

real and personal estate now or at any time hereafter to them or either of them given or granted by purchase or gift of any person or persons, bodies politic or corporate, whatsoever, and to sue, prosecute, pursue, maintain, avow and justify all manner of actions, suits and causes whatsoever and to have, hold and enjoy all and every the rights, liberties, privileges, advantages, benefits and immunities whatsoever belonging to His Majesty's liege people and natural subjects born within this province as lawfully, fully and freely as if they and every of them had been or were born natural subjects within this province, any law, custom or usage to the contrary notwithstanding.

Passed February 2, 1765. Referred for consideration by the King in Council, February 10, 1766, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section VII.

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## CHAPTER DXXII.

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AN ACT FOR THE RELIEF OF ROBERT LETTIS HOOPER, JUNIOR, A PRISONER IN THE GAOL OF PHILADELPHIA, WITH RESPECT TO THE IMPRISONMENT OF HIS PERSON.

Whereas Robert Lettis Hooper, junior, hath, by petition to the last and present assembly of this province, set forth that he, meeting with many accidents and losses in trade, by which he was rendered incapable of carrying on his business and paying his just debts, did, on the fourteenth day of February last past, surrender and assign all his estate, real and personal, to Edmund Kearney, Gilbert Barclay, Thomas Wallace and John Wikoff for the use of all his creditors, and that a great majority of his principal creditors have signed a letter of license in his favor, but that by virtue of an execution issued against him at the suit of Redmond Conyngham and John Maxwell Nesbit for one hundred and fifty-eight pounds thirteen shillings and six pence half-penny he is now confined in the gaol of the city and county of Philadelphia, which sum by reason of the said surrender he is at present utterly unable to discharge, and is detained in con

finement to the great injury of his family and prevented from justly endeavoring to pay the balances that may remain against him after a distribution of his effects is made among his creditors, which he is willing to do whenever he may be able, and that unless he can obtain his liberty by the aid of the legislature, he has no hopes of obtaining it by any other means, and therefore prays relief in the premises.

And whereas it appears to the house by a certificate of the said assignees that the said Robert Lettis Hooper, junior, hath assigned to them for the use and benefit of his creditors, all his estate, real and personal, and that he has delivered up to them all his effects and credits without any reservation except as is hereinafter mentioned.

And whereas it hath been represented to us by the said assignees and a considerable number of reputable inhabitants, merchants, traders and others of the city and county of Philadelphia, among whom are many of the principal creditors of the said Robert Lettis Hooper, junior, that his misfortunes have arose [*sic*] from accidents to which all trading persons are liable, and that he is now utterly incapable of paying the debt for which he is confined, having surrendered up all his effects to his creditors, and they pray that the house would afford him relief.

Therefore, to relieve the said Robert Lettis Hooper from the distress of imprisonment and to enable him to carry on business for the payment of his just debts and the maintenance of himself and his family, we, the representatives of the freemen of the said province, request the governor that it may be enacted:

[Section I.] And be it enacted by the Honorable John Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That the said Edmund Kearney, Gilbert Barclay, Thomas Wallace and John Wikoff, or the survivors of them, shall, as soon as conveniently may be after the passing of this act, pro-

ceed towards a just and equal distribution to and among all the creditors of the said Robert Lettis Hooper, junior, in proportion to the several and respective debts justly due to them, of all such sums of money as now are or hereafter shall come to their hands by virtue of the said surrender or assignment.

[Section II.] And be it further enacted by the authority aforesaid, That the justices of the county court of common pleas for the county of Philadelphia, or any three of them, shall, on application for that purpose to them in writing made by the said Robert Lettis Hooper, junior, appoint a certain day and place for holding a special court of common pleas, whereof due notice shall be given to the creditor or creditors at whose suit he stands charged, at which time and place the said justices, or any three of them, shall, by an order or rule of the said court, cause the said Robert Lettis Hooper, junior, to be brought before them, and the said court shall then and there, in the presence of the said creditor or creditors, if he or they will be present, administer to the said Robert Lettis Hooper, junior, an oath or affirmation according to law to the effect following, to wit:

“That the said Robert Lettis Hooper, junior, did by a conveyance bearing date the fourteenth day of February, in the year of our Lord one thousand seven hundred and sixty-four, make over and assign to the said Edmund Kearney, Gilbert Barclay, Thomas Wallace and John Wikoff all his estate, real and personal, which he or any in trust for him have, had or was in any respect entitled to in possession, remainder or reversion at the time of signing the conveyance (except bedding and wearing apparel for himself and [his] wife and thirty pounds current money of this province of which he then informed the said assignees), and that he has not at any time since or before, directly or indirectly, sold, leased or assigned or otherwise disposed of or made over in trust for himself or otherwise any part of his lands, goods, stock, money, debts or other real or personal estate whereby to have or expect any benefit or profit to himself, or with design to defraud any of his creditors to whom he is indebted.”

And the said Robert Lettis Hooper, junior, having taken such qualification in the said court and his creditor or creditors being therewith satisfied or failing to discover any effects or estate of the said Robert Lettis Hooper, junior, not made over as afore-

said or secreted, the said court shall order and cause the said Robert Lettis Hooper, junior, to be discharged from imprisonment, whereupon the estate, interest and property of the lands, goods and effects so made over [and] assigned shall be vested in the said assignees, who may sue for the same or any part thereof in their own names and no release of the said Robert Lettis Hooper, junior, or his executors or administrators subsequent to the said assignment shall be of any validity against the said assignees.

[Section III.] And be it further enacted by the authority aforesaid, That the person of the said Robert Lettis Hooper, junior, after such his discharge as aforesaid, shall not at any time hereafter be imprisoned for any debts by his contracted before the passing of this act.

Provided nevertheless, That the discharge of the said Robert Lettis Hooper, junior, by virtue of this act, shall not acquit or discharge any other person from such debts, sum or sums of money for which such person now is bound or engaged for or with the said Robert Lettis Hooper, junior, nor any lands, goods, chattels or other effects which the said Robert Lettis Hooper, junior, may hereafter have or acquire.

[Section IV.] Provided also, and be it further enacted by the authority aforesaid, That if the said Robert Lettis Hooper, junior, shall, upon any indictment for taking a false and corrupt oath or affirmation in any matter or thing contained in the qualification aforesaid, be convicted by his own confession or the verdict of twelve men, he shall suffer the pains and penalties which by the laws of this province may be inflicted on any person convicted of willful and corrupt perjury, and shall likewise be liable to be arrested, taken, imprisoned and charged in execution for any debt due before the passing of this act in the same manner as if this act had never passed.

Passed February 2, 1765. Referred for consideration by the King in Council, February 10, 1766, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section VIII.