

of bread and flour not merchantable,"<sup>1</sup> and every article, clause or thing therein contained shall be and is hereby repealed to all intents and purposes whatsoever.

Passed January 19, 1733-34. Never submitted to the consideration of the Crown. See the Acts of Assembly passed March 7, 1745-46, Chapter 368; August 18, 1750, Chapter 386; September 27, 1758, Chapter 435; October 19, 1759, Chapter 452; February 21, 1767, Chapter 548; July 23, 1774, Chapter 698; October 6, 1779, Chapter 855. Repealed by the Act of Assembly passed April 5, 1781, Chapter 936.

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### CHAPTER CCCXXXIII.

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#### AN ACT FOR CONFIRMING THE REPEAL OF DIVERS LAWS OF THIS PROVINCE.

Whereas the late King Charles the Second, by his royal charter bearing date at Westminster, the fourth day of March, in the [thirty-] third year of his reign, was graciously pleased for the consideration therein mentioned to give and grant unto the late William Penn, Esquire, and to his heirs and assigns all that tract of land now known and called by the name of The Province of Pennsylvania; and by the same royal charter the said late King did, for himself, his heirs and successors, make, create and constitute him, the said William Penn, Esquire, true and absolute proprietary of the said country, saving always to the said late King, his heirs and successors, the faith and allegiance of the said William Penn, [Esquire,] his heirs and assigns, and of all other the proprietaries, tenants and inhabitants that then were or thereafter should be within the territories and precincts aforesaid, and likewise saving to the said late King, his heirs and successors, the sovereignty of the aforesaid country, to have, hold, possess and enjoy the said tract of land, together with all the islands therein contained, unto the said William Penn, Esquire, his heirs and assigns, to the only proper use and behoof of the said William Penn, his heirs and assigns forever. And whereas the said late King:

<sup>1</sup> Passed March 20, 1724-25, Chapter 282.

Charles the Second, reposing special trust and confidence in the fidelity, wisdom, justice and provident circumspection of the said William Penn, did further by his said royal charter, for himself, his heirs and successors, grant free, full and absolute power to the said William Penn, Esquire, and to his heirs and to his or their deputies and lieutenants, for the good and happy government of the said country, to ordain, make and enact, and under his or their seal to publish, any laws whatsoever for the raising of money for the public use of the said province or for any other end appertaining either to the public state, peace or safety of the said province or to the private utility of particular persons, according to his or their best discretion, by and with the advice, assent and approbation of the freemen of the said country or the greater part of them or of their delegates or deputies.

But to the end that the said William Penn or his heirs or other the planters, owners or inhabitants of the said province might not at any time thereafter by misconstruction of the powers aforesaid, through inadvertency or design, depart from the faith and due allegiance (which by the laws of [the] realm of England they and all the said late King's subjects in his dominions and territories were always obliged to own to the said late King and his successors), by color of any extent or largeness of power in the said royal charter given or pretended to be given, or by force or color of any laws thereafter to be made in the said province by virtue of any such powers, the said late King was pleased to declare his further will and pleasure to be that a transcript or duplicate of all laws which should be so as aforesaid made and published within the said province should within five years after the making thereof be transmitted and delivered to the privy council for the time being of the said late King, his heirs and successors. And if any of the said laws within the space of six months after they should be so transmitted and delivered should be declared by the said late King, his heirs and successors, in his or their privy council, inconsistent with the sovereignty or lawful prerogative of the said late King, his heirs and successors, or contrary to the faith and allegiance due to the legal government of the realm of

England from the said William Penn, Esquire, and his heirs or from the planters and inhabitants of the said province, and that thereupon any of the said laws should be adjudged and declared to be void by the said late King, his heirs or successors, under his or their privy seal, that then and from thenceforth such laws concerning which such judgment and declaration should be made should be[come] void, otherwise the said laws so transmitted should remain and stand in full force according to the true intent and meaning thereof, as by the said royal charter, relation thereunto being had, does more fully appear:

And whereas in right of and by virtue of the powers granted to the said William Penn, Esquire, and his heirs in and by the said royal charter many laws and ordinances have from time to time since the settlement of the said province been made by the said William Penn, Esquire, and his heirs and his and their deputies and lieutenants, by and with the advice and assent of the delegates or representatives of the freemen of the said province in general assembly met, and published under the great seal of the said province:

And whereas divers of the said laws, after being made and published in manner aforesaid have, according to the directions of the said royal charter, been transmitted to the Privy Council of the said late King and his successors, where the same have been by them and their Privy Council adjudged to be void: But forasmuch as the said laws not having been declared void under the privy seal of the said late King or his successors according to the express terms of the said royal charter, some doubts have arisen whether the said laws were by such declaration actually made void and repealed:

To the end, therefore, that all scruples touching the repeal of the said laws may be effectually removed and that no doubts may hereafter be made concerning the same:

[Section I.] Be it enacted by Patrick Gordon, Esquire, Lieutenant-Governor by the King's royal approbation under the Honorable John Penn, Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania, by and with the advice and consent of the freemen of the said province in General Assembly met, and by the au-

thority of the same, That all and every of the laws, ordinances or acts of assembly of the province of Pennsylvania which at any time before the publication of this act have been transmitted to the Privy Council and have been adjudged to be void by the said late King or his successors in his or their Privy Council, though the same were not declared to be void under the privy seal (according to the terms of the said royal charter), shall nevertheless be deemed, taken and allowed to be void to all intents and purposes whatsoever from the time of such declaration, in the same manner as if the said laws had been adjudged and declared to be void by the said late King or his successors or any of them under his or their privy seal, the want of the said privy seal or any other formality in such declaration in anywise notwithstanding.

Passed January 19, 1733-34. See Appendix X, Section I.

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#### CHAPTER CCCXXXIV.

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AN ACT THE BETTER TO ENABLE WILLIAM FISHBOURN TO DISCHARGE THE DEBT DUE FROM HIM TO THE TRUSTEES OF THE GENERAL LOAN OFFICE OF THIS PROVINCE.

Whereas the trustees of the general loan office of this province, by virtue of an act of assembly of this province, and for securing a debt of one thousand seven hundred and seventy-nine pounds, eighteen shillings and three farthings due the said province, did take and receive a mortgage of the lands, tenements and hereditaments hereinafter set forth: (That is to say) one dwelling-house and lot of land situate, lying and being in the city of Philadelphia, twenty-five feet in breadth, and extending from Front street to Second street; also one other house and lot adjoining, ten feet in breadth and two hundred and thirty-two feet in length, both which being estimated of value sufficient to secure the payment of five hundred and fifty pounds, part of the money due as aforesaid with the interest thereof; also a tract of land containing four hundred