble in receiving and paying over such moneys so by him received, three and a half per centum and the said clerk of the estreats shall receive for his trouble one and a half per centum on all moneys so as aforesaid paid into the treasury.

[Section IX.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the secretary of the supreme executive council, or his deputies, for delivering out licenses within the several counties of this state, respectively, shall keep a true and just account of all fees and license money which have been heretofore payable to the governor or his deputies for the support of government, and by the constitution of this commonwealth are directed to be paid into the public treasury, expressing the time when, the persons' names to whom any license has been granted and where they inhabit; also the names of the person or persons from whom any such fees or license money have been received, the time when received, and for what service; and shall certify the same to the justices of the supreme court on the first day of the September term at Philadelphia in every year, and shall pay the same, or cause the same to be paid [to the treasurer of this commonwealth for the time being] within ten days after, on pain of forfeiting and paying any sum that the said court in their discretion may think just and proper, the one moiety thereof to the use of the state and the other moiety to him or them that will sue for the same, to be recovered with costs as aforesaid.

[Section X.] (Section XI, P. L.) And be it further enacted

by the authority aforesaid, That the act, entitled "An act for the better recovery of fines and forfeitures due to the governor and government of this province,"<sup>1</sup> passed the twenty-eighth day of May, in the year of our Lord one thousand seven hundred and fifteen, be and the same is hereby repealed and made null and void.

Passed March 18; 1780. See the note to the Act of Assembly passed May 28, 1715, Chapter 206. The Act in the text was repealed by the Act of Assembly passed December 9, 1783, Chapter 1062. Recorded L. B. No. 1, p. 369, &c.

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#### CHAPTER CM.

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AN ACT DIRECTING THE APPORTIONING AND ASSESSING OF COUNTY RATES AND LEVIES; POOR RATES; THE TAXES TO BE LAYED FOR THE OPENING, AMENDING AND REPAIRING OF ROADS AND HIGHWAYS; THE TAXES TO BE LAYED FOR SUPPORTING THE NIGHTLY WATCH, THE LAMPS AND PUMPS, AND FOR PITCHING, PAVING AND CLEANSING THE STREETS, LANES AND ALLEYS AND FOR REGULATING, MAKING AND AMENDING THE WATERCOURSES AND COMMON SEWERS IN THE CITY OF PHILADELPHIA, CONFORMABLY TO THE STATE TAXES ON TAXABLE PERSONS, AND ON ESTATES REAL AND PERSONAL; FOR EXPLAINING AND AMENDING THE ACTS PASSED IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SEVENTY-NINE, FOR ASSESSING AND LEVYING THE SAID STATE TAXES; AND FOR INCREASING THE RECOMPENSE OF COUNTY COMMISSIONERS AND ASSESSORS.

(Section I, P. L.) Whereas, in and by divers acts of assembly, county rates and levies, poor rates, taxes necessary to be levied for the opening, amending and repairing of roads and highways, and the taxes for supporting the nightly watch, lamps and pumps, and for pitching, paving and cleansing the streets, lanes and alleys, and regulating, making and amending the water courses and common sewers, in the city of Philadelphia, various modes of assessment are directed within the several counties, townships and districts and within the city of Philadelphia respectively:

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<sup>1</sup> Chapter 206.