

defendant to come before such justice, and the said justice shall order the said defendant to give reasonable bail as the nature of the case may require, and if such defendant shall neglect or refuse to give such bail then the said justice is hereby empowered to commit such defendant to the gaol of the said city or county, and the keeper thereof is hereby required there to keep him safely until he shall give such bail or be otherwise lawfully discharged. And if any such person or persons shall be indebted to any one or more person or persons in a sum exceeding five pounds then on the like complaint on oath or affirmation being made to two justices of the city or proper county they shall proceed in manner as before mentioned and directed in cases not exceeding five pounds.

Passed September 13, 1776. See Appendix XXXV, and the note to the Act of Assembly passed March 7, 1745-46, Chapter 365; and the Acts of Assembly passed October 9, 1779, Chapter 862; September 23, 1784, Chapter 1116; April 5, 1785; Chapter 1160; March 11, 1789, Chapter 1394; April 19, 1794, Chapter 1754; April 4, 1798; Chapter 1995; March 1, 1799, Chapter 2023; February 26, 1801, Chapter 2202; January 2, 1804, P. L. 3; March 28, 1804, P. L. 383; March 25, 1805, P. L. 117; April 9, 1807, P. L. 281; April 4, 1809, P. L. 176; March 20, 1810, P. L. 208; March 28, 1820, P. L. 156; April 4, 1831, P. L. 458; April 9, 1833, P. L. 480; April 15, 1835, P. L. 290; June 16, 1836, P. L. 809; March 19, 1838, P. L. 126; February 27, 1845; P. L. 72; April 15, 1845, P. L. 459; March 13, 1847, P. L. 301; March 11, 1850, P. L. 159; March 29, 1851, P. L. 272; April 26, 1855, P. L. 304; February 8, 1869, P. L. 208; February 25, 1870, P. L. 254; March 28, 1870, P. L. 596; April 6, 1870, P. L. 987; February 18, 1870, P. L. 188; February 29, 1872, P. L. 190; the Constitution of 1874, Article III, section 8; July 7, 1879, P. L. 194; May 13, 1889, P. L. 113; May 29, 1893, P. L. 176.

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## CHAPTER DCCXXXV.

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### AN ORDINANCE FOR RENDERING THE BURDEN OF ASSOCIATORS AND NON-ASSOCIATORS IN THE DEFENSE OF THIS STATE AS NEARLY EQUAL AS MAY BE.

Whereas the associators of this state have bestowed much of their time and been at a considerable expense in qualifying themselves for the defense of their country and are now gone

forth into actual service to the great prejudice of their private concerns, while others by not associating have exempted themselves from those difficulties and pursued their business to advantage:

And whereas no effectual measures have hitherto been taken to render the burden of the defense which is a common benefit, as nearly equal as possible:

Therefore be it ordained and declared:

[Section I.] And it is hereby ordained and declared by the Representatives of the Freemen of the State of Pennsylvania in General Convention met, That every non-associator between the ages of sixteen and fifty years shall pay for and during the time of his continuing a non-associator at the rate of twenty shillings for each and every month, to commence from the publication of this ordinance and to continue until the end of the first session of the future assembly of this state, unless the said assembly shall before that time alter or repeal the same.

[Section II.] And be it further ordained and declared by the authority aforesaid, That every non-associator above the age of twenty-one years shall pay in addition to the aforesaid fine at the rate of four shillings in the pound on the annual value of his estate as rated under the late laws of this state for raising provincial taxes.

[Section III.] And be it further ordained by the authority aforesaid, That all the moneys which shall be raised by the aforesaid assessments and fines after discharging the necessary expenses attending collecting the same, shall be paid into the hands of John Bayard, Esquire, for the relief and support of the families of poor associators of this state while out in the service and to afford assistance to those poor associators who are by the service rendered incapable of supporting themselves and their families and also to afford such assistance to the widows and children of such poor associators as lose their lives in the service of their country.

[Section IV.] And be it further ordained and declared by the authority aforesaid, That when any of the said associators or their widows and children shall be so entitled to a share of the moneys arising from the aforesaid assessments and fines

the field officers of the battalion or any three of them and a private of the company to which such associator at the time when he or his widow and children became so entitled did belong shall certify the particular circumstances of the said associator or his wife (or of his widow and children if he should be killed) to the future assembly of this state in order to enable them to fulfil the intent of this ordinance.

And to this end that the said four shillings in the pound and the said monthly fines of twenty shillings may be duly assessed, levied, collected and paid for the purposes hereinbefore mentioned:

[Section V.] Be it further ordained and declared by the authority aforesaid, That Jacob Morgan, Joseph Moulder and Jacob Bright be and are hereby appointed commissioners, and that Isaac Snowden, James Milligan, Michael Schubart, Benjamin Harbeson, William Will and William Hollingshead assessors for the city of Philadelphia.

That Thomas Potts, Samuel Erwin and John Williams be and are hereby appointed commissioners; and that John Brown, William Robinson, Samuel Ingle, Andrew Knox, Henry Deringer and Isaac Hughes, assessors for the county of Philadelphia who or a majority of them shall be a board of commissioners and assessors for the county of Philadelphia.

And that James Benezet, Captain William Roberts and Abraham Middleswarts be and are hereby appointed commissioners; and that Gilliam Cornet, Abraham Britton, James Wallace, Thomas Armstrong, Benjamin Sagal and George McIlroy, assessors for the county of Bucks, who or a majority of them shall be a board of commissioners and assessors for the county of Bucks.

And that Thomas Levis, William Evans and Thomas Taylor be and are hereby appointed commissioners; and that Caleb Davis, Richard Thomas, David Cloyd, Benjamin Brennon, Thomas Evans and Joseph Gardner, assessors for the county of Chester, who or a majority of them shall be a board of commissioners and assessors for the county of Chester.

And that Alexander Martin, Christian Wirtz and Casper Snevely be and are hereby appointed commissioners; and that

John Bokenstose, John Rowland, Philip Greenwalt, Thomas Clark, of Dromore, Caspar Shaffner and John Pemmison, the younger, assessors for the county of Lancaster, who or a majority of them shall be a board of commissioners and assessors for the county of Lancaster.

And that Peter Wolf, John Nesbit and Archibald McClean be and are hereby appointed commissioners; and that Patrick Scott, Benjamin Pidon, Frederick Wolf, John Agnew, Christopher Lowman and James Dill, assessors for the county of York, who or a majority of them shall be a board of commissioners and assessors for the county of York.

And that Patrick Maxwell, Samuel Leard and James Pollock be and are hereby appointed commissioners; and that Henry Polling, John Davis, James Lyon, Alexander Morrow, John Carson and William Rippey, assessors for the county of Cumberland, who or a majority of them shall be a board of commissioners and assessors for the county of Cumberland.

And that Henry Reitmeyer, Christian Lower, and Mordecai Lincoln be and are hereby appointed commissioners; and that Conrad Hershner, the elder, Nicholas Jones, Frederick Mayerle, George Kelchner, Warner Stam and John Robinson, assessors for the county of Berks, who or a majority of them shall be a board of commissioners and assessors for the county of Berks.

And that Peter Burkhalter, Jacob Opp and Henry Lawald be and are hereby appointed commissioners; and that Peter Koler, Abraham Arndt, Benjamin Dupui, Peter Haas, Peter Beisel and John Van Camp, assessors for the county of Northampton, who or a majority of them shall be a board of commissioners and assessors for the county of Northampton.

And that Charles Cissna, Edward Coomb and John Cissna be and are hereby appointed commissioners; and that Matthew Patton, Harman Husbands, William Todd, William Parker, William Phillips and Benamin Elliot, assessors for the county of Bedford, who or a majority of them shall be a board of commissioners and assessors for the county of Bedford.

And that Thomas Hewitt, William Gray and John Weitzel be and are hereby appointed commissioners; and that Jonathan Loudge, Walker Clark, Peter Holsterman, James Harrison,

Nicholas Miller and Jacob Heverlan, assessors for the county of Northumberland, who or a majority of them shall be a board of commissioners and assessors for the county of Northumberland.

And that Robert Hanna, James Cavat and James Pollock be and are hereby appointed commissioners; and that William Elliott, John Shields, Samuel Moorhead, James McClean, James Beard and Christopher Truby, assessors of the county of Westmoreland, who or a majority of them shall be a board of commissioners and assessors for the county of Westmoreland; who shall meet at the court-houses of their several and respective counties on Monday the fourteenth day of October next ensuing or as soon after as they can conveniently meet, and appoint proper persons to make returns to them of all the non-associators in their respective districts on or before the second Monday of November next ensuing.

[Section VI.] And be it further ordained and declared by the authority aforesaid, That the said commissioners and assessors shall have all the powers, authorities and jurisdictions which any commissioners and assessors heretofore enjoyed under the late laws of the province of Pennsylvania and shall proceed in raising, levying and collecting the said sum of four shillings in the pound and twenty shillings per month in the same manner and under the same appeals, rates, directions, penalties and forfeitures in all respects as in and by the several [late of] laws of the late government of Pennsylvania which were in force on the first day of July last for raising, levying, collecting and paying the assessments and taxes of said government, saving and excepting only such parts of the same laws as are hereby altered or supplied.

[Section VII.] And be it further ordained and declared by the authority aforesaid, That the direction in the said laws shall be effectual to all intents and purposes for raising, levying, collecting, securing and accounting for the said rates and sums of money and for levying and recovering the penalties and forfeitures and all other matters and things thereunto belonging as fully and effectually as if the same were particularly and at large repeated and inserted in this ordinance except in such cases as are herein ascertained, provided for or altered.

[Section VIII.] And be it further ordained and declared by the authority aforesaid, That the commissioners on any appeal from the rate or assessment of twenty shillings per month may remit the whole or any part thereof in case of the poverty, sickness or bodily [in] inability to labor of the non-associator, or other such case as would exempt an associator from mustering or marching when duly called thereto, but in no other case whatever.

And whereas persons above fifty years of age are exempted from personal service by reason of their inability to bear the fatigue of military duty; yet it is but just and reasonable that they should contribute towards the security of their property:

[Section IX.] Be it therefore ordained and declared by the authority aforesaid, That all and every such person above the age of fifty years shall pay the like sum of four shillings in the pound on the annual value of their estates.

Provided always, That this tax shall not be levied on or paid by any such person above fifty years of age who shall have one or more sons who are associators, unmarried and residing with his or their father.

And provided also, That if any person above the age of fifty years who shall be judged by the commanding officer of the battalion fit for military duty shall voluntarily enter into the association, then and in such case such person shall be exempted from paying the said tax.

And provided also, That nothing herein contained shall prevent or obstruct the levying, collecting and paying the fines heretofore set on non-associators by the late assembly but the same shall be collected under the same penalties, in the same manner and by the same persons as are mentioned and appointed to levy and collect the moneys to be raised by virtue of this ordinance.

Passed September 14, 1776. See Appendix XXXV, and the Act of Assembly passed December 26, 1777, Chapter 773. By a Resolution of Assembly passed September 26, 1776, it was declared that the taxes imposed by the ordinance in the text were illegal, and ought not to be paid. (Votes of Assembly, Vol. VI, p. 764.)