

cost and carriage are to be made appear as in the foregoing clause.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That any person or persons whatsoever within this commonwealth who shall ask, demand, receive or take any greater or higher price or prices for any or either of the said several articles herein mentioned and recited shall for every such offense forfeit the goods or other articles so sold or offered for sale as aforesaid or the value thereof, to be recovered with costs of suit before any justice of the peace if five pounds or under, and if more in any court of common pleas within this commonwealth to and for the use of any person who shall sue for the same.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the justices of the peace at their court of general quarter sessions of the peace for the several counties of this state shall have full power to set such reasonable prices on all provisions and victuals sold in the public houses in the said respective counties as they shall see fit which prices shall be published by the crier at the conclusion of their said respective sessions and fixed upon the court-house door for public view.

Passed April 1, 1778. See the Act of Assembly passed May 25, 1778, Chapter 799. The act in the text was repealed by the Act of Assembly passed September 9, 1778, Chapter 812.

CHAPTER DCCXCVI.

AN ACT FOR THE FURTHER SECURITY OF THE GOVERNMENT.

(Section I, P. L.) Whereas the welfare and happiness of the good people of this commonwealth do next under God, entirely depend upon the maintaining and supporting the independence and sovereignty of the state as declared by Congress:

[Section I.] (Section II, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the

Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all male white inhabitants of this state above the age of eighteen years, who have not hitherto taken the oath or affirmation mentioned and appointed to be taken in the act of assembly, entitled "An act obliging the male white inhabitants of this state to give assurance of allegiance to the same, and for other purposes therein mentioned,"¹ enacted the thirteenth day of June last shall on or before the first day of June next take and subscribe the same in manner and form as by the said act is directed; and that every such person neglecting to take the said oath or affirmation, shall during the time of such neglect be liable to all the disabilities, incapacities and penalties to which they are subjected by the said act; and also shall be disabled from and after the said day, to sue or use any action, bill, plaint, or information, in course of law, or to prosecute any suit in equity or otherwise howsoever, or to be guardian of the person and estate of any child, or executor or administrator of any person, or capable of any legacy or deed of gift, or to make any will or testament, and moreover shall be liable and compelled to pay double the taxes, which another person of equal estate, who has taken such oath or affirmation, shall be rated or assessed at, to be levied by the collector of the public taxes of the township, ward or district in which such offender dwells.

[Section II.] (Section III, P. L.) And be it further enacted, That all trustees, provosts, rectors, professors, masters and tutors of any college or academy, and all schoolmasters and ushers; merchants and traders; and every person who shall act as serjeant at law, counsellor at law, barrister, advocate, attorney, solicitor, proctor, clerk or notary, by practicing in any manner as such in any court or courts whatsoever; apothecary or druggist, and every person practicing physic or surgery in any manner for fee or reward; who shall at any time after the first day of June next, be admitted into or enter upon any of the before mentioned preferments, offices or places, or shall come into any such capacity, or shall take upon him or them any such practice, employment or business as aforesaid without having

¹ Passed June 13, 1777, Chapter 756.

first taken and subscribed the before mentioned oath or affirmation, he or they shall be ipso facto adjudged incapable and disabled in law, to all intents and purposes whatsoever, to have, occupy or enjoy the said preferment or preferments office or offices, employment or employments or any part of them, or any matter or thing aforesaid, or any profit or advantage appertaining to them, or any of them, and every such office or place of trust shall be void and is hereby adjudged void; and any person that shall be lawfully convicted of the premises, or any of them in or upon any presentment, or indictment in any court of record in this state, shall also forfeit any sum, not exceeding five hundred pounds, which the court shall adjudge, together with costs, one-half of which said fine shall go to the use of the State, and the other half to him, her or them who shall commence and carry on such prosecution with effect.

[Section III.] (Section IV, P. L.) And be it further enacted, That from and after the said first day of June next, it shall and may be lawful for two or more justices of the peace within any county, to direct their precept to any constable or other officer, to summon any male white person, of the age of eighteen years or upwards, who shall have neglected to take and subscribe the oath or affirmation before mentioned, to appear before such justices at such time and place as shall be mentioned in such precept to take the said oath or affirmation; and if such person so summoned shall not appear at the time and place having no lawful let or impediment, or appearing shall refuse or neglect to take such oath or affirmation, being tendered to him by the said justices, the said justices shall commit such person making default or refusing to take the said oath or affirmation, to the common gaol or house of correction, there to remain without bail or mainprise for the space of three months, unless such offender shall pay down to such justices such sum of money, not exceeding ten pounds, as the said justices shall require such offender to pay, together with legal costs, which money, exclusive of the costs shall be paid to the overseers of the poor of the city, borough or township where such offender did last inhabit; or if such offender shall refuse or neglect to pay such sum of money, the said justices may cause the said sum of money to-

gether with the costs, to be levied by distress and sale of the goods and chattels of such offender, as they in their discretion shall think best; and unless such offender shall become bound with two sufficient sureties with condition to appear at the next court of general quarter sessions of the peace to be holden for such county where such offender shall inhabit or reside, and in the meantime to be of good behavior; at which court the said oath or affirmation shall be tendered to such offender by the justices in their open sessions; and if upon such tender such offender shall refuse to take the said oath or affirmation, the same shall be recorded, and the said offender shall within thirty days after such refusal depart this state under the direction of the court, and he shall incur the forfeiture of his goods and chattels to the state, and all his lands and tenements to the person or persons who would by law be entitled to inherit the same in case such offender was dead intestate; Provided, That if such person or persons is a male or are males, and of the age of eighteen years or upwards, and resident within such county, he or they do some time during the same or the next sessions, or, if resident in any other county of this state, at or before the third sessions appear in court and take and subscribe the oath or affirmation aforesaid, or produce a certificate or certificates of his or their having previously taken and subscribed the same, which shall be entered by the clerk of the said court on the docket or records thereof, and an authentic copy of such entry shall be by such clerk delivered to such person or persons under the seal of the court, for which he shall receive the sum of seven shillings and six pence and no more; and if such person or persons is or are absent out of this state at such sessions when such refusal shall be recorded as aforesaid, and shall return into the same on or before the fourth day of July which will be in the year one thousand seven hundred and seventy-nine, then he or they shall appear in court before the end of the second sessions after his or their return into this state, and take and subscribe the said oath or affirmation or produce a certificate or certificates of his or their having previously done the same; and in case of default herein such person and persons shall be totally excluded and barred from inheriting the aforesaid lands and tenements, or

any part thereof, and the same shall vest in and be settled upon the next representative or representatives in succession to the offender, qualifying him or themselves as above directed.

[Section IV]. (Section V, P. L.) And be it further enacted, That every such person who shall refuse or neglect to take the oath or affirmation before mentioned on or before the said first day of June next, and shall refuse or neglect to deliver up his arms to the lieutenant, or one of the sub-lieutenants, of the city or county where he inhabits, on or before the tenth day of June next or who shall, from and after the same day last-mentioned, carry any arms about his person or keep any arms or ammunition in his house or elsewhere, shall forfeit the said arms and ammunition to the state, and also double the value thereof to such person or persons who shall discover the same to any justice of the peace of the county where such offender resides, and shall legally prosecute him to conviction before two or more justices of the peace for the said county, who are hereby authorized, empowered and required to hear, try, and finally determine the same and to award the legal costs without appeal to the supreme or any other court whatsoever.

(Section VI, P. L.) And whereas many persons have frequently gone into the city of Philadelphia, since the same has been in possession of the British army, under a pretence of business, or of visiting friends, but probably with a view of giving intelligence to the enemy:

For the prevention of which in future:

[Section V.] Be it enacted, That if any person whatsoever shall, from and after the publication of this act on any pretence whatsoever, go by land or water through or from any part of this state into the said city, whilst in possession of the British army, or within the lines of the enemy in any part of this state, without obtaining leave in writing for that purpose from Congress, the commander in chief of the armies of the United States of America, or of the executive council of this commonwealth, and shall be lawfully convicted thereof in any court of oyer and terminer and general gaol delivery, or court of quarter sessions of the peace of any county of this state, he or she shall be fined in any sum, not less than fifty pounds, and imprisoned at the dis-

cretion of the court, one moiety of which fine shall be to the use of the state, and the other moiety thereof to the use of the informer. Provided always, That officers and soldiers, or marines in the service of the United States of America, are not to be deemed or taken to be within the intent and meaning of this clause.

[Section VI.] (Section VII, P. L.) And be it enacted by the authority aforesaid, That all disabilities and incapacities which any person or persons shall incur or be liable to by reason of the said recited act of the thirteenth day of June last, or of the supplement thereto of the twelfth day of October last, or of this act, shall be and continue for and during the life of the delinquent or offender.

(Section VIII, P. L.) And whereas there are divers persons who have heretofore held and exercised office or offices or trusts in the late government of Pennsylvania by commission or commissions granted under the authority of the crown of Great Britain, who have neglected to renounce the same and give assurance of allegiance to this state, and who may think themselves bound by their oath to betray, as far as in them lieth, this free and independent state into the hands of its enemy the King of Great Britain, to the great and manifest danger of the state:

[Section VII.] Be it therefore enacted, That all and every person and persons who now are, or who shall hereafter during the present war be within this state, who have heretofore held and exercised, or who do now hold or exercise any office or offices by commission or commissions under the authority of the said crown of Great Britain, and who have not already renounced the same, by taking the oath of allegiance to this state or to some other of the United States of America, or who shall not on or before the first day of June next or within ten days after he or they shall come into the same, renounce such commission or commissions by taking the oath of allegiance by the said act enacted the thirteenth day of June last, or by the supplement to the said act enacted the twelfth day of October last, required to be taken, shall forfeit his or their goods and chattels, lands and tenements, to the use of the state, and shall be deemed

and taken to be, and shall in all other respects be treated as an enemy or enemies of the state.

[Section VIII.] (Section IX, P. L.) Provided always, nevertheless, That any person or persons except those who have been or shall be guilty of treason or misprison [of treason] who shall choose to sell his or their estates real and retire out of the state and shall on or before the first day of June next apply to the executive council of this state, and pray leave to sell and convey their estates real, it shall and may be lawful for the said council if they shall think it proper and consistent with the safety of the state, to grant, and they are hereby authorized and empowered to grant a permission under the great seal of the state and signed by the president or vice-president in council to such person and persons to sell, convey and confirm within ninety days after such application, his or their estates real, to any persons or persons, their heirs and assigns forever, which person and persons shall have taken the oath or affirmation of allegiance to this state, which by the act and supplement mentioned in this act is required to be taken, and who shall before some one justice of the peace of this state, on oath or affirmation declare, that the purchase and grant of such estate or estates were bona fide for the use and behoof of such purchaser, his heirs and assigns forever and that the same nor any part or parcel thereof was not in trust for the use of the grantor, his heirs or assigns in any manner whatsoever; quit-rents, commonly called proprietary quit-rents, manors, commonly called proprietary manors, and unlocated lands, only excepted. And the deeds or conveyances by which such estate and estates respectively are granted, conveyed and confirmed, expressing and reciting the permission granted by the said council, the same shall be deemed and taken to be good and valid in the law, anything in this act or the act and supplement herein-before mentioned to the contrary hereof in anywise notwithstanding.

[Section IX.] (Section X, P. L.) And be it further enacted, That the act entitled, "An act obliging the male white inhabitants of this state to give assurances of allegiance to the same, and for other purposes therein mentioned,"¹ enacted the thir-

¹ Passed June 13, 1777, Chapter 756.

teenth day of June last, and the supplement thereto, enacted the twelfth day of October last¹ and every clause, matter and thing therein contained, except such parts thereof as are by this act altered, amended or supplied, shall be and remain in full force and effect; anything herein contained to the contrary notwithstanding.

Passed April 1, 1778. See the note to the Act of Assembly passed June 13, 1777, Chapter 756; and the Acts of Assembly passed September 2, 1778, Chapter 807; September 10, 1778, Chapter 813; December 5, 1778, Chapter 822; March 31, 1779, Chapter 836; October 1, 1779, Chapter 852; September 13, 1785, Chapter 1175; March 4, 1786, Chapter 1206; March 29, 1787, Chapter 1294; (repealed by the Act of Assembly passed) March 13, 1789, Chapter 1396.

CHAPTER DCCXCVII.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO PREVENT FORESTALLING AND REGRATING AND TO ENCOURAGE FAIR DEALING."²

(Section I, P. L.) Whereas there are no persons appointed in the act to which this is a supplement whose duty it is more particularly to make inquiry after offenders against the same and the commissioners named therein have not in some instances sufficient power and authority to carry the same into execution:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the commissioners of clothing appointed by an act entitled "An act for the better supply of the armies of the United States of America,"³ and each of them for the respective county in which they reside be appointed and they are hereby authorized, enjoined and required to make diligent search and inquiry after offenders against the same; and

¹ Passed October 12, 1777, Chapter 765.

² Passed January 2, 1778, Chapter 779.

³ Passed January 2, 1778, Chapter 782.