

of five hundred pounds, to be recovered by action of debt, in any court of common pleas within this commonwealth for the use of the same.

Passed April 13, 1782. Recorded L. B. No. 1, p. 516, etc.

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CHAPTER CMLXXIV.

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AN ACT TO ENCOURAGE THE APPREHENDING PRISONERS OF WAR, WHO HAVE OR HEREAFTER MAY ESCAPE FROM THE PLACE OF THEIR CONFINEMENT, AND TO DISCOURAGE HARBORING THEM IN THIS STATE.

(Section I, P. L.) Whereas, it has been found by experience that the lenity and indulgence extended to the British prisoners of war, confined in sundry places within the United States, have been abused by them to base and perfidious purposes, and [that] many of them, assuming the habit and profession of laborers, have effected their escape and joined our enemies within the British lines at New York:

For remedy whereof:

[Section I.] 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 it shall and may be lawful for any of the inhabitants of this state, as well as to the different officers, whether civil or military, in the same, and they are hereby strictly enjoined and required to make diligent inquiry after and take up all such prisoners of war as they may have reason to believe are either secreted or concealed under any habit or pretence whatsoever, and them forthwith to bring before the next justice of the peace for examination. And if, upon such examination, it shall appear that said person so brought is a prisoner of war, he shall be committed to the gaol of the county and notice immediately transmitted to the war office of the name and place of confinement of such offender, that proper measures may be taken to return him to the place of his con-

finement; but if he refuses to give a satisfactory account of himself, then he shall be committed to the gaol of the county where such person may be apprehended, there to remain until the next court of general quarter sessions of the peace, which court shall take order on the case of said prisoner.

(Section II, P. L.) And whereas, the honorable Congress of these United States has recommended to the states, respectively, to encourage the apprehending such prisoners, by giving a reward of eight dollars to any person or persons who shall apprehend any prisoner of war, escaping from the place of his confinement, and one-eighth of a dollar per mile for traveling charges to any gaol, together with five ninetieths of a dollar for the subsistence of each prisoner while he shall be confined, all such moneys to be repaid by the superintendent of finance for the United States as by the resolve is directed:

(Section III, P. L.) In compliance therefore with the said recommendation, and as an encouragement to those who may exert themselves in apprehending and securing such prisoners:

[Section II.] Be it further enacted by the authority aforesaid, That whenever any person or persons within this state shall apprehend any prisoner of war, who has escaped from the place of confinement, and shall bring him before any justice of the peace within this commonwealth as aforesaid, such justice shall and he is hereby required to give a certificate to the person or persons apprehending such prisoner to the following effect:

"I, A. B., one of the justices of the peace for the county of \_\_\_\_\_, do hereby certify that C. D., on the \_\_\_\_\_ day of \_\_\_\_\_, brought before me a person who, upon examination appears to be a prisoner of war, belonging to the regiment of \_\_\_\_\_, in the service of the King of Great Britain, and who has escaped from the place of his confinement, and that the said C. D., on producing a receipt from the keeper of any prison within this state for the said prisoner, is entitled to the reward and expenses by law allowed in such cases, witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, Anno Domini one thousand seven hundred and eighty\_\_\_\_\_." Which certificate, together with a receipt from the keeper of

any prison within this state for such prisoner, being delivered to the treasurer of any county in this state, it shall and may be lawful for such treasurer and he is hereby required and directed to pay the reward, mileage and subsistence money as by this act is hereafter directed and required, and the said certificate and receipt, together with a receipt for the money paid, shall be a sufficient voucher for the allowance thereof in his account.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the reward to be paid for every prisoner so apprehended and secured shall be eight dollars, and that every person so apprehending such prisoner shall also be allowed one-eighth of a dollar per mile for traveling charges and five-ninetieth of a dollar per day for the subsistence of each prisoner, all which said sums agreeable to the said resolve of Congress are to be allowed and repaid by the superintendent of finance.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That if any dispute shall arise between the said treasurer and the party claiming such expenses and allowance, the same shall be settled and ascertained by any two of justices of the peace of the county where such prisoner shall be secured, whose certificate thereof shall be final and conclusive and be a sufficient voucher to such treasurer.

(Section VI, P. L.) And in order that due and punctual repayment may be made for all moneys thus advanced for the United States:

[Section V.] Be it enacted by the authority aforesaid, That the treasurer of every county, respectively, shall, once in every six months, transmit to the treasurer of the state the certificates and receipts taken as aforesaid, who, upon receipt thereof, shall adjust and settle the same with the superintendent of finance. And if any treasurer shall wilfully or negligently keep such certificates and receipts beyond the space of six months aforesaid, every such treasurer shall forfeit and lose the moneys by him paid, and no allowance shall be made therefor in the settlement of his account.

[Section VI.] (Section VII, P. L.) And be it further enacted

by the authority aforesaid, That if any person suspected to be a prisoner of war escaped from his confinement shall be brought before any justice of [the] peace, and shall refuse to give any account of himself, it shall and may be lawful for such justice to grant a certificate upon the best information and evidence he can procure, which shall be as good and effectual for the recovery of the said reward and expenses as if the same had been granted on full conviction and acknowledgement made by such prisoner, anything hereinbefore contained to the contrary notwithstanding.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That if any keeper of any prison within this state shall wilfully or negligently suffer any prisoner of war committed to his custody to escape from the said prison, the keeper being convicted thereof in any court of record within this state shall forfeit and pay the sum of fifty pounds for every prisoner so escaping, with costs of suit, and be disabled from holding such office or place at any time thereafter.

(Section IX, P. L.) And in order the more effectually to deter all persons from the base and treacherous practice of aiding, abetting, concealing or assisting such prisoners of war:

[Section VIII.] Be it further enacted by the authority aforesaid, That whatsoever person shall be duly convicted in any court of quarter sessions of this state, either of concealing, aiding, abetting or otherwise assisting such prisoner of war in making his escape, shall forfeit, on such conviction, the sum of fifty pounds, one-half to the state and the other half to the person prosecuting for the same; but if the person so convicted shall be unable to pay he shall be publicly whipped with thirty-nine lashes; and this offense is hereby declared to be made inquireable in the court of quarter sessions, and the constables shall, on making their quarterly returns, answer on oath, touching their knowledge of any offense against this law.

[Section IX.] Provided always, That nothing in this act shall be meant, construed or intended to affect any persons who shall receive prisoners of war for the purposes of labor by any order from the war office or such officer whom they

may authorize to grant such order. But such persons so receiving prisoners of war, are hereby required to enter the names of such prisoners with the next justice of the peace within one week after bringing them to the places of their respective residence.

Passed April 13, 1782. Recorded L. B. No. 1, p. 518, etc.

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CHAPTER CMLXXV.

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A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT TO ALTER AND AMEND AN ACT, ENTITLED 'AN ACT FOR THE EFFECTUAL SUPPRESSION OF PUBLIC AUCTIONS AND VENDUES, AND TO PROHIBIT MALE PERSONS, CAPABLE OF BEARING ARMS, FROM BEING HAWKERS AND PEDLERS.'" <sup>1</sup>

(Section I, P. L.) Whereas the commissions or recompense allowed to the auctioneers for the city of Philadelphia, the Northern Liberties and the district of Southwark, respectively, for the services by them performed, by virtue of the act of assembly, entitled "An act to alter and amend an act, entitled 'An act for the effectual suppression of public auctions and vendues and to prohibit male persons capable of bearing arms from being hawkers and peddlers,'" <sup>1</sup> passed the twenty-third day of September, in the year one thousand seven hundred and eighty, have been remonstrated against by the merchants, traders and others residing within the said city, liberties and district, and are deemed more than adequate or necessary. And whereas, the exigencies of government require immediate additional funds for the support thereof:

[Section I.] (Section II, P. L.) Be it therefore enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the auctioneers of the city of Philadelphia, the Northern Liberties and the district of Southwark, respectively may and shall, from and after the passing of this act,

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<sup>1</sup>Passed September 23, 1780, Chapter 919.