

CHAPTER MCCCLXXV.

AN ACT FOR THE BETTER ASCERTAINING AND MAKING GOOD LOSSES
OF PUBLIC MONEYS BY ROBBERIES.

(Section I, P. L.) Whereas sundry petitions have been preferred to this house by the collectors of taxes of different counties of this state setting forth that they have been robbed of divers sums of public moneys and praying to be exonerated from the payment thereof:

And whereas it would be unjust and severe to compel individuals from whom such sum or sums have been taken by force and violence and without their privity, connivance or consent to make good the loss or losses sustained thereby:

And whereas [inquiries] into the facts and circumstances alleged by such petitioners can be more properly and conveniently had in the respective counties wherein the said alleged robberies are set forth to have happened:

[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 in all cases wherein any collector or collectors of public money, their executors and administrators have before the passing of this act by their petitions to the general assembly prayed to be exonerated from the payment of such sum or sums of the public moneys aforesaid as any such collector or collectors has or have, before the passing of this act, made oath or affirmation before any judge of the supreme court or justice of the peace within this commonwealth of their having been robbed, the commissioners of the said respective counties shall cause suits to be instituted against such collector or collectors, their executors or administrators in the supreme court or in any county court of common pleas within this commonwealth in which the said robbery or robberies is or are alleged to have been committed, for all

such sum or sums of money which they, the said collector or collectors, shall be found in arrear or which shall be demanded from him or them, their executors or administrators, for or on account of public taxes received or collected by him or them: and in such suits the said collector or collectors, their executors or administrators shall plead the general issue with any other plea or pleas by leave of the court, and trial shall be had by a jury of the country and the said collector or collectors, their executors or administrators, shall and may give the special matter in evidence, and if it shall appear by legal evidence to the said court or courts and juries that the said collector or collectors were, before the passing of this act, robbed of the sum or sums of public money of which he or they, their executors or administrators have claimed in manner aforesaid to be exonerated, and that no fraud or connivance at or in the said robbery or robberies can be reasonably charged on such collector or collectors and that prudential means for securing the moneys have not been neglected, then and in such case the said jury or juries shall find for the defendant and judgment shall be entered accordingly.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That where it shall be found in manner aforesaid that any loss or losses were before the passing of this act sustained by said collector or collectors in manner aforesaid and the fact and the sum or sums shall be legally ascertained and established as aforesaid, the commissioners of the proper county shall give credit to and exonerate the said collector or collectors, their executors or administrators from the payment of such sum or sums of money so proved to have been lost in manner aforesaid and shall forthwith assess, levy, quota and cause to be collected from the proper county at large all such sum or sums of public moneys lost as aforesaid together with legal costs sustained on such trial or trials in due proportion from the several townships in like manner and under the same powers and regulations as are or shall be given [and] established by the laws of the state for raising taxes for

funding the debts and redeeming the bills of credit of this state.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That in all cases wherein such oath or affirmation of any such robbery or robberies having been committed has been made in manner aforesaid by any such collector or collectors, and in which such collector or collectors, his or their executors or administrators have in manner aforesaid claimed to be exonerated from the payment of any such money as aforesaid for the causes aforesaid, and have, notwithstanding, paid the same or any part or parts into the treasury of the proper county, it shall and may be lawful for any collector or collectors, his or their executors or administrators, to commence and prosecute in any of the courts aforesaid against the treasurer of the proper county, his or their action or actions for the recovery thereof, in which said action or actions, such proceedings and trials as are hereinbefore mentioned shall be had and on due proof being made of such robbery or robberies having been committed in manner aforesaid, before the passing of this act, such collector or collectors, his or their executors or administrators shall have and recover such sum or sums as shall have been paid by him or them and of which it shall be proved in manner aforesaid that such collector or collectors were before the passing of this act robbed in manner aforesaid, and in every such case the commissioners of the proper county shall forthwith assess, levy, quota and cause to be collected from the proper county at large all such sum or sums as shall have been recovered by such collector or collectors, his or their executors or administrators in manner aforesaid together with the costs of suit, in due proportions from the several townships in like manner and under the same powers and regulations as are or shall be given and established by the laws of this commonwealth, for raising taxes for funding the debts and redeeming the bills of credit thereof.

Passed October 4, 1788. Recorded L. B. No. 3, p. 428. See the Act of Assembly passed February 27, 1798, Chapter 1966.