

1779.

The third Year
of the Common-
wealth.



L A W S

Enacted in the second sitting of the third general assembly of the commonwealth of *Pennsylvania*, which commenced at *Philadelphia*, on *Monday*, the first day of *February*, A. D. 1779, and continued till *Monday*, the fifth day of *April* of the same year.

CHAPTER XC.

An ACT to increase the fees on tavern licences, the fines on tippling houses, and the rates of excise.

Passed March 15th, 1779. Recorded in Law Book Vol. I. Page 234, &c.
Repealed March 17th, 1780.

CHAPTER XCI.

An ACT to empower the trustees for building a court house and prison in and for the county of Bedford, to sell a messuage and lot of ground in the town of Bedford, purchased by them to serve as a temporary prison, and to appropriate the monies arising by such sale.

Preamble. SECTION. 1. **W**HEREAS the said trustees have by their petition represented to this house, that they were under the necessity immediately after the said county was erected, to provide some place to serve for a prison, till a proper house for that purpose could be built; that they therefore purchased a house and lot from James M'Cashlan, situate on the east side of the main cross street, in the town of Bedford, numbered six
in

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A further supplement to the act, intituled, "An Act for settling the accounts of the late committee and council of safety."

Passed March 31st, 1779. Recorded in Law Book Vol. I. Page 258, &c.
Repealed March 1st, 1780.

CHAPTER CI.

An ACT for repealing part of an act, intituled, "A further supplement to the act, intituled, An Act for the further security of government; and for disarming persons who shall not have given attestations of allegiance and fidelity to this state, or some other of the united states."

Preamble. SECTION I. **W**HEREAS in and by an act, intituled, "*A further supplement to the act, intituled, An Act for the further security of government,*" passed on the fifth day of December last, it is enacted, That every person, now in office or place of trust under this government, shall on or before the first day of April next, and every person hereafter appointed or elected into any office of trust under this government whatsoever, shall, before he enters upon the execution or duties thereof, take and subscribe before the said commissioners, or one of them, the aforesaid oath or affirmation.

Replevins
issued for
goods seized
by any of-
ficer, to be
quashed.

SECT. 2. *And whereas* it has been considered, that the officers of this state, who in the day of difficulty and danger accepted places of trust, and thereby exposed themselves in a particular manner to the resentment of the king of Great Britain; and that such persons, and all others who gave assurances of their allegiance to this state, and abjured the king of Great Britain and his successors, on or before the first day of June last, according to the form of the act, intituled, "*An Act for the further security of government,*" passed on the first day of April last, had thereby manifested their attachment to the community of this commonwealth in a satisfactory manner.

And treble
costs award-
ed.

SECT. 3. *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 said recited clause is hereby repealed and declared null and void; and that no person who took and subscribed the said oath or affirmation of allegiance and
abjuration

abjuration, as prescribed in and by the said act, intitled, "An Act for the further security of government," on or before the first day of June last, shall be under any obligation to take and subscribe the oath prescribed in and by the said act, intitled, "A further supplement to the act, intitled, "An Act for the further security of government," in order to qualify such person to hold or accept any office or place of trust in this government.

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SECT. 4. *And whereas* it is very improper and dangerous that persons disaffected to the liberty and independence of this state should possess or have in their own keeping, or elsewhere, any fire arms, or other weapons used in war, or any gun powder.

SECT. 5. *Be it therefore enacted by the authority aforesaid,* That from and after the passing of this act, the lieutenant, or any sub lieutenant of the militia of any county or place within this state, shall be, and is hereby empowered to disarm any person or persons who shall not have taken any oath or affirmation of allegiance to this or any other state, and against whom information on oath shall be given before any justice of the peace, that such person is suspected to be disaffected to the independence of this state; and shall take from every such person any cannon, mortar, or other piece of ordnance, or any blunderbuss, wall piece, musket, fusée, carbine or pistols, or other fire arms, or any hand gun; and any sword, cutlass, bayonet, pike, or other warlike weapon, out of any building, house or place belonging to such person.

Lieutenants
impowered
to disarm
the disaf-
fected.

SECT. 6. *And be it further enacted by the authority aforesaid,* That a complete list of all arms which have been or shall be taken from any person or persons by any lieutenant, sub lieutenant, or by any other person or persons acting under his or their authority, shall be made out and lodged by such lieutenant or sub lieutenant, or other person, in the office of the clerk of the peace of the proper county, and the persons names from whom the same were taken, which shall be open to the inspection of any person requesting the same, paying two shillings and six pence therefor; and such lieutenant or sub lieutenant shall, and is hereby declared to be accountable to this state for the said arms.

Lists of the
arms and of
the persons
disarmed,
to be left
with the
clerk of
the peace.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the justices of the peace within this commonwealth, and each and every of them, shall, and they are hereby authorized and impowered to administer all and every of the oaths and affirmations required to be taken by the act, intitled, "A further supplement to the act, intitled,

Justices im-
powered to
administer
the oath,
&c.

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“ An *Act* for the further security of government,” and to proceed in all things therein as the commissioners appointed to administer the said oaths and affirmations are by the said supplement required in the premises.

JOHN BAYARD, SPEAKER.

Enacted into a law at Philadelphia, on Friday, the 2d day of April, in the year 1779.

JOHN MORRIS, junior, clerk of the general assembly.

CHAPTER CII.

An ACT declaring replevins, attachments, judgments, and executions, in certain cases, to be erroneous and void.

Preamble.

SECTION 1. **W**HEREAS divers writs of replevin have of late been granted and issued for goods and chattels, taken in execution, and for fines and penalties legally incurred and due to this commonwealth, to the delay of public justice, and to the great vexation of the officers concerned in taking and levying the same.

Replevins
 issued for
 goods seiz-
 ed by any
 officer, to
 be quashed,

SECT. 2. *Be it enacted and declared, and it is hereby enacted and declared, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That all writs of replevin, granted or issued for any owner or owners of any goods or chattels levied, seized, or taken in execution, or by distress, or otherwise, by any sheriff, naval officer, lieutenant, or sub lieutenant of the city of Philadelphia, or of any county, constable, collector of the public taxes, or other officer acting in the several offices under the authority of the state, are irregular, erroneous and void: And that all such writs may and shall, at any time after the service, be quashed (upon motion) by the court to which they are returnable; the said court being ascertained of the truth of the fact, by affidavit or otherwise.*

and treble
 costs award-
 ed.

SECT. 3. *And be it further enacted by the authority aforesaid, That the court, besides quashing the said writs, may and shall award treble costs to the defendant or defendants in such writs; and also, according to their discretion, order an attachment against any prothonotary or clerk, who shall make out or grant any such writ, knowing the same to be for goods or chattels taken in execution, or seized as aforesaid.*

SECT.