

## CHAPTER MCCLXXXIV.

AN ACT TO MAKE EFFECTUAL PROVISION FOR THE PAYMENT OF ONE HUNDRED AND THIRTY THOUSAND POUNDS STERLING GRANTED TO THE LATE PROPRIETARIES OF PENNSYLVANIA BY AN ACT, ENTITLED "AN ACT FOR VESTING THE ESTATES OF THE LATE PROPRIETARIES OF PENNSYLVANIA IN THIS COMMONWEALTH," AND FOR ALLOWING INTEREST ON THE SEVERAL INSTALLMENTS THEREOF FROM THE TIMES THEY HAVE FALLEN AND SHALL FALL DUE UNTIL ACTUAL PAYMENT THEREOF.

(Section I. P. L.) Whereas by an act of the general assembly of this Commonwealth passed the twenty-seventh day of November, one thousand seven hundred and seventy-nine, entitled "An act for vesting the estates of the late proprietaries of Pennsylvania in this commonwealth,"<sup>1</sup> the estates of the said late proprietaries were divested from and out of them and vested in this commonwealth and the sum of one hundred and thirty thousand pounds sterling money of Great Britain were directed to be paid out of the treasury of this state to the devisees and legatees of Thomas Penn and Richard Penn late proprietaries of Pennsylvania respectively and to the widow and relict of the said Thomas Penn in such proportions as should thereafter by the legislature be deemed equitable and just upon a full investigation of their respective claims. Provided always that no part of the said sum of one hundred and thirty thousand pounds sterling should be paid within less than one year after the termination of the then present war with Great Britain, and that no more than twenty thousand pounds sterling nor less than fifteen thousand pounds sterling should be paid or payable in any one year until the whole sum should be fully paid and discharged and that the first actual payment thereof should be made at the expiration of one year after the termination of the said war.

And whereas by one other act of assembly passed on the first day of April, one thousand seven hundred and eighty-four, entitled "An act to empower the supreme executive council to

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<sup>1</sup> Chapter 874.

sell the barracks in the Northern Liberties of the city of Philadelphia,"<sup>2</sup> it was enacted, That the president or vice-president in council should be empowered to appoint commissioners to sell by public auction the barracks aforesaid and the lot of ground whereon the same were erected in the manner in the said act directed and that the moneys arising from the sales aforesaid should be lodged in the treasury of this commonwealth towards the payment of fifteen thousand pounds sterling (part of the moneys aforesaid) and for no other purpose whatever.

And whereas by one other act of assembly passed the ninth day of February, one thousand seven hundred and eighty-five, entitled "An act to authorize and direct the immediate payment of fifteen thousand pounds sterling to the devisees and legatees of Thomas Penn and Richard Penn and to the widow and relict of the said Thomas Penn, being the first yearly payment directed to be paid them by an act of assembly of this commonwealth, entitled "An act for vesting the estate of the late proprietaries of Pennsylvania in this Commonwealth,"<sup>3</sup> it was recited that the war between the United States of America and Great Britain was happily and finally terminated and ended and peace was fully established between the parties engaged in the said war by the signing of the definitive treaty made at Paris on the third day of September, one thousand seven hundred and eighty-three, and that more than one year had elapsed since the termination of the war aforesaid and that it was just and proper that the first annual payment as aforesaid should be made wherefor it was by the said act enacted that the sum of fifteen thousand pounds sterling money of Great Britain should be immediately paid as by the act first recited was directed on warrant or warrants for the same signed by the president or vice-president in council on the treasurer of this state, such warrant or warrants to be entered in the comptroller-general's office and made payable to the person or persons and in the manner and form in the said now recited act

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<sup>2</sup> Chapter 1097.

<sup>3</sup> Chapter 1130.

described and by the same act it was recited that the sale of the said barracks and lot of ground would not produce a sum sufficient for the payment of the said fifteen thousand pounds sterling then due and which ought to be paid as aforesaid, wherefore it was proper and necessary to make further provision for making such payment in order to which it was by the said act enacted that in addition to the moneys which had arisen and should arise and come into the treasury of this state from and on account of the said barracks and lot of ground there should be appropriated so much as should be necessary to make up the residue of the said fifteen thousand pounds sterling of the moneys which had been received or arisen and become due for impost or duties on goods, wares and merchandise imported into this state between the twenty-fifth day of March and the first day of November then last past and by the said now recited act it was further enacted that the said sum of fifteen thousand pounds sterling should be paid as aforesaid in English guineas weighing five pennyweights and six grains each at the rate of twenty-one shillings each or in Spanish milled dollars weighing seventeen pennyweight and six grains each the rate of four shillings and six pence each or in other gold or silver coin at the like rate or proportionable value, together with lawful interest for the same from the said third day of September then last to the time of payment or offer of payment by the supreme executive council, such offer of payment to be made by public notices in the manner in the said act directed and ten days after the last of the said notices all interest on the said sum was to cease.

And whereas by one other act of assembly passed the sixteenth day of March, Anno Domini one thousand seven hundred and eighty-five<sup>4</sup> it is provided that when the second and subsequent annual payments so as aforesaid directed to be made to the said late proprietaries or their representatives as aforesaid shall become due and payable the same shall be paid in gold or silver in manner aforesaid and the taxes and imposts are charged with the payment thereof.

And whereas the said first payment of fifteen thousand

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<sup>4</sup> Chapter 1137.

pounds has not been fully made, although the lawful representatives of the said Thomas Penn and Richard Penn and of the relict and widow of the said Thomas Penn have been always ready to receive the same since the passing of the said third recited act of assembly, but the funds appropriated to the payment thereof have been hitherto deficient, wherefor it is reasonable that the interest accruing on the said first intended and subsequent payments should be continued from the respective times when they became due or hereafter shall become due until actual payment thereof and that effectual and productive funds be provided for the discharge as well of the payments already become due and the interest thereof as of those which shall hereafter become due and the interest on the same from the respective times whereon by the acts aforesaid they shall accrue and become due:

Therefore:

(Section II. P. L.) [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 the treasurer of this commonwealth be and he is hereby enjoined and required to pay to John Penn the younger and John Penn, Esquire, the respective balances due to them on the two several warrants to them granted by the supreme executive council for the said first payment of fifteen thousand pounds sterling, together with interest after the rate of six per centum per annum from the third day of September, one thousand seven hundred and eighty-four to be calculated as well upon the sums already paid to the times of their respective payments as upon the sums remaining unpaid to the times that they shall be actually paid out of the first moneys which shall be received into the public treasury.

(Section III. P. L.) [Section II.] And be it further enacted by the authority aforesaid, That the supreme executive council be and they are hereby authorized and empowered forthwith to issue their warrants in like manner as the warrants for the said first payment were issued in favor of the said John Penn the younger and John Penn, Esquires, directed to the treasurer of this commonwealth requiring him to pay to them or to their

certain attorney, executors, administrators or assigns the further sum of fifteen thousand pounds sterling for the second annual payment which fell due according to the act of assembly aforesaid on the third day of September, one thousand seven and eighty-five, together with interest from that day to the time or times of actual payment of the same, and the further sum of fifteen thousand pounds sterling for the third payment which fell due on the third day of September, one thousand seven hundred and eighty-six, together with interest from that day to the time or times of actual payment of the same, and the treasurer is hereby enjoined and required to pay the said warrants out of the first moneys which shall be received into the treasury and that when and so often as the fourth and other subsequent payments shall become due in manner aforesaid it shall and may be lawful for the supreme executive council to issue their warrants in manner aforesaid directed to the treasurer of this commonwealth requiring him to pay to the said John Penn the younger and John Penn, or to their certain attorney, executors, administrators or assigns the said several annual payments together with interest thereon from the third day of September in every year in which they shall respectively fall due until the time or times of the actual payment thereof, anything in the said act of assembly passed the ninth day of February, one thousand seven hundred and eighty-five contained to the contrary notwithstanding, and the said treasurer is enjoined and required to pay the same out of the moneys which shall be in the treasury at the times or which shall be received into the treasury next after the times when the said warrants shall be respectively presented to him for payment.

Passed March 28, 1787. Recorded L. B. No. 3, p. 206, etc. See the Act of Assembly passed April 9, 1791, Chapter 1562.