

the authority aforesaid, That all taxable inhabitants who have removed from the county they resided in on account of the incursions of the Indians shall be returned and considered as inhabitants of the county from whence they have so removed and not as inhabitants of the county where they now reside.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if any of the said commissioners shall neglect or refuse to make out the said lists as aforesaid, or shall neglect or refuse to deliver or cause the same to be delivered as aforesaid, each and every commissioner so neglecting or refusing shall for every such offense forfeit and pay the sum of five hundred pounds for the use of this state.

Passed March 29, 1779. See the Acts of Assembly passed March 3, 1786, Chapter 1204; April 10, 1793, Chapter 1683; March 7, 1800, Chapter 2119; March 31, 1807, P. L. 100; February 21, 1814, P. L. 60; January 6, 1821, P. L. 4; March 26, 1821, P. L. 98; March 31, 1836, P. L. 328.

CHAPTER DCCCXXXII.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT FOR THE ATTAINDER OF DIVERS TRAITORS IF THEY RENDER NOT THEMSELVES BY A CERTAIN DAY, AND FOR VESTING THEIR ESTATES IN THIS COMMONWEALTH, AND FOR MORE EFFECUTALLY DISCOVERING THE SAME, AND FOR ASCERTAINING AND SATISFYING THE LAWFUL DEBTS AND CLAIMS THEREUPON."¹

(Section I, P. L.) Whereas in and by the act above mentioned, passed at Lancaster the sixth day of March in the year of our Lord one thousand seven hundred and seventy-eight, it is enacted that the president [or vice-president] and council may and shall within twelve months after the claims and debts upon the estates therein described shall be respectively adjudged, or in case there shall be no debts, sell or cause the said estates to be sold by auction to the best and highest bidder:

(Section II, P. L.) And whereas it is highly necessary and expedient to compel an exhibition of such debts or demands in a

¹ Passed March 6, 1778, Chapter 784.

reasonable time and prevent further waste and spoil of the said estates, and to make seasonable provision for the defense of the state and the contingent charges thereof, that the said estates both real and personal should be sold without further delay and the moneys thence arising carried into the public treasury for the purposes aforesaid.

[Section I.] (Section III, 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 the president or vice-president and council may and shall with all convenient speed, sell or cause to be sold by public auction to the best and highest bidder all and every the estates of traitors duly forfeited to this commonwealth by virtue of the act to which this is a supplement, or by virtue [of any judgment] of any court of law within this state, and cause the moneys arising from such sales to be paid into the public treasury of this commonwealth in manner herein after directed, anything in the said act to the contrary notwithstanding (except that part of the estate of Joseph Galloway, which is appropriated by an act, entitled "An act for vesting the house and lots therein described in trustees for the use of the president of the supreme executive council of the state for the time being."¹

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That whenever such intended sales shall be advertised public notice shall also be given that the creditors of the said traitors and all claimants upon the said respective estates exhibit their several claims and demands to the justices of the supreme court for payment or satisfaction as is by the said act directed within six months thereafter if residents within this state, or within twelve months if residents in any other of the United States, or be forever barred from the recovery thereof.

(Section V, P. L.) Provided always nevertheless, That if any such creditor or claimant shall at the time of such notice given be within the age of twenty-one years, feme covert, non compos mentis, imprisoned, or beyond sea, that then such person or per-

¹ Passed March 18, 1779, Chapter 829.

sons shall be at liberty to exhibit their claims or demands as other persons now may, so as the same be done within six months if residents within this state or if residents within any other of the United States, within twelve months after such disability is removed.

[Section III.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if any process or proceedings by virtue of which any such attainder or judgment has been or may be made as aforesaid shall hereafter be reversed or made void for error or for any other cause whatsoever, the same shall not affect or injure or in any wise operate against any bona fide purchaser under this act, but against the state only but every such purchaser shall hold and possess the estate by him purchased forever exonerated and discharged of all former claims and demands whatsoever in law or equity (other than such as are herein after mentioned) and in every such case the plaintiff in error or person injured by the attainder or judgment by virtue of which any such estate shall be sold shall apply to the legislature to be indemnified out of the public treasury to the amount of the purchase money of such estate.

[Section IV.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the agent or agents for disposing of forfeited estates in the city of Philadelphia and each respective county shall within three months after the sale of any such estate real and personal in such county pay the sum or sums of money arising therefrom to the treasurer of the state after deducting all such lawful costs and charges as may accrue on the prosecution of each respective traitor, and on the sale of each respective estate and the receipt of the said treasurer shall be a sufficient discharge to such agents, their executors and administrators for the moneys by them paid; and if any of the said agents shall neglect or refuse to pay the said moneys or any part thereof as aforesaid such agent or agents so neglecting or refusing shall forfeit and pay double such sum or sums, which he or they shall so neglect or refuse to pay as aforesaid, to be recovered by action of debt, case or account render as the case may require in the name and for the use of the commonwealth of Pennsylvania.

[Section V.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That nothing in this act contained shall extend or be construed to extend, so as to debar or prevent any person or persons, or bodies politic or corporate other than such as claim under any attainted or convicted traitor from pursuing his, her or their action or actions, suit or suits in any of the courts of record in this state in the usual way for the trial of his, her or their title to any of the lands or to the possession of any of the lands or other real estate seized as the estate of any such traitor.

(Section IX, P. L.) Provided always nevertheless, That if any person or persons who shall purchase any real estate seized and sold as the estate of any convicted or attainted traitor shall be evicted or shall be dispossessed of the same by the judgment of any court of common pleas or of the supreme court of this state given in any ejectment which shall be brought by any person or persons having a lawful title thereunto at the time of the said sale or afterwards by remainder or reversion against such purchaser, his heirs or assigns, his or their tenants within twenty years after the same shall be sold by virtue of this act, every person so evicted, his heirs or assigns shall be paid the value of such estate at the time of such eviction out of the treasury of this commonwealth.

[Section VI.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That where any claims or demands have heretofore been made, and where any claims or demands shall hereafter be made on any of the estate of any traitor in pursuance of the act to which this is a supplement, if the party or parties making such claim or demand, his, her or their agent or agents, attorney or attorneys shall request the same, the said justices shall direct proper issues to be joined and shall cause and direct a jury to be summoned for the trial of such issues, and such proceedings shall thereupon be had as is usual and according to the course of law, and the said court on the finding of such jury shall pronounce judgment and award process agreeable to the practice in other cases. Provided such claim or demand amount to five pounds or more.

[Section VII.] (Section XI, P. L.) And be it further enacted

by the authority aforesaid, That the agent or agents in the city of Philadelphia and in each of the respective counties shall over and above their necessary expenses have and receive as a compensation for his or their trouble in attending the management and disposal of each estate at the rate of one per centum if the money for which such estate shall be sold shall not exceed one thousand pounds; and at the rate of three-fourths of one per cent. if it shall exceed one thousand pounds, and not exceed five thousand pounds, and at the rate of one-half per cent. if the amount of said sale shall exceed five thousand pounds.

[Section VIII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the fees and allowances of the prothonotary of the supreme court, auditors, jurors and witnesses for all services done by them respectively in pursuance of the act to which this is a supplement or of this act shall be the same as the fees and allowances of the said prothonotary, auditors, jurors and witnesses for like services by them done and performed in the supreme court in other cases; And that the judges of the supreme court shall be allowed their reasonable expenses while they shall be employed in performing the extra services required to be performed by them by the act to which this is a supplement or by this act, and their accounts for the same to be liquidated by the committee of accounts appointed by the general assembly for the time being, and drafts for the same on the treasurer of this state shall be signed by the speaker of the said general assembly.

[Section IX.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the salaries allowed, or to be allowed to the judges of the supreme court shall from time to time be paid to them by the treasurer of this state on their own orders by equal quarterly payments.

[Section X.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That so much of the said recited act to which this is a supplement as is herein altered or amended, is hereby declared to be repealed and of no further force or effect.

Passed March 29, 1779. See the note to the Act of Assembly passed March 6, 1778, Chapter 784; and the Act of Assembly passed March 16, 1780, Chapter 895.