

and enjoy the said offices, or any of them, shall from time to time forever hereafter hold the same, either by him or themselves, his or their clerk or clerks, at and in the said house so as aforesaid built at the public expense, and not elsewhere, under the penalty of three hundred pounds, to be recovered by bill, plaint or information in any court of record within this province, wherein no essoin, protection, wager of law nor more than one imparlance shall be allowed.

Passed March 21, 1772. Referred for consideration by the King in Council, January 15, 1773, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXX. Repealed by the Act of Assembly passed April 1, 1778, Chapter 798.

CHAPTER DCLI.

AN ACT FOR THE RECOVERY OF DIVERS SUMS OF MONEY FROM THE PERSONS THEREIN NAMED.

Whereas on full examination and inquiry it appears to the assembly of this province that the several and respective persons hereinafter named, late commissioners, assessors and clerks for assessing and levying and keeping the accounts of the provincial and county rates in and for the county of Lancaster, have to the great injury of the public and evil example of others, received and illegally and unjustly detained the several and respective sums of public money following, being part of the provincial and county rates, That is to say, John Hay, the sum of two pounds, five shillings of the provincial rates, and nine pounds, seven shillings and six pence of the county rates; George Leonard, the sum of forty-one pounds, seven shillings of the provincial rates, and forty-two pounds and six pence of the county rates; Samuel Steel, the sum of sixteen pounds, one shilling and

six pence of the provincial rates, and twenty-five pounds, four shillings and four pence of the county rates; William Jones, the sum of twenty-one pounds sixteen shillings and six pence of the provincial rates, and twenty-seven pounds eighteen shillings and six pence of the county rates; Henry Walter, the sum of twenty-nine pounds, twelve shillings of the provincial rates, and thirty-six pounds eighteen shillings and ten pence of the county rates; John Miller, the sum of eight pounds of the provincial rates, and fifteen pounds, twelve shillings and four pence of the county rates; Christian Hildebrand, the sum of thirteen pounds, ten shillings of the provincial rates, and twenty-four pounds twelve shillings and four pence of the county rates; John Smith, the sum of forty-three pounds, two shillings and six pence of the provincial rates, and forty-three pounds, three shillings and four pence of the county rates; Michael Grimes, the sum of five pounds, ten shillings of the provincial rates, and six pounds, twelve shillings of the county rates; Joshua Anderson, the sum of ten pounds, ten shillings of the provincial rates, and nine pounds, nine shillings and eleven pence of the county rates; Daniel McPherson, the sum of seventy-two pounds twelve shillings and six pence of the provincial rates, and sixty-four pounds three shillings and three pence of the county rates; James Wilson, the sum of fifty-nine pounds, ten shillings of the provincial rates, and sixty pounds, five shillings and ten pence of the county rates; George McCullough, the sum of thirty-seven pounds ten shillings of the provincial rates, and thirty-three pounds five shillings and seven pence of the county rates; James Gibbons, the sum of thirty-three pounds fifteen shillings of the provincial rates, and twenty-six pounds, four shillings and seven pence of the county rates; Casper Core, the sum of twelve pounds, ten shillings of the provincial rates, and eleven pounds seven shillings and seven pence of the county rates; Isaac Saunders, the sum of eight pounds, six shillings and one pence of the provincial rates, and twenty-three pounds, ten shillings and four pence of the county rates; and James Webb, Junior, the sum of eighty-seven pounds, five shillings and five pence of the provincial rates and seventy-seven pounds, eleven shillings and eight pence of the county rates; which said several sums of

money the said persons, respectively, have refused to pay into the provincial and county treasuries, respectively, contrary to their trust and duty to the public:

[Section I.] Be it therefore enacted by the Honorable Richard Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and John Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania, 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 commissioners for the county aforesaid for the time being shall and they are hereby authorized and enjoined forthwith to issue their warrants against the said John Hay, George Leonard, Samuel Street, William Jones, Henry Walter, John Miller, Christian Hildebrand, John Smith, Michael Grimes, Joshua Anderson, Daniel McPherson, James Wilson, George McCullough, James Gibbons, Casper Core, Isaac Saunders and James Webb, Junior, respectively, and their several and respective goods and chattels, lands and tenements, and in case of the death of any, or either of them, against the goods and chattels, lands and tenements of such person or persons deceased in the hands and possession of his or their heirs, executors or administrators, for levying and recovering the said several and respective sum and sums of money, with the costs and charges attending the same, in the same manner as is directed for the recovery of moneys due from the delinquent collectors of the county rates in and by the act of general assembly, entitled "An act for raising of county rates and levies."¹ And if any of the said persons shall be removed out of the said county of Lancaster, it shall and may be lawful to and for the said commissioners to sue and prosecute in any court of common pleas within this province any suit or suits, actions of debt, upon the case, or attachments, for the recovery of the said sums of money against the said persons so removed, and upon trial to give this act and any other matter in evidence for the recovery of the sums due from such persons so removed.

[Section II.] And be it further enacted, That no writ of replevin shall issue for replevying of any goods, chattels, or ef-

¹ Passed March 20, 1724-25, Chapter 284.

fects that shall or may be levied in pursuance of the warrants issued by virtue of this act, nor shall any writ of certiorari or habeas corpus be issued for removing any of the proceedings of the said commissioners by virtue of this act.

[Section III.] And be it further enacted by the authority aforesaid, That the purchasers of the goods and chattels, lands and tenements sold in pursuance hereof shall hold and enjoy the same in as full and ample a manner as purchasers of goods and chattels, lands or tenements may or can hold the same under any sales made by the sheriff of the said county by writ of fieri facias or venditioni exponas, and that all conveyances made by virtue of this act of lands or tenements shall be acknowledged in the same manner in the court of common pleas for the said county as sales of lands and tenements are directed to be acknowledged by the sheriffs of the said county.

[Section IV.] And be it further enacted by the authority aforesaid, That eight shillings per diem shall be paid to Robert Armor, Robert Whitehill, Michael Diffederfer, Christian Wertz and Bernard Hubley, witnesses against the offenders aforesaid, for every day they attended on the committee of assembly and were engaged in serving notices or citations or in demanding the sums of money settled by the said committee as due from the offenders aforesaid, respectively, to be adjusted and settled by the said county commissioners and to be levied in manner aforesaid of and from the said offenders, respectively, their goods and chattels, in equal proportions.

[Section V.] And be it further enacted by the authority aforesaid, That the provincial rates levied and received by virtue of this act shall be paid into the hands of the treasurer of the said county for the provincial tax to be paid by him to the provincial treasurer, to be applied towards sinking the moneys granted to the King's use, and that the said county rates levied and received by virtue hereof shall be paid to the county treasurer, to be applied to the payment of the county debts in the manner directed by the before recited act.

[Section VI.] And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a public act, and shall be judicially taken notice of as such by all judges

and justices and other persons whatsoever without specially pleading the same.

Passed March 21, 1772. Referred for consideration by the King in Council, January 15, 1773, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXX.

CHAPTER DCLII.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR THE ADVANCEMENT OF JUSTICE AND MORE CERTAIN ADMINISTRATION THEREOF."

To prevent and deter evil minded persons from committing the offenses hereinafter mentioned:

[Section I.] Be it enacted by the Honorable Richard Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and John Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania, 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 from and after the publication of this act shall maliciously and voluntarily burn the state house of this province or any of the adjoining offices or buildings, or any church, meeting house or other building for public worship, or any academy or school house or library belonging to any body politic or corporate, and shall be thereof legally convicted, every such person and persons shall suffer death without benefit of clergy.

[Section II.] And be it further enacted by the authority aforesaid, That if any person or persons shall break and enter into any of the houses aforesaid in the night time with intent to commit a felony within the same, whether the felonious intent be executed or not, every such person so offending, being thereof legally convicted, shall stand in the pillory during the space of one hour, have his, her or their ears cut off and nailed to the pillory, be publicly whipped with thirty-nine lashes on the bare back well laid on, and be committed to the work house