

CHAPTER CMXXVI.

AN ACT TO COMPLETE THE QUOTA OF THE FEDERAL ARMY ASSIGNED
TO THIS STATE.

(Section I, P. L.) Whereas, the practice of enlisting soldiers for short terms, has been attended with great inconvenience and danger to this and the United States in creating a necessity of frequently calling forth the militia, at a very heavy expense, and waste of important time, and by reducing the forces in the field at critical periods to a number vastly inadequate to the service, for the prevention of which in future the legislature conceive it to be absolutely necessary to raise, with all possible expedition, a sufficient number of troops to complete the quota of the army required of this state by the honorable the Congress, to serve during the present war with Great Britain and have therefore agreed, That:

[Section I.] (Section II, P. L.) It be 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 there shall, with all convenient speed, be enlisted within this state two thousand seven hundred able-bodied men to serve during the present war with Great Britain, who shall be raised and procured by or at the expense of the inhabitants of the city of Philadelphia and the several counties of this state in number and according to the proportions following, to wit, by the city [and county] of Philadelphia, eight hundred and ninety-five. The county of Bucks, one hundred and seventy-seven. The county of Chester, two hundred and eighty-four. The county of Lancaster, three hundred and eighty-four. The county of York, two hundred and fourteen. The county of Cumberland, two hundred and two. The county of Berks, one hundred and ninety-three. The county of Northampton, one hundred and twelve. The county of Bedford, sixty-one. The county of Northumberland, seventy-five, and the county of Westmoreland, one hundred and three.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the commissioners of the city and several counties of this state, respectively, or any two of them, shall direct the assessors of the several townships, wards and districts in the said city and counties, respectively, to meet at the times and places hereinafter mentioned: That is to say, in the city and counties of Philadelphia, Bucks, Chester, Lancaster, Berks and Northampton on or before the twenty-second day of January next; and in the counties of York, Cumberland, Bedford, Northumberland and Westmoreland, on or before the first day of February next, at the usual places of holding courts in the said city and counties, respectively, or at such other place or places where the said commissioners shall think most convenient, and shall then and there, in conjunction with the said assessors, proceed to class the taxable persons and property within the said city and counties, respectively, in such manner that the said property, together with a proportionable sum on all taxable single freemen shall be divided into as many equal parts as the said quota of men, which the said city or counties, respectively, are by this act required to enlist, shall consist of, paying due regard to the ease and convenience of the inhabitants by including those who reside near to each other within the same class; and shall transmit to the several classes, by persons by them to be appointed for that service, an order in writing, under the hands of the said commissioners, or any two of them, with a duplicate annexed, containing the names of each and every person composing the same, requiring each of the said classes to enlist during the war, and deliver to the proper officer one able-bodied recruit within fifteen days thereafter.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That every class which shall deliver a soldier who was enlisted during the present war, and hath deserted the service, to the officer appointed as aforesaid, shall be excused from furnishing a recruit as above required.

(Section V, P. L.) Provided always, That nothing herein contained shall authorize any person or persons to enlist any deserter from the British army, or from the navy of the United

States, as a recruit for the class to which he belongs or for any other.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if any class or classes shall neglect or refuse to enlist one able-bodied recruit as aforesaid, within the time limited and directed, or to make return thereof to the assessor of the proper township, ward or district, it shall and may be lawful for the said commissioners, or any two of them, and the assessor of such ward, district or township, where such neglect or refusal shall happen, to proceed and levy, on each class so neglecting or refusing a tax not exceeding fifteen pounds specie, or other current money equivalent, on the persons severally composing such class or classes, in equal proportions, according to the last public tax levied therein, which they are hereby enjoined and directed to do within two days after such neglect or refusal, and shall cause the same to be levied, collected and paid in the manner at present in force and practice with respect to other taxes.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That where any class or person therein shall furnish such recruit, and any dispute may arise about the sum or sums of money which any person or persons therein should or ought to pay towards the enlistment of such recruit, or shall neglect or refuse to pay their proportion thereof the same shall be adjusted, collected and paid in the manner directed in the foregoing clause for the levying, collecting and paying the expenses of enlistment in cases where the classes have neglected or refused.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the supreme executive council be and they are hereby authorized and empowered to appoint an officer or officers for the purpose of recruiting and taking all recruits in charge that shall be enlisted in pursuance of this act, and make such drafts on the treasurer of the state for the filling up the aforesaid quota of troops in the city of Philadelphia and the several counties as by them from time to time shall be judged necessary, in favor of such officer or officers to be by them appointed for the service aforesaid, so as the sums

drawn for do not exceed the penalties incurred by the delinquent classes.

[Section VII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That every such recruit, enlisted for any class, shall be attested before the next or some justice of the peace, and if accepted by him, shall, by one of the said classes, be delivered to the nearest officer appointed for that purpose, who, upon the receipt of such recruit and certificate from the said justice of the peace of his having been attested as above, shall give a receipt in favor of such class for said recruit.

[Section VIII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That all moneys paid by executors, guardians or others in legal trust, in right of another, in pursuance of this act, shall be allowed in their accounts at the time of the settlement thereof.

[Section IX.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That every recruit so enlisted and entered into the army shall receive one complete suit of clothes each year, and at the end of the war two hundred acres of land and all other pay, gratuities and exemptions that other soldiers in the line of this state are or shall be entitled to.

[Section X.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That any county commissioner herein required to perform certain duties and neglecting or refusing so to do, according to the true intent and meaning of this act (except in case of sickness or removal), shall be fined by the supreme executive council of this state in any sum not exceeding five hundred pounds, and any assessor, collector or other person required in pursuance of this act to perform any duty and neglecting or refusing to perform the same (except as above excepted) shall be fined in any sum not exceeding one hundred pounds, by the commissioners of the city or any of the counties of this state, or any two of them, where the offense may happen, who shall appoint another or others in their stead.

(Section XIII, P. L.) And whereas, it may happen that a part or the whole of the property in some of the said classes may not

have any person in the occupation or possession thereof or resident thereon to represent it:

[Section XI.] (Section XIV, P. L.) Be it therefore enacted by the authority aforesaid, That the collector of the township, ward or district wherein such property may be found shall give speedy information thereof to the commissioners of the county, who shall, without delay, publish, or cause to be published, in some of the newspapers, printed in the city of Philadelphia, for three weeks successively an account of all property so circumstanced in their said county, and of the sum or sums of money chargeable thereon, requiring the owner or owners to make payment thereof to the proper person at or before the expiration of two months from the date of such publication; and, on failure of such payment at the expiration of such term, the commissioners of the proper county, or any two of them, may, and they are hereby authorized, empowered and required to expose such property, or as much thereof as may be necessary, to pay such sum or sums of money, with reasonable costs, to sale at public auction, and, after due and public notice given of such intended sale for at least ten days, to sell the same to the highest and best bidder; and the said commissioners, or any two of them, shall convey any houses, lands or tenements so sold to the purchaser or purchasers thereof in fee simple or for such estate as the delinquent owner thereof held the same, which shall be good and valid in law; and the said commissioners, after deducting the sum or sums of money aforesaid, and the reasonable costs, shall return and pay the overplus of the consideration money, if any, to the owner or owners when thereunto required.

[Section XII.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That all tenants in possession shall be accountable for and pay any sum or sums of money charged by virtue of this act on the lands in his or her possession, and may discount the same out of his or her rent; and in case one year's rent should prove insufficient to defray the same, the said lands shall be liable for the sums charged thereon, and the same or such parts thereof as may be sufficient may be sold therefor in the manner prescribed in the foregoing clause.

[Section XIII.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the persons to be appointed by the commissioners of the city and several counties to transmit and deliver to the several classes, their order with the duplicate hereinbefore mentioned, shall be paid such reasonable rewards, respectively, for that service as shall be agreed for, by drafts of the said commissioners, or any two of them, on the treasurer of the proper county, who is hereby directed to answer and discharge the same out of any money in his hands belonging to such county and unappropriated.

Passed December 23, 1780. See the Acts of Assembly passed June 25, 1781, Chapter 946; September 29, 1781, Chapter 951; August 11, 1784, Chapter 1104; September 6, 1785, Chapter 1171; November 10, 1787, Chapter 1326. Recorded L. B. No. 1, p. 413, &c.