

At a General Assembly begun and holden at Philadelphia, the fourteenth day of October, A. D. 1767, and continued by adjournments until the twentieth day of February, 1768, the following acts were passed:

CHAPTER DLXX.

AN ACT TO REMOVE THE PERSONS NOW SETTLED AND TO PREVENT OTHERS FROM SETTLING ON ANY LANDS IN THIS PROVINCE NOT PURCHASED OF THE INDIANS.

Whereas many disorderly people in violation of His Majesty's proclamation have presumed to settle upon lands not yet purchased from the Indians, to their damage and great dissatisfaction, which may be attended with dangerous and fatal consequences to the peace and safety of this province:

[Section I.] Be it therefore enacted by the Honorable John Penn, 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 if any person or persons settled upon any lands within the boundaries of this province not purchased of the Indians by the proprietaries thereof shall neglect or refuse to remove themselves and families off and from the said lands within the space of thirty days after he or they shall be required so to do, either by such persons as the governor of this province shall appoint for that purpose, or by his proclamations to be set up in the most public places of the settlements on such unpurchased lands, or if any person or persons being so

removed shall afterwards return to his or their settlement or the settlement of any other person with his or their family or without any family to remain and settle on such lands, or if any person shall after the said notice be given as aforesaid reside and settle on such lands, every such person and persons so neglecting or refusing to remove with his or their family or returning to settle as aforesaid, or that shall settle on any such lands after the requisition or notice aforesaid, being there- of legally convicted by their own confession or the verdict of a jury shall suffer death without the benefit of clergy.

Provided always nevertheless, That nothing herein contained shall be deemed or construed to extend to any person or persons who now or hereafter may be settled on the main roads or communications leading through this province to Fort Pitt under the approbation and permission of the commander in chief of His Majesty's forces in North America, or of the chief officer commanding in the western district to the Ohio for the time being, for the more convenient accommodation of the soldiery and others, or to such person or persons as are or shall be settled in the neighborhood of Fort Pitt under the approbation and permission aforesaid, or to a settlement made by George Croghan, Esquire, deputy superintendent of Indian affairs under Sir William Johnson, on the Ohio above the said fort, anything herein contained to the contrary in any wise notwithstanding.

[Section II.] And be it further enacted by the authority aforesaid, That Joseph Galloway, Benjamin Chew and Joseph Fox, Esquires, or the majority 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 have, receive and take out of the remaining part of the sum appropriated by the act, entitled "An act for granting to His Majesty the sum of twenty-three thousand five hundred pounds," &c.,¹ for defraying the expense of the late Indian treaties held at Easton and Lancaster, any sum or sums of money not exceeding the sum of three hundred pounds, and apply, order and dispose of the same for and towards defraying the necessary expenses of

¹ Passed May 14, 1762, Chapter 483.

giving notice to all persons settled upon any of the lands not purchased of the Indians as aforesaid within the boundaries of this province to remove from their said settlements.

[Section III.] And be it further enacted by the authority aforesaid, That the said Joseph Galloway, Benjamin Chew and Joseph Fox, or a majority of them, shall and they are hereby enjoined and required to draw orders on the late trustees of the general loan office of this province for the purposes aforesaid, the same purposes being severally first approved of and agreed to by the governor or commander in chief of this province for the time being, which orders so drawn the said late trustees shall pay and discharge out of and with the moneys aforesaid, and when paid shall be produced to the committee of assembly for the time being and by them be allowed in discharge of so much of the moneys remaining in their hands for the uses aforesaid.

[Section IV.] And be it further enacted by the authority aforesaid, That if any person or persons after the publication of this act, either singly or in companies, shall presume to enter upon any lands, the same not being purchased as aforesaid, and make surveys thereof, mark, or cut down trees thereon, such person or persons so offending and being legally convicted in any court of quarter sessions of the county where such offenders shall be apprehended (in which said court the same offense is hereby made cognizable) by the oath or affirmation of one or more witnesses or by the confession of the party, every person so offending shall forfeit and pay for every such offense the sum of fifty pounds and suffer three months' imprisonment without bail or mainprise, one moiety of which fine shall be paid to the prosecutor and the other moiety to the overseers of the poor of the township where such offender shall reside for the use of the poor of the said township if resident within this province, if otherwise for the use of the poor where such offender shall be apprehended.

[Section V.] And be it further enacted by the authority aforesaid, That all offenses by this act declared capital or felonies of death shall be inquired of, heard, adjudged and determined before the justices of the supreme court or the

justices of the courts of oyer and terminer and general gaol delivery to be held in the county of Philadelphia by inquest, indictments and verdicts to be taken of good and lawful men, inhabitants of the same county, in like manner and form as if such capital offense or offenses had been committed, perpetrated and done within the said county, any law, custom, or usage to the contrary thereof in any wise notwithstanding.

[Section VI.] And be it further enacted by the authority aforesaid, That this act shall continue in force during the term of one year and from thence to the end of the next sitting of assembly and no longer.

Passed February 3, 1768. Confirmed by the King in Council, March 6, 1769. See Appendix XXVI, Sections III and IV, and the Acts of Assembly passed February 17, 1768, Chapter 571; February 18, 1769, Chapter 587. Expired.

CHAPTER DLXXI.

AN ACT FOR RAISING AND APPLYING THE SUM OF THREE THOUSAND POUNDS TOWARDS REMOVING THE PRESENT DISCONTENT OF THE INDIANS, REGAINING THEIR FRIENDSHIP AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas in the present critical situation of Indian affairs which threatens this and His Majesty's other colonies with a rupture with the natives, it is prudent and necessary to remove every just cause arising within this province which has given them discontent, and if possible to restore the friendship and alliance lately subsisting between them and this government:

And whereas it is expected that a sum of money laid out and expended in presents of condolence for the number of Indians who have been killed within this province and other gifts may have a good tendency towards this salutary end:

And whereas by an act of general assembly passed in the seventh year of His Majesty's reign, entitled "An act for raising the sum of twenty thousand pounds for the support of the gov-