

It appeared that he had been arrested under the warrant of *John Paul Schott, Esq.* a Justice of the Peace, at the suit of *Thomas Wright*, after his inlistment; and that the Justice had given judgment, and issued execution against him for 5*s.* debt, and 6*s.* and 6*d.* costs, under which he was confined.

He was now brought up by rule of court, and the agent of the creditor directed to attend.

On the part of the creditor, his counsel objected to the discharge; and contended, that the reasons contained in the preamble of the act, ceased to operate. *America* is now at peace with *Great Britain*, and the object of the present war, is merely to quell the incursions and ravages of a few restless savages. Besides, the act speaks of soldiers inlisted in the service of this, or any other of *these United States*; and, moreover, the operations of the Federal Government must be supposed virtually to have repealed this law. The present matter is to be considered as a dispute between the Federal Government and the creditor, which ought to be determined only in the Federal Courts.

But, *By the Court*, it was found expedient for the common welfare to supersede the interests of individuals, who claimed debts of soldiers to a certain amount. The resolve of congress of the 26th December, 1775, declares that no soldier shall be arrested for a debt under 35 dollars. The act of assembly of January 2d, 1778, raises it to fifty dollars, the former sum having been thought inadequate to the object in view. When this law was passed, each state furnished its own quota of troops; under the present federal government, the *United States* at large raise the army. *America* was then engaged

in a war with *Great Britain*. But though this is not now the case, yet the reason of the law still subsists, though not in so strong a degree as at that period. It is, however, of the utmost consequence that the inlistments of the troops now intended to be raised, should be completed. The general enacting words of the act cannot be controlled by the preamble, nor are they restricted by any subsequent clause.

The articles of war, which are now incorporated into the general system of the Union, by the act of congress passed the 30th day of April, 1790, gives a power to officers to *detain* soldiers not owing the sum of thirty-five dollars. And there is nothing that we know of in the federal government, which repeals or alters this resolve of congress, either expressly, or virtually.

The act of assembly of January 1778, must therefore be considered *in full force*. But this does not relate to judicial process, which on the face of it ascertains the plaintiff's demand. The soldier here, having been arrested by *mesne* process, after he was inlisted, is within the words of the act, and unless that arrest was legal, the subsequent proceedings cannot be supported. The soldier and creditor are citizens of the same state, and the case is certainly cognizable before us.

We are therefore of opinion that the soldier be discharged: But strongly recommend, that he should give an order on his officer for ten shillings per month, to be stopped out of his pay, until the debt and costs are discharged. This was accordingly done, and the order accepted by the captain. MSS. Reports.

(The third and fourth sections are obviously obsolete.)

CHAPTER DCCLXXIII.

An ACT for the attainder of divers traitors, if they render not themselves by a certain day, and for vesting their estates in this commonwealth; and for more effectually discovering the same; and for ascertaining and satisfying the lawful debts and claims thereupon. (h)

WHEREAS Joseph Galloway and Andrew Allen, Esquires, late Members of the Congress of the thirteen United Colonies, now

(h) By chap. 807, 842, the attainder of Reynold Keen is annulled. A part of Joseph Galloway's estate appropriated to public use, (chap. 818,) but afterwards directed to be sold, (chap.

1214). By chap. 821, post. provision is made for the immediate sale of the estates forfeited by the act in the text; for satisfying *bona fide* claims of creditors against them; and for assuring the

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States, of America, for Pennsylvania; John Allen, Esquire, late member of the Committee of Inspection and Observation for the city and liberties of Philadelphia; William Allen, the younger, Esquire, some time a captain, and afterwards a Lieutenant Colonel of a regiment or battalion of foot, in the service of the said United Colonies, now States of America; James Rankin, late of the county of York, yeoman; Jacob Duche, the younger, late Chaplain to the Congress; Gilbert Hicks, late of Bucks county, yeoman; Samuel Shoemaker, late alderman of the city of Philadelphia; John Potts, late of Philadelphia county, yeoman; Nathaniel Vernon, late Sheriff of Chester county; Christian Fouts, late Lieutenant Colonel of Militia of the county of Lancaster; Reynold Keen, late of the county of Berks, yeoman; and John Biddle, late of the same county, yeoman, late collector of excise for the said county, and a deputy quarter master in the army of the United States, being all subjects and inhabitants of the state of Pennsylvania, have most traitorously and wickedly, and contrary to the allegiance they owe to the said state, joined and adhered to, and still do adhere to, and knowingly and willingly aid and assist, the army of the king of Great-Britain, now enemies at open war against this state and the United States of America, and yet remain with the said enemies in the city and county of Philadelphia, where they daily commit divers treasonable acts, without any sense of honour, virtue, liberty or fidelity to this state.

Persons here-
in named, not
surrendering
themselves
before the
twentieth of
April,

II. *Be it therefore enacted, and it is hereby enacted,* That if the said Joseph Galloway, John Allen, Andrew Allen, William Allen, the younger, James Rankin, Jacob Duche, Gilbert Hicks, John Potts, Nathaniel Vernon, Christian Fouts, Samuel Shoemaker, Reynold Keen, and John Biddle, shall not render themselves respectively to some or one of the Justices of the Supreme Court, or of the Justices of the Peace of one of the counties within this state, on or before the twentieth day of April next ensuing, and also abide their legal trial for such their treasons, then every of them, the said Joseph Galloway, John Allen, Andrew Allen, William Allen, James Rankin, Jacob Duche, Gilbert Hicks, John Potts, Nathaniel Vernon, Christian Fouts, Samuel Shoemaker, Reynold Keen, and John Biddle, not rendering himself as aforesaid, or not abiding the trial aforesaid, shall, from and after the said twentieth day of April next, stand and be adjudged, and by the authority of this present act be convicted and attainted of high treason, to all intents and purposes whatsoever, and shall suffer and forfeit as a person attaint of high treason by law ought to suffer and forfeit.

shall be at-
tainted of
high treason.

All other per-
sons aiding
the enemy,
not surren-
dering them-
selves on the
day fixed by
proclama-
tion.

III. *And be it further enacted,* That all and every person and persons, being subjects or inhabitants of this state, or those who have real estates in this commonwealth, who now do adhere to, and knowingly and willingly aid and assist, the enemies of this state, or of the United States of America, by having joined their armies

title to purchasers, or compensating them, in cases of eviction by title paramount. By chap. 826, post. it is declared that judgments, &c. entered by warrant of attorney against any person attainted by the act in the text, or in

pursuance of a proclamation issued under the 3d section, shall be void and of no effect. For the general law against treason, and various adjudications upon the subject, see ante. chap. 729.

within this state, or elsewhere, or who hereafter shall do the same, and whom the Supreme Executive Council of this state, by their proclamations to be issued under the state seal, during the continuance of this war with the king of Great-Britain, shall name, and require to render themselves by a certain day, therein to be mentioned, to some or one of the Justices of the Supreme Court, or of the Justices of the Peace of one of the counties within this state, and also abide their legal trial for such their treasons, and shall not render themselves accordingly, and abide their legal trial aforesaid, shall, from and after the day to them to be prefixed by such proclamation, stand and be attainted of high treason, to all intents and purposes, and shall suffer such pains and penalties, and undergo all such forfeitures, as persons attainted of high treason ought to do; *Provided*, That the time to be prefixed by such proclamation, for the persons therein to be named to render themselves, be not less than the time and term of forty days, from and after the date of such proclamation.

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shall be attainted of high treason.

IV. *And be it further declared and enacted*, That all and every the subjects or inhabitants of this state, who, from and after the publication of this act, shall, at any time during the continuance of the said war, willingly and voluntarily serve the king of Great-Britain, either by land or sea, as a civil or military officer, soldier or seaman, shall be, and are hereby, attainted of high treason, and shall suffer and forfeit, to all intents and purposes, as persons attainted of high treason ought to do.

[See 1 Del. las, 59.]

All subjects of this state serving the enemy as civil or military officers, guilty of high treason.

V. *And whereas it is highly reasonable that the estates, real and personal, of the subjects or inhabitants of this state, who have engaged in the present most unnatural, unjust, barbarous and execrable war, and who shall be duly attainted as guilty of treason, should be discovered, and applied to the use of the state, and that provision be made for the satisfaction of all just and lawful claims, which any of the dutiful and faithful subjects of this state, or of any of the United States of America, or of any foreign state, not at war with the said United States, may have to the estates of such rebels and traitors, or against them, for any debt or demand whatsoever: It is therefore enacted*, That all and every the lands, tenements, hereditaments, debts or sums of money, or goods or chattels whatsoever, and generally the estates, real and personal, of what nature or kind soever they be, within this state, whereof the aforesaid Joseph Gallo way, John Allen, Andrew Allen, William Allen, the younger, James Rankin, Jacob Duche, Gilbert Hicks, John Potts, Nathaniel Vernon, Christian Fouts, Samuel Shoemaker, Reynold Keen, and John Biddle, or any of them, shall have been possessed of, interested in, or entitled unto, on the fourth day of July, in the year of our Lord one thousand seven hundred and seventy-six, or at any time afterwards, in their own right, or to their use, or which any other person or persons shall have been possessed of, interested in, or entitled unto, to the use of, or in trust for them, or any of them, shall, according to the respective estates and interests which the persons aforesaid, or any in trust for them, or any of them, shall have had therein, stand and be forfeited to this state, from and after the said twentieth day of April next ensuing, unless they shall respectively render themselves on or before the same day, and abide their

Estates real and personal of the persons herein named forfeited,

unless they surrender themselves;

1778. legal trial, as herein before is directed; and that all and every the lands, tenements, hereditaments, debts, or sums of money, and goods and chattels whatsoever, and generally the estates, real and personal, of what nature or kind soever they be, within this state, which any other person or persons, who shall be attainted of high treason, by virtue or in consequence of this act, shall have been possessed of, interested in, or entitled unto, on the aforesaid fourth day of July, in the year of our Lord one thousand seven hundred and seventy-six, or at any time afterwards, in their own right, or to their use, or whereof any other person or persons shall have been possessed of, interested in, or entitled unto, to the use of, or in trust for, them, or any of them, shall, according to the respective estates and interests which the persons to be attainted as aforesaid, or any in trust for them, shall have had therein, or might forfeit by such attainder, stand and be forfeited to this state, without any office or inquisition thereof hereafter to be taken or found.

President, &c. to enquire into forfeited estates

and shall sell and convey them under the state seal;

and appoint agents, &c.

who shall take the oaths or affirmations.

VI. *And be it further enacted,* That the President or Vice-President, and Supreme Executive Council of this state, shall enquire into all such estates, both real and personal, as shall be hereby vested, or are intended to be vested in this state; and cause all the rents, issues and profits of the said real estates, until sale thereof, to be levied and paid to the State Treasurer, for the time being, who is to account for the same as for other public monies, and seize, or cause to be seized and sold, all such goods and chattels, and collect and receive, or cause to be collected, all such debts and sums of money, as shall be hereby vested in the state; and sell, and, under the hand of the President or Vice-President, and the state seal, convey the said real estates, after the claims relating to them respectively shall be determined, or otherwise dispose of the same, in the manner herein after provided; and out of the produce of the said estates, real or personal, shall cause payment to be made of such money as shall be due to any claimants upon the same as aforesaid. And the said President or Vice-President, and Supreme Executive Council, shall from time to time, as occasion shall require, appoint agents or factors, surveyors, messengers, or other necessary officers or persons, for the execution of this act, who are to execute their trust, without taking any thing for their service (other than such fees, salaries and rewards, as the said President or Vice-President and Council shall direct and allow in that behalf) and every such person or officer, before he enters on the execution of his employment, shall take the oath or affirmation of allegiance and fidelity, unless he hath already done so, prescribed by an act of General Assembly passed the thirteenth day of June last, and also an oath for his faithful demeanour in all things relating to the trust reposed in him, and that he will not, directly or indirectly, take any fee or reward, or accept the promise of any, for any thing to be done by him in the execution of said trust (except what shall be allowed as aforesaid) and that he will not, directly or indirectly, have any part or interest in, or make any benefit by, discovery of any forfeited or forfeitable estate or interest, intended to be applied to the use of the state, or conceal, or cause, or willingly permit to be concealed, the same, or any part thereof.

VII. *And be it further enacted,* That the President or Vice-President and Council may send, upon oath or affirmation of suspicion being first made, their precepts for such persons, books, papers, writings and records, as they shall think necessary for their information in any matters subject to their inquiry by virtue of this act, without any fee to be paid for the same, and may detain such books or writings so long as they shall have occasion, and then return them to the persons to whom they belong; and may administer oaths or affirmations, for the discovery of the truth of the enquiries, to the parties concerned, or to any other persons whatsoever; and that all Sheriffs, Constables, and other officers and ministers, shall execute such precepts and orders, as shall be sent to them by the said President or Vice-President and Council, as they will answer the contrary at their perils; and the said President or Vice-President and Council may and shall proceed in their enquiries in a summary way, upon the testimony of witnesses and examination of persons interested, upon their oaths or affirmations, inspection and examination of deeds, writings and records, or by all or any the said ways, or otherwise, according to their discretions, as soon as conveniently may be; and shall make a register of the names of all such persons attainted, or to be attainted, of high treason, by virtue of this act, and of all real and personal estates and interests, by this act, or otherwise, vested in this state by reason of such attainder; and by whom such estates were respectively forfeited, and what interest every such person, as aforesaid, had in any of the premises, on the fourth day of July, in the year of our Lord one thousand seven hundred and seventy-six, or at any time afterwards, and by what tenures the same were respectively holden, and of all incumbrances to which the said estates were subject before and upon the same day: and if any person, summoned to appear before the said President or Vice-President and Council, for discovery of the premises, shall neglect to appear or be examined, as aforesaid, the said President or Vice-President and Council shall commit such person to the common gaol of the county, there to remain, without bail or main-prize until he shall submit to be examined; and if any officer shall neglect to give obedience to such precepts or orders, the said President or Vice-President and Council may and shall impose any fine on him, not exceeding one hundred pounds for any one offence, and shall commit him, till the fine shall be paid unto the State Treasurer, for the use of the state.

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Powers given to the President and Council.

Registers to be made of the names of the persons and of estates forfeited.

VIII. *And be it further enacted,* That every person who shall make a full discovery to the said President or Vice-President and Council of any concealed debt or sum of money, payable unto any person or persons so attainted, or to be attainted, as aforesaid, (not being a debt by judgment, mortgage, recognizance, or any registered bond or contract) and shall pay three fourths thereof, before the expiration of three months after such attainders, respectively, unto the State Treasurer, for the use of the state, shall be discharged of the entire debt or sum of money aforesaid; but every person, indebted as aforesaid, who shall neglect to make such discovery within the time aforesaid shall forfeit double the value of such debt or sum of money, to be recovered by action, bill, suit or in-

Encouragement for discoveries of traitors debts and effects.

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formation, for the use of the state; and all persons who shall be possessed of any personal goods or chattels, belonging to any such persons attainted, or to be attainted, as aforesaid, when the same shall be forfeited, or at any time afterwards, are hereby strictly charged to discover the same to the said President or Vice-President and Council, within three months after the said attainder, who shall thereupon allow to every such person such proportion as they shall think reasonable for such discovery, not exceeding one full fourth part of the said goods and chattels, or the proceeds thereof; but every person having such goods and chattels in his custody or power, and neglecting to discover the same within the term aforesaid, shall forfeit double the value thereof, to be recovered for the use of the state, as aforesaid; and the said President or Vice-President and Council are empowered to make such compositions or agreements, touching any such debts, or personal goods and chattels, so to be discovered, as they shall think fit and reasonable; and the same shall be valid in law, so as the composition money be paid to the said State Treasurer, for the use of the state, within the times limited by them; and where any of the said debts are secured by bonds or obligations, with penalties, or are due upon accounts not adjusted, the said President or Vice-President and Council are authorised to state and determine the same; and every person, not being so indebted, or possessed of such personal goods and chattels, who shall at any time after one month, and before the expiration of four months, after such attainders respectively, discover any such debts, or personal goods and chattels, concealed until the time of such discovery, shall be entitled to so much as the said President or Vice-President and Council shall judge sufficient, not exceeding one fourth of such debts, or of such personal goods and chattels, or of the value thereof, after recovery of the same, to be paid over to him by warrant of the said President or Vice-President and Council, from time to time, on the Treasurer; and every person who shall, from and after the expiration of one month, and before the expiration of six months, after such attainders respectively, discover any lands, tenements, rents, hereditaments and chattels real, forfeited as aforesaid, and concealed until the time of such discovery, shall be entitled to such proportion of said lands, tenements, rents, hereditaments, and of chattels real, as the President or Vice-President and Council shall judge to be reasonable, not exceeding one fourth part thereof, or of the value, after recovery; and the President or Vice-President and Council shall deliver certificates, under their hands and seals, to every person who shall make such discoveries, specifying the lands, tenements, hereditaments, chattels, or real estates, by him so discovered, and the proportion thereof, or of the value he ought to have, in respect thereof; and shall cause to be paid, delivered or conveyed by the President or Vice-President, under the state seal, such parts and proportions to the said discoverers, their heirs, executors, administrators and assigns, respectively; and that as soon as conveniently may be after the time shall be elapsed for entering claims, in manner herein after mentioned, on the estates real or personal, so discovered, as for such estates real or personal, upon which no claim shall be entered; and as soon

President,
&c. empow-
ered to make
composi-
tions.

Encourage-
ment for dis-
covery of
real estates.

as conveniently may be after such claims as shall be entered, relating to such estates real or personal respectively, shall be determined. 1778.
Provided always, That the shares of the estates, real or personal, that shall be allowed to the discoverers, do suffer a deduction proportionable to the claims respectively which shall be made and affirmed thereout. Proviso.

IX. *And be it further enacted,* That the President or Vice-President and Council shall, as soon as conveniently may be, secure all the goods and personal chattels of the said Joseph Galloway, John Allen, Andrew Allen, William Allen, the younger, James Rankin, Jacob Duche, Gilbert Hicks, John Potts, Nathaniel Vernon, Christian Fouts, Samuel Shoemaker, Reynold Keen, and John Biddle, and also all goods and personal chattels of the person or persons to be named in any proclamation, to be issued as herein before directed, as soon as conveniently may be after the date of such proclamation, in such places, and in the custody of such persons, as shall be thought most proper for preventing the perishing, or any loss or embezzlement thereof; and shall make inventories thereof, containing a particular account of all such goods and chattels, to whom they belonged, and when and by whom they were delivered to the said President or Vice-President and Council, or persons by them appointed to receive them; and they shall also, as soon as conveniently may be, from and after the day fixed by this act, or to be prefixed by the proclamations aforesaid, for the said rebels and traitors to render themselves and abide their legal trial, if they do not render themselves accordingly, cause appraisement thereof to be made upon the oaths or affirmations of any two persons, to be appointed by them for that purpose, and shall sell, or cause to be sold, all such goods and chattels, so inventoried and appraised, and for that purpose shall cause public notice to be given, ten days at least, of the times and places of sale, and of the several particulars to be sold; and the same shall be sold by auction to the best bidder; and they shall cause an entry to be made of the goods and chattels so sold, the buyers names and places of abode, and the prices; and the said President or Vice-President and Council shall give a certificate, under their hands and seals, unto the buyers, expressing the particulars, prices, and time of sale, and shall forthwith order the particulars bought and paid for to be delivered to the buyers, or their assigns.

President, &c. to secure and sell the goods of the persons herein named, and of others attainted in pursuance of proclamations.

X. *And be it further enacted,* That the President or Vice-President and Council may and they are hereby empowered to let, or by factors or agents, by them to be appointed as aforesaid, cause to be let, the said forfeited real estates, for any time not exceeding two years, and shall receive the rents, grant acquittances thereof, pay the land taxes thereout, and do all things necessary for managing the said estates, until the same shall be sold in manner herein after directed.

And to let, &c. the real estates.

XI. *And be it further enacted,* That the said President or Vice-President and Council shall cause a register of the names of all persons so attainted of high treason, and of all real and personal estates and interests by this act vested in the state, or an authentic duplicate thereof, to be kept by the Secretary, and the same shall be

A Register of the names and estates of persons attainted to be kept by the Secretary.

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and the Sheriff.

President, &c. after twelve months, shall sell the said estates;

XII. *And be it further enacted,* That the said President or Vice-President and Council may and shall, within twelve months after the debts and claims upon the said estates shall be respectively adjudged, or in case there shall be no claim, sell, or cause the said estates to be sold, by auction, to the best and highest bidder, having previously caused public notice to be given, by advertisements in some newspaper within this state, and also in the county where the lands lie, thirty days, at least, of the times and places of sale, and of the estates and interests to be sold; and after the said sale, and the payment of the purchase money, the said President or Vice-President in Council shall under his hand and the state seal, give a deed or conveyance thereof unto the buyers, describing the lands and interests sold, and expressing the prices and time of sale, and shall also cause the possession thereof to be delivered to the said buyers, or their assigns; and if any purchaser shall make default in payment of the consideration money, at the time fixed for the payment thereof, he shall forfeit one fourth part of the same, to be recovered in the name of the state, to the use of the state, and a new sale of all such estates may and shall be made, in manner aforesaid, to any other person. All which monies so to be received shall be paid to the Treasurer, for the use of the state, and by him be accounted for as other public monies; subject, nevertheless, to the drafts of the President or Vice-President and Council, for payment of debts and claims affecting the same, and for salaries of inferior officers, and incident charges.

make a deed under the state seal;

The buyers shall hold free of all incumbrances.

XIII. *And be it further enacted,* That the buyer or buyers of any lands, tenements, hereditaments, or chattels real, sold and conveyed by virtue of this act, shall be seized and possessed thereof free and clear from all incumbrances and claims whatsoever, of any person or persons whomsoever, the quit or chief rents only excepted, according to the contents of his, her or their conveyance, respectively.

XIV. *And be it further enacted*, That all bodies politic and corporate, and persons whatsoever (except all such forfeiting persons as aforesaid, and all persons having or claiming any thing in the premises, to the use of or in trust for any such forfeiting persons, or their or any of their heirs, executors or administrators) having any estate, right, title, interest, use, trust, possession, reversion, remainder, annuity, service, rent, debt, benefit, charge, or incumbrance whatsoever, in law or equity, upon any messuages, lands, tenements, rents, hereditaments, or any real or personal estate, or any other the premises, herein or hereby vested or to be vested in this state, by any settlement, conveyance, judgment, recognizance, extent, or other debt, charge or incumbrance, which was binding on the forfeiting person, and might have affected their estates, before the times whereon the same shall be vested in this state, by virtue of this act; and also all bodies politic and corporate, and persons whatsoever, pretending right or title to any estate, which shall be seized or taken by virtue of this act for the use of the state, and who shall pretend that none of the persons attainted, or to be attainted, in virtue of this act, of high treason, was possessed of or entitled unto such estate in his or their own right, or to his or their own use, or any other person in trust for them, on the said fourth day of July, one thousand seven hundred and seventy-six, or at any time since, or that they have right or title to such estate, shall within three months from the date of the entry that shall be made in the register kept by the Secretary, of any personal estate, and, in case of real estates, within six months of the entry of the register to be kept by the Sheriff of the county where such estate lies, of the estate or interest out of which such claims and demands ought to be made, enter their respective claims and demands before the Justices of the Supreme Court, in such manner as is herein after mentioned, or in default thereof every such claim and demand shall be null and void, to all intents and purposes whatsoever, and the estate charged therewith, shall from thence be discharged from the same; and all such claims and demands of infants may be made by their fathers or guardians, or any other persons in their behalf, and all claims of femes covert by their husbands, or any other persons in their behalf; and all claims of madmen, idiots, or lunatics, by the persons under whose care they shall be at the time of entering such claim; and all such claims shall be made and tendered to the Justices of the said Supreme Court in term time, or to the Chief Justice in the vacation, written on parchment or paper, and signed by the parties making the same, or such other persons on their behalf as aforesaid, or signed by the attornies or factors of the party; and such signing shall be testified by two or more credible witnesses, who shall subscribe their names to attest the same; and every claimant shall therein particularly express what estate, right, title, interest, use, possession, reversion, remainder, annuity, service, rent, debt, benefit, charge, or incumbrance, he or she claims on any part of the premises, and under what grant, gift, settlement, conveyance, security, title or incumbrance; and if such claimant hath or claims any estate, right, title or interest, to any part of the premises, by virtue of any incumbrance or security, the dates and content.

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All persons and bodies politic, claiming any interests in the forfeited estates, shall enter their claims before the Justices of the Supreme Court, in writing;

1778. thereof, and the witnesses thereto; and if the same be recorded, when and where the same was entered, and whether such debt was and really is due, and remains wholly unpaid, and what part, and how much thereof, had been satisfied by money paid, perception of profits, or by any other ways and means whatsoever; and every such claim shall be transcribed by order of the said court, and entered in books to be provided and kept for that purpose; and the said Supreme Court shall proceed in a summary way, as well out of as in term time, to hear and determine all such claims; and every decree of said court in the premises shall be final and binding on all parties, in case thirty days, which is hereby allowed to them for reversing or amending such decrees, shall elapse, without any proceedings being had or commenced by either party for that purpose.

Who shall proceed in a summary way.

Attorney General to make defence.

XV. *And be it further enacted*, That the Attorney General, or some counsel by him authorized, shall provide for making proper answers and defences in behalf of the state, to all such claims as shall be offered as aforesaid, and for reversing, affirming, or amending the decrees that shall be passed upon such claims, as he shall see cause.

Supreme Court shall proceed summarily as to the claims.

XVI. *And be it further enacted*, That the Justices of the Supreme Court shall, in a summary way, proceed, upon the testimony of witnesses and examination of persons claiming, or otherwise interested, upon their oaths or affirmations, inspection and examination of deeds, writings, and records, or by all or any of the said ways, or otherwise, according to the circumstances of the case, as soon as conveniently may be, to hear and determine all claims which shall be entered within the times aforesaid; and the claimants shall (if required by the said court, or by the Attorney General) upon oath or affirmation, answer to the truth of his, her or their claim, and to such proper interrogatories as the court, or counsel for the state, shall think fit for the clearing thereof; and upon oath or affirmation produce before the said court all such deeds, writings and evidences, as are in his, her or their custody or power, any wise concerning the said claims, or the subject matter thereof.

Claims of debts out of the forfeited estates shall be paid by the Treasurer.

XVII. *And be it further enacted*, That where the claim shall contain demands of any sum or sums of money any wise affecting any of the said forfeited estates, the said President or Vice-President and Council shall issue out certificates to the claimants, for the sums which shall be determined to be due to them severally by the decrees of the said Supreme Court, with legal interest; and the same shall be paid without any deduction or fee, by the said Treasurer, out of such rents and profits as shall be paid into his hands from the respective estates, upon which the said claims are allowed; and where the claim shall contain a demand of any lands, tenements, rents, services, rents charge, hereditaments, or other real estate whatsoever, or any interest therein, and shall be decreed, as abovesaid, to be just and legal, in that case the Supreme Court shall order the Sheriff of the respective counties, where the same shall lie, to cause possession to be delivered to such claimant, his or her heirs, executors, administrators or successors, or to whom they or any of them shall appoint; and every such claimant, his or her heirs, executors, administrators, or successors, shall enjoy the same,

Claimants of any real estate to be put in possession by Sheriffs.

or such estate and interest therein respectively, as shall be adjudged ^{1778.} and decreed as aforesaid.

XVIII. *And be it further enacted,* That all conveyances and assurances of any lands, tenements, rents, hereditaments or real estate whatsoever, made at any time after the fourth day of July, in the year of our Lord one thousand seven hundred and seventy-six, by any person who shall be attained in virtue of this act, for the use of or in trust for himself, his wife, or any of his children (other than such as were made *bona fide* before and in consideration of marriage, or in performance of some agreement reduced into writing before or in consideration of marriage) and also all other assurances and conveyances made at any time since the fourth day of July, one thousand seven hundred and seventy-six, by any such person, are hereby declared to be, and shall for ever hereafter be deemed to be, fraudulent, and no claim shall hereafter be allowed for the same, excepting such assurances and conveyances as have been made since the time aforesaid, or shall be made in time coming, for just and valuable causes, the said causes being always otherwise manifested and proved than by the writings themselves.

All conveyances of traitors, since the 4th July 1776, to be void;

except made *bona fide*, and for valuable consideration.

XIX. *And be it further enacted,* That the tenants of the said attainted persons, who shall have paid their respective rents due to them after the fourth day of July, one thousand, seven hundred and seventy-six, and before the times of their respective attainders, without fraud or collusion, shall be discharged therefrom, on due proof of such actual payments respectively made.

Where their tenants have paid rents *bona fide*, it shall be void.

XX. *Provided always, and it is further enacted,* That the said Justices of the Supreme Court may and shall order and appropriate such parts of the said forfeited estates for the support of such traitor's children, or wife and children, if any, as to them may appear sufficient, agreeable to an act of General Assembly, passed the eleventh day of February last, entitled *An Act declaring what shall be treason, and what other crimes and practices against the state, shall be misprision of treason.*

Supreme Court may order maintenance to traitor's wife or children. [Ante, chap. 729.]

Passed 6th March, 1778.—Recorded in Law Book vol. I. page 171. (i)

(i) Inquisition on a claim against the state, upon an eviction of lands, sold by the agents of forfeited estates, under the act in the text, confirmed, though no possession had been delivered by the Supreme Executive Council, and the purchaser had failed in an ejectment commenced against an adverse claimant by title paramount. *Conyngnam v. Kemplicam*, March, 1803. MSS. Rep. Sup. Court.

After the supplement of March 29th 1779, (post. chap. 821,) a claim which was not for the payment of money, or satisfaction out of the estate of the attainted traitor, could not properly be

brought before the Supreme Court to be heard in a summary way by the Judges. MSS. Rep. Sup. Court.

The curtesy estate of the husband, in the lands of the wife, is not forfeited to the Commonwealth for the life of the husband, by his attainder for treason committed in her life time, and after issue born; but the wife's estate is discharged from the curtesy. *Lessee of Pemberton v. Hicks*, 1 Binney, 1—S. C. 3 Dallas, 479, and 4 Dallas, 168.

See post. chap. 826, sect. 4, 5, with respect to judgments, attachments or executions against persons attainted by this act.