

Provided also, That no sale or delivery which shall be made by virtue of this act shall be extended to create any further term or estate to the vendees, mortgagees or creditors than the lands or hereditaments so sold or delivered shall appear to be mortgaged for by the said respective mortgages or defeasible deeds.

Provided also, That if any of the said judgments which do or shall warrant the awarding of the said writs of execution whereupon any lands, tenements or hereditaments have been or shall be sold, shall at any time hereafter be reversed for any error or errors; then and in every such case, none of the said lands, tenements or hereditaments so as aforesaid taken or sold, or to be taken or sold upon executions, nor any part thereof, shall be restored, nor the sheriff's sale or delivery thereof avoided, but restitution [shall be made], in such cases only of the money or price for which such lands were or shall be sold.

Passed January 12, 1705-6. Allowed to become a law by lapse of time in accordance with the proprietary charter, having been considered by the Queen in Council, October 24, 1709, and not acted upon. See the Acts passed August 27, 1727, Chapter 299; March 23, 1764, Chapter 510; February 24, 1770, Chapter 604; March 6, 1820, P. L.* 50; April 6, 1830, P. L. 293; June 16, 1836, P. L. 761.

CHAPTER CLIII.

AN ACT ABOUT ARRESTS AND MAKING DEBTORS PAY BY SERVITUDE.

[Section I.] Be it enacted by John Evans, Esquire, by the Queen's royal approbation Lieutenant-Governor under William Penn, Esquire, absolute Proprietary and Governor-in-Chief of the Province of Pennsylvania and Territories, by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That in case any person arrest another going out of this government, he shall be ready with his declaration and evidence the next day, and shall put in security to pay the charges and damages sustained by the party arrested, if he shall be found in the wrong; and that all persons of known estates (refusing to pay

their just debts) if arrested and imprisoned, shall be kept in at their own charges until security be given or satisfaction be made.

Provided always, That no person shall be kept in prison for debts or fines, longer than the second day of the next sessions after his or her commitment, unless the plaintiff shall make it appear that the person imprisoned hath some estate that he will not produce; in which case the court shall examine all persons suspected to be privy to the concealing of such estate; and if no estate sufficient shall be found, the debtor shall make satisfaction by servitude according to the judgment of the court where such action is tried (not exceeding seven years, if a single person and under the age of fifty-and-three years; or five years, if a married man and under the age of forty-and-six years) if the plaintiff require it; but if the plaintiff refuse such manner of satisfaction according to the judgment of the court as aforesaid, then and in such case the prisoner shall be discharged in open court.

Provided always, That nothing in this act contained shall be construed to subject any master of ship or other vessel trading into this province from other parts, to make satisfaction for debt by servitude as abovesaid.

[Section II.] And be it further enacted by the authority aforesaid, That no freeholder inhabiting in this province shall be taken for debt before trial, unless he or she be about to depart out of the same, and refuse to give sufficient bail for his or her appearance at the next court, or security for the payment of the debt; and that in such case, before any warrant of arrest be granted, the plaintiff shall declare before those who are empowered to grant the same, that he or she believeth in his or her conscience that his or her cause or action is just, and his or her declaration and evidence are ready for trial if the defendant shall pray a special court; and that in all other cases of debt or damages relating to freeholders residing in this province, the process and proceedings shall be by summons only, as by a former law of this province.

Provided always, That this law shall not be extended nor be in force against any member of the governor's council or assem-

bly of this province during the sitting of the assembly, and fourteen days before and five days after rising.

Passed January 12, 1705-6. Allowed to become a law by lapse of time in accordance with the proprietary charter, having been considered by the Queen in Council, October 24, 1709, and not acted upon. See the Acts of Assembly passed March 30, 1723-24, Chapter 266; March 20, 1724-25, Chapter 285. Repealed by the Act of Assembly passed February 14, 1729-30, Chapter 315. Partially revived by the Act of February 6, 1730-31, Chapter 321. Repealed by the Act of Assembly passed March 20, 1810, P. L. 188.

CHAPTER CLIV.

AN ACT FOR THE RELIEF OF THE POOR.

For the better relief of the poor of this province.

[Section I.] Be it enacted by John Evans, Esquire, by the Queen's royal approbation Lieutenant-Governor under William Penn, Esquire, absolute Proprietary and Governor-in-Chief of the Province of Pennsylvania and Territories, by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That the justices of the peace of the respective counties of this province, or any three or more of them shall, on the five-and-twentieth day of March yearly (unless that shall happen on the First day of the week, and then on the day following) meet at some convenient place within their county, and there nominate and appoint one, two or more (as the case may require) of [the] substantial inhabitants of the respective townships; and where the townships are small and inhabitants few, two or more, as the justices shall think fit, may be joined together within their county to be overseers of the poor of the said townships for the year ensuing.

[Section II.] And be it further enacted by the authority aforesaid, That it shall and may be lawful for the overseer or overseers of the poor so nominated and appointed to make or lay a rate or assessment after the rate of one penny per pound, clear value, of the real and personal estates of all and every the free-