

CHAPTER DCXXII.

AN ACT FOR THE IMMEDIATE RAISING OF MONEY HERETOFORE GRANTED FOR THE DEFENSE OF THE CITY OF PHILADELPHIA.

Whereas in and by the 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,"¹ the sum of fifteen thousand pounds was given and granted to His Majesty for the defense and protection of the city of Philadelphia:

And whereas a peace being settled and confirmed shortly after the passing of the said act between His said Majesty and the courts of France and Spain, it was thought unnecessary immediately to expend the said sum of money for the purposes aforesaid, and eight thousand pounds, part thereof, by virtue of the act of general assembly passed in the third year of the said reign were advanced and lent to the commissioners for cleansing and paving the streets of the city of Philadelphia, to be repaid on or before the tenth day of March in the year of our Lord one thousand seven hundred and seventy out of the moneys directed to be raised and levied by the act passed in the second year of the said reign, entitled "An act for regulating, pitching, paving and cleansing the highways, streets, lanes and alleys and for regulating, making and amending the watercourses and common sewers within the inhabited and settled parts of the city of Philadelphia," &c.:²

And whereas all the moneys which have been raised and levied by the said last-recited act have been necessarily applied for and towards other purposes in the same act specified, so that no part of the said eight thousand pounds has been repaid, and it will be extremely burdensome and distressing to the in-

¹ Passed May 14, 1762, Chapter 483.

² Passed February 18, 1769, Chapter 594.

habitants of the said city, already laboring under a variety of taxes, to repay the same immediately:

And whereas in and by the act of general assembly passed in the third year of His present Majesty's reign, entitled "An act for granting to His Majesty the sum of twenty-four thousand pounds for the defense and protection of this province," &c.,¹ the sum of seven thousand pounds, residue of the said fifteen thousand pounds, was advanced and lent to His Majesty for the said purpose, to be repaid by an extension of the excise on spirituous liquors for and during the space of three years from the time limited in and by the act of general assembly passed in the thirtieth year of the reign of His Majesty 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," &c.:²

And whereas in and by the act of general assembly passed in the seventh year of His present Majesty's reign, entitled "An act for raising the sum of twenty thousand pounds for the support of the government of this province and payment of the public debts,"³ the said excise was further continued for and during the space of four years in order to sink the bills of credit by the same act emitted and applied to the support of the government aforesaid; and inasmuch as the said sum of seven thousand pounds was not then necessary for the defense of the said city, it was enacted by the last-recited act that the raising and repayment thereof by the said excise should be postponed until the said bills of credit should be fully sunk and destroyed, by reason whereof the said sum of seven thousand pounds is not as yet raised, nor can the same be raised by the said excise during the space of several years to come:

And whereas at this time of imminent danger, when a war between our most gracious Sovereign and the King of Spain is daily expected, it is expedient for the protection and safety of the inhabitants that the city of Philadelphia should with all convenient speed be put into a proper state of defense, for which purpose it is necessary that the said several sums of eight thousand and seven thousand pounds should be immediately raised

¹ Passed October 22, 1763, Chapter 505.

² Passed September 21, 1756, Chapter 412.

³ Passed May 20, 1767, Chapter 559.

and repaid into the provincial treasury for the purpose aforesaid:

Therefore:

[Section I.] Be it 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 bills of credit to the value of fifteen thousand pounds shall be prepared and printed within two months next after the passing of this act on good strong paper, under the care and direction of Samuel Rhoads, Abel James, Charles Humphreys and Isaac Pearson, Esquires, or any three of them, the charges whereof shall be paid by the provincial treasurer out of the moneys arising or to arise by virtue of the act of assembly hereinafter recited and continued, which bills of credit shall be made and prepared in the manner and form following, viz.:

This indented bill of _____ shall entitle the bearer to receive of the provincial treasurer the like sum of _____ of equal value with the same sum of the bills of credit now by law current according to the directions of an act of general assembly of Pennsylvania made in the eleventh year of the reign of His Majesty George the Third. Dated the twentieth day of March, one thousand seven hundred and seventy-one.

And the said bills shall have such like escutcheons as in the margin hereof, with such other devices as the said Samuel Rhoads, Abel James, Charles Humphreys and Isaac Pearson. shall think proper, as well to prevent counterfeits as to distinguish their several and respective denominations, each of which bills shall be of the several and respective denominations following and no other: That is to say,



Six thousand of the same bills, the sum of twenty shillings in each of them.

Six thousand of the same bills, the sum of fifteen shillings in each of them.

Six thousand of the same bills, the sum of ten shillings in each of them.

Six thousand of the same bills, the sum of five shillings in each of them.

And the said Samuel Rhoads, Abel James, Charles Humphreys and Isaac Pearson shall use their best care, attention and diligence during the printing of the said bills that the number and amount thereof according to their respective denominations aforesaid be not exceeded, nor any clandestine or fraudulent practice used by the printer, his servants or others concerned therein.

And for perfecting the said bills according to the true intent and meaning of this act:

[Section II.] Be it further enacted by the authority aforesaid, That all and every of the said bills shall be signed by three of the persons hereafter named: That is to say, Joseph Morris, William Fisher, Joshua Howell, Luke Morris, Daniel Roberdeau, Isaac Cox, Jacob Shoemaker, junior, Francis Hopkinson, Stephen Collins, Joel Evans, Robert Strettell Jones and Thomas Mifflin, who are hereby nominated and appointed to be signers of the said bills, and shall, before they receive or sign any of them, take an oath or affirmation to the effect following, viz.:

That they shall well and truly sign and number all the bills that shall come to their hands for that purpose by the direction of this act, and the same so signed and numbered will deliver or cause to be delivered unto the said Samuel Rhoads, Abel James, Charles Humphreys and Isaac Pearson, or any three of them, pursuant to the directions of this act.

And for avoiding the danger of embezzlement or misapplication of the said bills of credit:

[Section III.] Be it further enacted by the authority aforesaid, That the said Samuel Rhoads, Abel James, Charles Humphreys and Isaac Pearson, or any three of them, after the said bills [shall be] printed, shall deliver them to the signers aforesaid, to be signed and numbered by parcels, for which the said signers, or some of them, shall give their receipt: That is to say, three thousand pounds value in the said bills at one time, and so from time to time until all the said bills of credit shall be signed and numbered in such manner that not more than the

value of three thousand pounds shall remain in such signers' hands at one time, of all which said bills of credit so delivered to be signed a true account shall be kept by the signers, who, upon their redelivery of each or any parcel of the said bills by them signed and numbered shall take the receipt of the said Samuel Rhoads, Abel James, Charles Humphreys and Isaac Pearson, or any three of them, to charge them before any committee of assembly to be appointed for that purpose.

And each of the said signers shall receive fifteen shillings for every thousand of the said bills by them signed and numbered, and each of the said Samuel Rhoads, Abel James, Charles Humphreys and Isaac Pearson shall have and receive for their trouble the sum of ten shillings per diem; and the said treasurer for receiving and paying the said bills of credit shall be allowed five shillings for every hundred pounds and no more out of the moneys arising by the excise on spirituous liquors hereinafter mentioned.

[Section IV.] And be it further enacted by the authority aforesaid, That as soon as the said bills shall be signed, numbered and perfected the said Samuel Rhoads, Abel James, Charles Humphreys and Isaac Pearson, or any three of them, shall deliver them to the said provincial treasurer and take his receipt or receipts for the same.

[Section V.] And be it further enacted by the authority aforesaid, That if any person or persons shall presume to counterfeit any of the said bills of credit made and issued by virtue of this act by printing or procuring the same to be printed in the likeness or similitude of the said bills of credit, or if any person or persons shall forge the name or names of the signers of the said true bills of credit to such counterfeit bills, whether the counterfeiting of the said bills of credit or names be done within this province or elsewhere, or shall utter such bills knowing them to be counterfeited as aforesaid, and being thereof legally convicted by confession, standing mute or by the verdict of twelve men in any court of oyer and terminer within this province, he, she or they shall suffer death without benefit of clergy, and the discoverer or informer shall have as an encouragement to his discovery the sum of fifty pounds of the

value of the goods and chattels, lands and tenements of the person or persons convicted, and if no such goods and chattels, lands and tenements, can be found, the sum of ten pounds, to be paid by the province. And if any person or persons shall counterfeit any of the said bills of credit by altering the denomination thereof with design to increase the value of the said bills, or shall utter such bills knowing them to be so counterfeited or altered, and shall thereof be legally convicted in any court of quarter sessions of the peace within this province, every such person and persons shall be sentenced to the pillory, have both of his or her ears cut off and nailed to the pillory and be publicly whipped on his or her bare back with thirty-nine lashes well laid on, and moreover, every such offender shall forfeit the sum of one hundred pounds, to be levied on his or her lands, tenements, goods and chattels, one-half thereof to the use of the governor, and the other half to the discoverer, and the offender shall pay to the party grieved double the value of the damages thereby sustained together with the costs and charges of the prosecution; and in case the offender shall not have sufficient to satisfy such discoverer for his or her damages and pay the forfeiture aforesaid he or she shall be sold for any term not exceeding seven years to make such satisfaction; and in such case the said discoverer shall be paid by the province the sum of ten pounds; and every such counterfeit bill shall be delivered to the said treasurer to be made use of upon the trial of the person accused or suspected, and afterwards to be burnt, sunk and destroyed in the presence of a committee of assembly.

[Section VI.] And be it further enacted by the authority aforesaid, That Joseph Galloway, Benjamin Chew, Thomas Cadwalader, Joseph Fox, Michael Hillegas, John Morton and John Baynton, Esquires, or a majority of them, or the survivors of them, with the consent and approbation of the governor or commander in chief for the time being and not otherwise, shall apply and order the bills of credit so paid into the hands of the provincial treasurer for and towards building and erecting such fortifications and raising, victualing, clothing and paying so many officers and men as may be necessary for the defense and protection of the city of Philadelphia, and for those purposes

shall draw orders on the said treasurer as often as there may be occasion, which orders when paid shall be produced to the committee of assembly for the time being and by them be allowed in discharge of so much money as shall be therein expressed, and the said commissioners shall have for their trouble in discharging the duties hereby enjoined the sum of fifteen pounds each and no more.

And whereas it is expedient that the said bills of credit hereby directed to be made and emitted should be called in, sunk and destroyed as soon as conveniently may be:

[Section VII.] Be it therefore enacted by the authority aforesaid, That the said provincial treasurer shall and he is hereby enjoined and required out of the moneys which shall be in his hands arising from the said excise from time to time after the bills of credit made and emitted by virtue of the said act for raising twenty thousand pounds for the support of the government of this province and payment of the public debts shall be fully paid off and discharged, to pay off and discharge seven thousand pounds of the said bills of credit hereby directed to be made and emitted, and shall upon such payment receive the same bills of their respective bearers and shall yearly, as they come to his hands, deliver over the same to such committees of assembly as shall be annually appointed to settle the public accounts, to be by them burnt, sunk and destroyed.

And in order to pay off and discharge the sum of eight thousand pounds, residue of the said bills of credit hereby directed to be made and emitted:

[Section VIII.] Be it further enacted by the authority aforesaid, That the treasurer appointed or to be appointed by the commissioners elected by virtue of the act passed in the ninth year of His present Majesty's reign, entitled "An act for regulating, pitching, paving and cleansing the highways, streets, lanes and alleys, and for making and amending the water-courses and common sewers within the inhabited and settled parts of the city of Philadelphia, and for raising of money to defray the expenses thereof and for other purposes therein mentioned,"¹ shall yearly and every year out of the moneys which

¹ Passed February 18, 1769, Chapter 594.

shall come into his hands by virtue of this act pay off, discharge and redeem at least eight hundred pounds, part of the said eight thousand pounds hereby directed to be emitted, until the whole thereof shall be paid off and redeemed, for which purpose yearly and every year there shall be laid, assessed and levied a just and proportionable rate and tax on all estates real and personal and taxables within the said city by the same persons and under the same penalties, to be recovered in the same manner as the sums of money to be raised for the purposes mentioned in the [said] last-recited act are thereby directed to be laid, assessed and levied, and when so levied the same shall be paid to the said treasurer, to be by him applied from time to time to the payment and discharge of the said bills hereby directed to be emitted; and the said treasurer, upon such payment and discharge of the said bills, shall receive the same of their respective bearers and yearly as they come to his hands deliver them over to the committee of assembly for the time being appointed to settle the public accounts to be by them burnt, sunk and destroyed.

[Section IX.] And be it further enacted by the authority aforesaid, That so much of the said act, entitled "An act for granting to His Majesty the sum of twenty-three thousand five hundred pounds for the purposes therein mentioned,"¹ as relates to the appointment of commissioners and disposition of the said sum of fifteen thousand pounds shall be and is hereby repealed and null and void.

Passed March 9, 1771. Referred for consideration by the King in Council, October 9, 1771, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIX.

CHAPTER DCXXIII.

AN ACT FOR REGULATING THE FISHERY IN THE RIVERS CODORUS AND CONNEWAGA IN YORK COUNTY.

Whereas it hath been represented to the assembly by petition from a number of the freeholders of the county of York that live

¹ Passed May 14, 1762, Chapter 483.