

mentioned act for raising county rates and levies are directed to be recovered, and shall be paid and added to the sum to be raised, levied, assessed and collected by virtue of this act for the purposes hereinbefore-mentioned.

[Section XXVI.] And be it further enacted by the authority aforesaid, That if the yearly taxes to be levied by virtue of this act shall not be sufficient to raise the full sum of one hundred thousand pounds hereby granted to His Majesty and defray [all] incident charges, in such case a further tax shall be laid and levied in the succeeding year or years in the same manner as the said three yearly taxes are directed to be laid and levied until the said one hundred thousand pounds be fully completed; and if the said three yearly taxes shall produce more than the said one hundred thousand pounds, the incident charges as aforesaid being defrayed, the overplus shall be disposed of and appropriated towards making good and discharging any deficiency or deficiencies which have already accrued or may hereafter accrue upon any or either of the acts of assembly of this province heretofore enacted for granting money to the King's use.

Passed April 17, 1759. Allowed to become a law by lapse of time in accordance with the proprietary charter, having been considered by the King in Council September 2, 1760. See Appendix XXIII, Section I, and notes to the Acts of Assembly passed March 5, 1725-26, Chapter 289; November 27, 1755, Chapter 406.

CHAPTER CCCCXXXVIII.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT FOR PREVENTING ABUSES IN THE INDIAN TRADE, FOR SUPPLYING THE INDIANS, FRIENDS AND ALLIES OF GREAT BRITAIN WITH GOODS AT MORE EASY RATES, AND FOR SECURING AND STRENGTHENING THE PEACE AND FRIENDSHIP LATELY CONCLUDED WITH THE INDIANS INHABITING THE NORTHERN AND WESTERN FRONTIERS OF THIS PROVINCE." ¹

Whereas the late salutary and pacific measures which have been pursued by this government with the Indians on the north-

¹ Passed April 8, 1758, Chapter 428.

ern and western frontiers of this province and the success of His Majesty's arms in those parts have procured the friendship and alliance of many distant and different tribes of Indians to the British interest. And whereas it is absolutely necessary in order to secure and firmly establish the peace and friendship lately concluded with them on the part of Great Britain to supply the said Indians with a sufficient quantity of necessary goods at reasonable rates. And whereas the sum which the commissioners for Indian affairs nominated and appointed in and by the above-mentioned act are empowered to borrow is not sufficient to answer the above purposes and other the good purposes mentioned and contained in the said-recited act of assembly:

[Section I.] Be it therefore enacted by the Honorable William Denny, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met and by the authority of the same, That it shall and may be lawful for any person or persons whatsoever to advance and lend to the said commissioners for Indian affairs any further sum or sums of money not exceeding in the whole the sum of ten thousand pounds lawful money of this province over and above the sum of four thousand pounds, which they are by the said act empowered and authorized to borrow, which said sum of ten thousand pounds or so much thereof as they shall think [it] necessary to borrow the said commissioners are hereby authorized and empowered to borrow and receive for the uses, intents and purposes contained and mentioned in this and the said-recited act; and the said lenders shall have and receive for the use and forbearance of their respective loans during the continuance of this act and until the same shall be paid off and discharged interest not exceeding six *per centum per annum*; and that every such lender shall have and receive a note and certificate in writing of and for the sum lent with the interest thereof signed by the said commissioners for Indian affairs, which note and certificate shall be registered in the book by them kept for that purpose;

and that the said lenders shall be paid by the said commissioners for Indian affairs yearly and every year the interest-moneys arising on their respective loans out of the profits and gain accruing of and from the said trade, and if not sufficient profits or gain, then out of the capital stock; and that at the expiration and determination of this act they the said commissioners shall pay off and discharge all and every the said loans and principal sums of money to the several and respective lenders out of the moneys remaining in their hands.

And in order more effectually to assure and secure to the said lenders their respective sums of money that shall be so lent and advanced:

[Section II.] Be it enacted by the authority aforesaid, That if by any accident, chance of war or other casualty whatsoever it should so happen that the capital stock and the profits, gain and advantage arising from the said trade should, at the expiration of this act, be found short and insufficient upon a settlement with the assembly to satisfy and discharge the said several loans with the interest thereof and to bear and maintain the other charges and expenses of the Indian trade, the same shall be paid and satisfied by an equal and proportionable rate and tax to be laid, assessed and levied on all estates real and personal within this province in the same manner, by the same persons, under the same pains, penalties and forfeitures, and in the same proportions in the several counties, as the sums of money heretofore granted to the King's use and directed to be raised and levied on all estates real and personal within this province are or shall be at that time assessed, raised and levied; and that the assembly of this province upon such insufficiency and defect appearing to them on the settlement of the account of the said commissioners, as directed by the said act of assembly, shall forthwith certify the same to the commissioners of the several counties in writing under the hand of their Speaker, in order that the same may be laid, assessed and levied in manner aforesaid; and when so levied shall be paid into the hands of the respective county treasurers, who shall forthwith pay the same over to the commissioners for Indian affairs for the purposes aforesaid.

[Section III.] And be it enacted by the authority aforesaid,

That all and every person and persons to whom any money shall be due for loan by virtue of this act, after note and certificate entered in the book of registry as aforesaid, his, her or their executors, administrators or assigns, by proper words of assignment to be endorsed on his, her or their certificate, may assign, transfer or make over all his, her or their right, title, interest and benefit of such note and certificate to any other person or persons; which assignment shall entitle such assignee, his, her or their executors, administrators or assigns, to the benefit thereof and payment thereon; and such assignee may in like manner assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons who have or hath made such assignment to make void, release or discharge the same or the moneys thereby due.

[Section IV.] And be it enacted by the authority aforesaid, That the sum and sums of money which the commissioners for Indian affairs are hereby authorized and empowered to borrow and receive shall be by them made use of, applied and appropriated to and for the uses, intents and purposes mentioned and directed in and by this act and the said act of general assembly to which this act is a supplement, and to and for no other uses, intents and purposes whatsoever; and that the accounts thereof shall be settled and adjusted in the same manner that the other Indian accounts of the said commissioners are thereby directed to be settled and adjusted; and if upon final settlement of the accounts at the expiration of this act it should appear that there is a surplus of profit, the same shall be paid into the hands of the provincial treasurer for the time being and disposed of in such manner and to such purposes as shall be hereafter directed by act of general assembly. And that the said commissioners for Indian affairs shall have and receive for all goods purchased for the use of the Indian trade from and after the publication of this act the sum of two and half *per centum*, and on the sales of the returns thereof the sum of two and a half *per centum*, and no more for their trouble in executing and discharging the trust, powers and duties enjoined and required of them by this act, anything in the said-recited act of general assembly to the contrary thereof notwithstanding.

[Section V.] And be it further enacted by the authority aforesaid, That the clause in this act contained relating to the assuring and securing the loans to the respective lenders shall remain and is hereby declared to be in force until the said lenders shall receive their several and respective sums of money by them lent and advanced as aforesaid with the interest thereon accruing; and that the residue and remainder of this act shall be in force as long as and during the term of the said act of general assembly to which this act is a supplement and no longer.

Passed April 17, 1759. Confirmed by the King in Council September 2, 1760. See Appendix XXIII, Section I. Repealed by the Act of Assembly passed April 2, 1763, Chapter 499.

CHAPTER CCCCXXXIX.

AN ACT TO PREVENT THE EXPORTATION OF BAD OR UNMERCHANTABLE STAVES, HEADING, BOARDS AND TIMBER.

Whereas the reputation of this province hath been much advanced by the care of the legislature to prevent frauds and abuses in divers commodities of our country produce exported to foreign markets, and yet some further regulation is by daily experience found necessary to promote the interests of trade and the good of the province:

[Section I.] Be it therefore enacted by the Honorable William Denny, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the [said] Province in General Assembly met, and by the authority of the same, That no merchant or other person or persons whatsoever shall from and after the publication of this act lade or put on board any ship or vessels any staves, heading, boards, plank or timber for exportation out of this province before he