

or in pursuance of the act of general assembly, 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 effectually discovering the same; and for ascertaining and satisfying the lawful debts and claims thereupon,"¹ notwithstanding a summary, speedy and ample remedy is by the said act provided for the bona fide creditors of such traitors, to the great waste of the estates, accumulation of suits and unnecessary costs, and to the preventing a proper inquiry into the justice of the claims and demands of such suitors.

[Section III.] (Section V, P. L.) Be it enacted by the authority aforesaid, That every judgment entered by virtue of any warrant of attorney, and attachment or execution issued against any person attainted of treason by the act of assembly aforesaid, or after the date of the proclamation of the supreme executive council of this state against such traitor, or which shall hereafter be so entered or issued, are hereby declared to be void and of no effect; and that no claims or demands of any creditor or other person whomsoever against any such traitors may or shall be heard, allowed or determined in any other manner than according to the directions of the act of assembly aforesaid, and the supplement thereto passed this present session of assembly.

Passed April 3, 1779.

CHAPTER DCCCXXXVIII.

AN ACT TO COMPEL CERTAIN PERSONS ENTRUSTED WITH PUBLIC MONEY BY OR FOR THE USE OF THIS COMMONWEALTH TO ACCOUNT FOR THE EXPENDITURE OF THE SAME, AND TO PAY SUCH PARTS THEREOF AS THEY SHALL BE CHARGEABLE WITH INTO THE STATE TREASURY.

(Section I, P. L.) Whereas in and by an ordinance of the council of safety of this commonwealth dated at Lancaster the twenty-first day of October one thousand seven hundred and seventy-

¹ Passed March 6, 1778, Chapter 784.

seven, it is ordained, resolved and declared, That all and every the personal estate and effects whatsoever of such of the inhabitants of this commonwealth as have or hereafter shall abandon their families or habitations and join the army of the King of Great Britain and of all such as shall resort to any city, town or place within this commonwealth in possession of the troops or armies of the said King of Great Britain, carrying to them provisions, or that shall otherwise afford to them such provisions or intelligence or other aid, shall be seized upon and safely kept by the commissioners in the said ordinance appointed for the use and purpose in the said ordinance declared, That is to say, That the said commissioners for the respective counties or any or either of them shall and may with all convenient speed after the publication of the said ordinance seize upon and take into his or their custody and make a true and perfect inventory of all the personal estate and effects of every such offender and dispose of all the perishable part thereof and at his or their discretion convey away and remove to places of safety, sell or otherwise dispose of where it may be necessary all such goods and effects of the said offenders as they shall apprehend to be in danger of falling into the hands of the enemy; and the said commissioners were by the said ordinance required to retain and keep safely subject to the future disposition of the legislature of this commonwealth, keeping true accounts of their proceedings, and receiving for their trouble over and above their costs and charges at the rate of five per centum. And the said commissioners were by the said ordinance directed and enjoined with all convenient speed after making such inventory and sale or sales as aforesaid to deliver on oath to the treasurer a true copy of such inventory or account of sales:

(Section II, P. L.) And whereas it is just and reasonable that the property of such inhabitants of this state as have by so joining the unnatural enemies of these United States contributed all that in them lay to destroy the liberty, safety and independence thereof should be confiscated, appropriated and applied for and towards defraying the expenses incurred in carrying on the just and necessary war in which the said states are engaged for the preservation of all that is dear to freemen.

[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 each and every of the said commissioners shall with all convenient speed pay into the hands of the treasurer of the proper county where such commissioner shall reside to be by him paid to the treasurer of this state all and singular the moneys which they or either of them have or has received by the sale of such personal estate and effects after deducting out of the said moneys over and above their costs and charges (to be liquidated and ascertained in manner herein after mentioned) at the rate of five per centum as aforesaid.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That all such personal estate and effects as the said commissioners or either of them have or has seized upon and taken into his or their custody as aforesaid and which remain unsold shall be sold by public auction as soon as may be, and the moneys arising from each and every of the said sales shall be by the commissioner or commissioners making the said sales paid into the treasury of this state as aforesaid. And to prevent frauds or any unfair proceedings in making the said sales the commissioners who shall make the same shall and they are hereby required and enjoined to cause at least ten days public notice thereof to be given by written or printed advertisements to be by them put up in at least six of the most public places in the township, ward or district where such sale shall be held specifying therein the time and place of the said sale, the personal estate and effects to be sold and to whom the same belonged:

(Section V, P. L.) And whereas several of the lieutenants and sub-lieutenants within this commonwealth have notwithstanding the resolves of the assembly for that purpose passed, neglected or refused to settle their accounts or to pay the public money remaining in their hands or with which they are chargeable into the state treasury:

(Section VI, P. L.) And whereas public justice and a due regard to economy require that all officers entrusted or chargeable

with public money by or for this commonwealth should faithfully apply the same for the purposes for which it was intended and should duly account for the expenditure thereof from time to time without fraud or delay and pay all and every sum or sums which is, are or shall be payable into the treasury of this commonwealth as soon as may be.

[Section III.] (Section VII, P. L.) Be it therefore enacted by the authority aforesaid, That each and every the lieutenants and sub-lieutenants shall and they are hereby enjoined and required within [three] months after the publication of this act to pay all and singular the moneys which [they or either of them have received as fines imposed on such as have refused or neglected to perform their tour of militia duty and also all and singular the moneys which] they or either of them is or are chargeable with, and which by the laws of this state are directed to be paid by them into the treasury of this commonwealth in manner aforesaid after deducting thereout the fees allowed to them respectively by the laws of this state.

(Section VIII, P. L.) And to the end that the said commissioners, lieutenants and sub-lieutenants may duly account for and pay the said moneys, and that such of them as reside at a distance from the legislature and state treasury may settle the said accounts and pay such moneys as they shall be chargeable with, within each respective county and not be put to the charge or inconvenience of attending at a distance for those purposes:

[Section IV.] (Section IX, P. L.) Be it enacted by the authority aforesaid, That the said commissioners, lieutenants and sub-lieutenants and every of them shall, and they are hereby enjoined and required to produce their respective accounts to the commissioners herein after appointed or any two of them in the city or county in which such commissioner, lieutenant or sub-lieutenant resides, at such times and places as they the said commissioners shall appoint; and the said commissioners shall and they are hereby empowered, enjoined and required to liquidate, audit, adjust and settle the said accounts and every of them, and shall certify under their hands and seals or under the hands and seals of any two of them in the city of Philadel-

phia and each county the sum that shall appear due, if any, by each and every of the said commissioner, lieutenant or sub-lieutenant and shall deliver or cause to be delivered the said certificate to the treasurer of the respective counties, and moreover shall keep fair copies of each of the said accounts which shall be open to be inspected gratis by every person who may require the same.

[Section V.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That if any of the said commissioners shall neglect or refuse to produce their accounts as aforesaid with proper vouchers to enable the said commissioners to audit and settle the same within three months from and after the publication of this act, or shall produce false or fraudulent accounts, or having settled the said accounts shall neglect or refuse to pay all and singular the moneys with which they shall be chargeable by the said settlement within ten days after the same has been liquidated as aforesaid, or shall neglect or refuse to sell as aforesaid any of the said personal estate or effects by them seized as aforesaid, or shall neglect or refuse to make out and deliver on oath a true copy of such inventory or account of sales as aforesaid within three months after the publication of this act every of the said commissioners so neglecting or refusing shall for every such neglect or refusal forfeit and pay double the sum and sums or value of such personal estate and effects which shall appear by the said settlement or by other sufficient evidence to be due to this state by such commissioner as aforesaid, or which he or they shall neglect or refuse to sell as aforesaid.

[Section VI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That if any of the said lieutenants or sub-lieutenants (who have not already settled his or their accounts before the committee of accounts appointed by the general assembly) shall neglect or refuse to produce and settle his or their accounts before the said commissioners of the proper city and county as aforesaid within three months from and after the publication of this act, and from thence once in every six months from time to time, or shall produce false or fraudulent accounts, or having settled the same in manner aforesaid shall

refuse or neglect to pay all and singular the moneys with which he or they shall be chargeable by the settlement aforesaid to the treasurer of the proper county within ten days after the said settlement is made every lieutenant or sub-lieutenant so refusing or neglecting to pay as aforesaid shall for every such neglect or refusal forfeit and pay double the sum or sums which he or they shall so neglect to account for, settle or pay.

And to the end that the said accounts may be justly and fairly settled and to prevent frauds or concealments in settling the same:

[Section VII.] (Section XII, P. L.) Be it enacted by the authority aforesaid, That the said accounts shall contain on the debtor side thereof a just and true state of all and singular the services done or performed by the accountant on the duties of his said office and for which he shall make a charge mentioning the time he was employed therein on oath or affirmation where he has no other proper vouchers for the same, and receipts for all moneys paid by him. And on the credit side thereof shall contain true and complete lists of all fines, forfeitures and penalties which have been paid to him, by whom paid and for what. And if it shall appear that any person who has neglected to perform the tour of militia duty has been fined less for such refusal than the sum mentioned in the supplement to the act for regulating the militia of this commonwealth the lieutenant or sub-lieutenant who charges himself with such smaller fine shall produce the judgment of the court of appeal or give such other proof or reasons as shall be satisfactory to the said commissioners in order to discharge himself of the deficiency.

[Section VIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That all the said fines and forfeitures which shall be incurred by any of the said officers for neglecting or refusing to perform any of the duties aforesaid shall and may be sued for and recovered by action of debt, on the case or account render which the treasurer of the respective city or county where such delinquent dwells, is hereby empowered, required and enjoined to bring in the name of the commonwealth of Pennsylvania from time to time and as often as the case may require, and one moiety thereof shall be paid to the treasurer,

to whom the said moneys ought to have been paid for the use of this state, and the other half thereof to the said treasurer for the use of the county where the delinquent resides.

[Section IX.] (Section XIV, P. L.) Provided always and be it further enacted by the authority aforesaid, That the said lieutenants and sub-lieutenants shall only receive pay for the number of days which they have been or shall actually be employed in performing the duties of their said office and for no greater or other number of days or for any longer time, which said time shall be ascertained by them respectively as aforesaid.

[Section X.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That each and every of the said county treasurers shall once in every three months pay into the state treasury all and singular the moneys which they shall receive by virtue of this act after deducting out of the same their lawful fees which shall be at the same rate as their fees for receiving and paying the state taxes.

[Section XI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That this act shall extend to all and every of the lieutenants and sub-lieutenants who have heretofore been in those offices within this commonwealth although they may not be in office at the time of the publication of this act.

[Section XII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That John Maxwell Nesbitt, John Nixon and Benjamin Fuller for the city of Philadelphia, Benjamin McVaugh [Robert Curry] and Jacob Laughlin for the county of Philadelphia, James Benezet, John Chapman and Thomas Long, for the county of Bucks, Percifer Frazer, John Beaton and Caleb Davis for the county of Chester, John Hubley, John Marshall and James Anderson, Junior, for the county of Lancaster, Archibald McClean, Robert McPherson and Joseph Donaldson for the county of York, William Lyon, John Agnew and John Creigh for the county of Cumberland, Adam Whitman, Henry Christ and Nicholas Luits for the county of Berks, Robert Levers, Benjamin Dupuy and Nicholas Dupuy for the county of Northampton, David Espy, Samuel Davidson and Thomas Burd for the county of Bedford, Thomond Ball, Paul

Geddis and William Shaw for the county of Northumberland, and John Moore, Joseph McGarrah and John Nesbitt for the county of Westmoreland, be and they are hereby appointed commissioners for the city and the several counties in this state to do and perform all and singular the services required of them by this act; and the said commissioners shall each of them take and receive three pounds per day for every day that they shall be so employed; and the several county treasurers are hereby authorized to pay the wages aforesaid out of the money taking their receipts therefor, which receipts shall discharge the several treasurers for such sums as shall be paid to the said commissioners.

[Section XIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That each and every of the said commissioners who are by this act appointed to settle the aforesaid accounts shall before he enters upon the execution of the said office take the following oath or affirmation before some justice of the peace of the proper county who is hereby empowered to administer the same, viz.:

“I, A. B., do swear (or affirm) that I will well and truly audit, adjust, liquidate and settle all and every of the accounts which shall be produced to me by virtue of this act, and that I will to the best of my knowledge do equal justice as well as to the said accountants and the state of Pennsylvania as to the citizens thereof.”

Passed April 2, 1779. Repealed by the Act of Assembly passed March 1, 1780, Chapter 382.

CHAPTER DCCCXXXIX.

AN ACT FOR THE BETTER RELIEF OF THE POOR OF THE CITY OF PHILADELPHIA, THE DISTRICT OF SOUTHWARK AND THE TOWNSHIPS OF MOYAMENSING, PASSYUNK AND THE NORTHERN LIBERTIES IN THE COUNTY OF PHILADELPHIA.

(Section I, P. L.) Whereas the circumstances of the city of Philadelphia in the month of May last under the power of the