

At a General Assembly begun and holden at Philadelphia, the fourteenth day of October, A. D. 1763, and continued by adjournments until the twenty-second day of September, 1764, the following acts were passed:

CHAPTER DV.

AN ACT FOR GRANTING TO HIS MAJESTY THE SUM OF TWENTY-FOUR THOUSAND POUNDS FOR THE DEFENSE AND PROTECTION OF THIS PROVINCE AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas many barbarous invasions have been made upon several of His Majesty's colonies in America and on the frontiers of this province in particular by divers parties of the northern and western Indians, whereby a great number of the inhabitants have been driven from their habitations, many perfidiously murdered and the most cruel devastations committed in manifest violation of the most solemn treaties of peace lately concluded on between our most gracious Sovereign and the said Indians.

And whereas circumstances so affecting and distressing to the said frontier inhabitants demand immediate aid and protection, therefore we, the representatives of the freemen of the province of Pennsylvania, desirous of demonstrating our duty to our most gracious Sovereign and to afford all the assistance and effectual protection in our power to the distressed frontier inhabitants do pray that it may be enacted:

[Section I.] And be it enacted by the Honorable James Hamilton, 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 the sum of twenty-four thousand pounds lawful money of this province is and is hereby declared to be given and granted to His Majesty to and for the particular purposes herein[after] mentioned and appointed.

And whereas in and by an act of general assembly of this province passed in the first year of His present Majesty's reign, entitled "An act for appointing certain persons hereinafter named to apply for and receive the distributive shares and proportions which are or shall be allotted to this province out of the sum or sums of money granted or to be granted by Parliament to His Majesty's colonies in America,"¹ the trustees of the general loan office did draw certain bills of exchange on the agents appointed in and by the same act to apply for and receive the distributive shares and proportions allotted to this province out of the sums of money granted by Parliament to His Majesty's colonies in America, and the same bills so drawn did sell and dispose of to such persons as would purchase the same for bills of credit of this province.

And whereas the said trustees by the said recited act of assembly were authorized and enjoined to appropriate and apply part of the money that should arise from the sale of the bills of exchange aforesaid to the particular uses, intents and purposes therein mentioned and specified, and the remaining part thereof to pay and deliver into the hands of the committees of assembly, to be by them burnt, sunk and destroyed in abatement of the public taxes and towards sinking the sums of money theretofore granted to His Majesty's use.

And whereas in and by virtue of an act of general assembly passed in the second year of His present Majesty's reign, entitled "An act for granting to His Majesty the sum of twenty-three thousand [five] hundred pounds for the purposes therein mentioned,"² the sum of twenty-three thousand five hundred pounds was given and granted to His Majesty's use, and the said trustees of the general loan office were thereby enjoined and required out of the moneys so ordered to be burnt, sunk and destroyed in

¹ Passed September 26, 1761, Chapter 470.

² Passed May 14, 1762, Chapter 483.

abatement of the public taxes, to retain in their hands the said sum of twenty-three thousand five hundred pounds, subject, nevertheless, to the drafts and orders of the commissioners nominated in the same recited act of assembly with the assent of the governor and commander in chief of this province for the time being.

And whereas in and by a certain other act of general assembly passed in the third year of His present Majesty's reign, entitled "An act for the relief of persons whose apprentices or servants have enlisted in the late King's or His present Majesty's service,"¹ the commissioners therein nominated and appointed were authorized and empowered to draw orders on the said trustees of the general loan office for such sum or sums of money not exceeding the sum of twenty pounds for each apprentice or servant, as they should judge to be a reasonable compensation for the damage which the master of such apprentice had sustained by such enlistment, which orders so drawn the trustees aforesaid were thereby directed to pay and discharge out of the moneys by them received or to be received on the sale of the bills of exchange directed to be drawn as aforesaid.

And whereas in and by virtue of one other act of general assembly of this province passed in the [second] year of His Majesty's reign, entitled "An act to enable the trustees of the State House to purchase certain lots of ground, the remainder of the square whereon the said house now stands,"² the trustees of the general loan office aforesaid were ordered and directed, out of the moneys so received for the sale of the said bills of exchange and ordered to be burnt, sunk and destroyed, to retain in their hands the further sum of five thousand pounds, subject nevertheless to the drafts and orders of the trustees of the State House for the time being for the purposes in the same act mentioned.

And whereas in and by virtue of another certain act of general assembly passed in the [present] year of His Majesty's reign, entitled "An act for preventing abuses in the Indian trade and for securing and strengthening the peace and friendship

¹ Passed March 4, 1763, Chapter 488.

² Passed May 14, 1762, Chapter 482.

lately concluded with the Indians inhabiting the northern and western frontiers of this province,"¹ the said trustees of the general loan office were enjoined and required to pay into the hands of the commissioners for Indian affairs the sum of fourteen thousand pounds out of the money arising by the Parliamentary grants, being part of the money so ordered to be sunk in abatement of the public taxes for the uses, intents and purposes in the said act specified.

And whereas the said trustees in pursuance of the directions of the said several hereinbefore recited acts of assembly have applied and appropriated part of the said moneys so arising from the sale of the said bills of exchange to the use, intents and purposes therein mentioned and appointed, and there still remains in their hands more than sufficient to answer the purposes aforesaid the sum of twelve thousand pounds, or thereabouts.

And whereas in and by virtue of another act of general assembly of this province passed in the [first] year of His said present Majesty's reign, entitled "An act for laying a duty on negroes and mulatto slaves imported into this province,"² all the duties arising by virtue of the same act are therein directed to be paid to the uses and purposes of an act passed in the twelfth year of the reign of King George the First, entitled "An act for the better regulating of negroes in this province,"³ so far as it relates to the payment of the owners of negroes convicted of capital crimes and executed in this province and the overplus, if any, to be paid into the hands of the provincial treasurer to be applied towards sinking the sums of money before that time granted to the King's use.

And whereas there now remains in the hands of the provincial treasurer over and above what has been paid to the owners and masters of negroes convicted and executed as aforesaid and what has been sunk by the committees of assembly in abatement of the taxes aforesaid the sum of one thousand and thirty-three pounds six shillings and six pence.

And whereas it is convenient and necessary that the said several sums of money so as aforesaid remaining in the hands of

¹ Passed April 2, 1763, Chapter 499.

² Passed March 14, 1761, Chapter 467.

³ Passed March 5, 1725-26, Chapter 291.

the trustees of the general loan office aforesaid and provincial treasurer should be applied in this time of danger for and towards the protection and defense of this province and not be burnt and sunk in abatement of the sums of money heretofore granted to the King's use, wherefore:

[Section II.] Be it enacted by the authority aforesaid, That the said several sums of surplus moneys so as aforesaid arising out of and from the acts of general assembly respectively hereinbefore recited and now remaining in the several and respective hands of the trustees of the general loan office and provincial treasurer of this province shall be and are hereby declared to be given and granted to His Majesty and subject and liable to the drafts and orders of the commissioners hereinafter nominated and appointed, with the assent of the governor or commander in chief of this province for the time being, to dispose of the moneys hereby granted to His Majesty's use, anything in the said hereinbefore recited acts of assembly to the contrary thereof notwithstanding.

And whereas by virtue of an act of general assembly of this province passed in the present year of His Majesty's reign, entitled "An act for preventing abuses in the Indian trade and for securing and strengthening the peace and friendship lately concluded with the Indians inhabiting the northern and western frontiers of this province,"¹ the commissioners therein nominated and appointed did borrow and receive of and from the trustees of the general loan office the sum of fourteen thousand pounds for the carrying on and prosecuting a trade with the said northern and western Indians.

And whereas by the hostilities and depredations lately committed by the said Indians on the inhabitants of this province all further trade and commerce with them is rendered useless and impracticable and the good purposes of the said act totally frustrated:

[Section III.] Be it therefore enacted by the authority aforesaid, That the commissioners for Indian affairs nominated and appointed in and by virtue of the said last recited act shall and they are hereby enjoined and required, with all convenient

¹ Passed April 2, 1763, Chapter 499.

speed, and at furthest within the space of eighteen months next after the publication of this act, to sell, dispose of and convert into money all and every part and parcel of the goods, wares and merchandises in their hand, custody or power by them purchased with the moneys so borrowed or otherwise howsoever in their possession as commissioners for Indian affairs aforesaid. And that the said commissioners shall, with all convenient speed and at furthest within the space of eighteen months from the publication of this act pay into the hands of the said provincial treasurer all such moneys as shall arise from the sale of the said goods, wares and merchandises, together with all such other moneys as shall be in their hands belonging to the said Indian trade by any ways or means whatsoever upon a full and final settlement of their accounts, which they, the said commissioners for Indian affairs, are hereby required to render and settle with the committee of assembly annually appointed for the adjustment of the public accounts; and that so much of the same money so paid into the hands of the provincial treasurer as shall make up the several sums or surplus money and the said seven thousand pounds, in the whole the sum of twenty-four thousand pounds, shall be and 'is hereby declared to be given and granted to His Majesty and shall be and remain in the hands of the said provincial treasurer, subject to the drafts and orders of the commissioners hereby nominated to dispose of the money hereby granted to His Majesty's use, with the approbation of the governor or commander in chief of this province for the time being, anything in the said last recited act of assembly to the contrary thereof notwithstanding; and that the residue thereof shall remain in the hands of the said treasurer, to be disposed of by act of general assembly.

[Section IV.] And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners hereinafter nominated and appointed with the assent and approbation of the governor or commander in chief of this province for the time being, to apply and appropriate a certain sum of seven thousand pounds now remaining in the hands of the said trustees of the general loan office to and for the uses, intents and purposes hereinafter mentioned, the said

seven thousand pounds being part of fifteen thousand pounds granted to His Majesty for the protection and defense of the city of Philadelphia in and by the said recited act of assembly, entitled "An act for granting to His Majesty the sum of twenty-three thousand five hundred pounds for the purposes therein mentioned,"¹ anything in the same recited act to the contrary thereof notwithstanding.

And in order to assure and secure to the commissioners nominated in the said last-recited act, with the assent of the governor or commander in chief of this province for the time being, the disposition and application of the like sum of seven thousand pounds to and for the protection and defense of the said city of Philadelphia (to and for which purpose the same by law was given and granted to His Majesty), when it shall become expedient and necessary:

[Section V.] Be it enacted by the authority aforesaid, That so much of the act of general assembly of this province passed in the thirtieth year of His late Majesty, King George the Second, entitled "An act for striking the sum of thirty thousand pounds in bills of credit and giving the same to the King's use and for providing a fund to sink the bills so to be emitted by laying an excise upon wine, rum, brandy and other spirits,"² as relates to the raising, levying, collecting and paying the excise upon wine, rum, brandy and other spirits and all other the duties, fines and penalties, matters and things relative to the said excise directed and enjoined in and by virtue of the said act be and are hereby continued and extended from the time limited in and by the same act for and during the term of three years and from thence to the end of the next session of assembly and no longer.

[Section VI.] And be it further enacted by the authority aforesaid, That the sum of seven thousand pounds, part of the moneys which shall arise and be paid into the hands of the provincial treasurer in and by virtue of the continuance and extension of the said last recited act of assembly shall be and is hereby declared to be subject and liable to the drafts and orders of the same persons, and shall be applied to [and for the

¹ Passed May 14, 1762, Chapter 483.

² Passed September 12, 1756, Chapter 412.

building and erecting such fortifications as may be necessary for the protection and defense of the said city of Philadelphia, as] mentioned and specified in the said recited act for granting to "His Majesty the sum of twenty-three thousand five hundred pounds for the purposes therein mentioned,"¹ as fully to all intents and purposes as if this act and every article, clause and thing therein contained had never been enacted or passed into a law.

[Section VII.] And be it further enacted by the authority aforesaid, That Lynford Lardner, Thomas Cadwalader, Benjamin Franklin, Joseph Fox, John Hughes, Joseph Galloway and John Baynton, Esquires, or the major part of them or of the survivors of them, with the consent and approbation of the governor or commander in chief of this province for the time being and not otherwise, shall order, [direct] and appoint the disposition of the moneys arising by virtue of this act and given and granted to His Majesty for and towards discharging the arrears due for raising and victualing the troops lately taken into the service of this province, and for and towards raising, paying and victualing eight hundred [and twenty-five] men to be employed in the most effectual manner for the defense and protection of this province, till the first day of February next, and for and towards paying and discharging all such certificates as have been heretofore drawn by order of assembly for the incidental charges of this government not heretofore provided for. And [that] the said Lynford Lardner, Thomas Cadwalader, Benjamin Franklin, Joseph Fox, John Hughes, Joseph Galloway and John Baynton, or a majority of them or of the survivors of them, shall and they are hereby empowered and required, as often as there shall be occasion for money for the purposes aforesaid, to draw orders on the said trustees of the general loan office and provincial treasurer aforesaid, or either of them, for the moneys hereinbefore made subject to their orders or drafts, which orders or drafts so drawn and paid by the said trustees or provincial treasurer shall be produced to the committees of assembly for the time being and by them allowed in discharge of so much of the money granted to His Majesty by virtue of this

¹ Passed May 14, 1762, Chapter 483.

act; and the said orders so as aforesaid paid shall be sufficient to discharge the said trustees and provincial treasurer, their executors and administrators respectively, of and from so much as shall be respectively paid by them and specified in the said orders. And the commissioners last mentioned for their trouble in discharging the duties required of them by this act shall have and receive one per centum on the whole sum of the orders by them drawn and no more.

And the said trustees and treasurer shall have and receive for their trouble respectively in performing the duties enjoined and required of them by this act, the sum of ten shillings each for every hundred pounds and no more.

Passed October 22, 1763. Referred for consideration by the King in Council, February 10, 1766, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section VIII, and the note to the Act of Assembly passed March 5, 1725-26, Chapter 289; and the Acts of Assembly passed May 30, 1764, Chapter 513; September 22, 1764, Chapter 516.

As to Section V, see the Act of Assembly passed May 20, 1767, Chapter 559.

CHAPTER DVI.

AN ACT TO PROHIBIT THE SELLING OF GUNS, GUNPOWDER OR OTHER WARLIKE STORES TO THE INDIANS.

Whereas several tribes of Indians for some time past have perfidiously made incursions within the frontiers of this province and have perpetrated many cruel and barbarous murders on the inhabitants thereof, and it must be in the present circumstance of affairs of dangerous consequence to supply the said Indians with guns, gunpowder or other warlike stores.

For prevention whereof:

[Section I.] Be it enacted by the Honorable James Hamilton, 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