

CHAPTER CCXXVI.

AN ACT CONCERNING *FEME SOLE* TRADERS.

Whereas it often happens that mariners and others whose circumstances as well as vocations oblige them to go to sea, leave their wives in a way of shopkeeping; and such of them as are industrious and take due care to pay the merchants they gain so much credit with as to be well supplied with shop goods from time to time, whereby they get a competent maintenance for themselves and children, and have been enabled to discharge considerable debts left unpaid by their husbands at their going away. But some of those husbands, having so far lost sight of their duty to their wives and tender children that their affections are turned to those who, in all probability, will put them upon measures not only to waste what they may get abroad, but misapply such effects as they leave in this province. For preventing whereof, and to the end that the estates belonging to such absent husbands may be secured for the maintenance of their wives and children, and that the goods and effects which such wives acquire or are intrusted to sell in their husbands' absence may be preserved for satisfying of those who so intrust them, may it please the governor that it may be enacted,

[Section I.] And be it enacted by William Keith, Esquire, by and with the King's royal approbation Deputy-Lieutenant and Governor, under William Penn, Esquire, Proprietary and Governor-in-Chief of the Province of Pennsylvania, 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 where any mariners or others are gone or hereafter shall go to sea, leaving their wives at shopkeeping or to work for their livelihood at any other trade in this province, all such wives shall be deemed, adjudged and taken, and are hereby declared to be as *feme sole* traders, and shall have ability and are by this act enabled to sue and be sued, plead and be impleaded at

law, in any court or courts of this province, during their husbands' natural lives, without naming their husbands in such suits, pleas or actions. And when judgments are given against such wives for any debts contracted or sums of money due from them, since their husbands left them, executions shall be awarded against the goods and chattels in the possession of such wives, or in the hands or possession of others in trust for them, and not against the goods and chattels of their husbands; unless it be made appear to the court, where those executions are returnable, that such wives have out of their separate stock or profit of their trade, paid debts which were contracted by their husbands, or laid out money for the necessary support and maintenance of themselves and children; then, and in such case, execution shall be levied upon the estate, real and personal, of such husbands, to the value so paid or laid out and no more.

[Section II.] And be it further enacted by the authority aforesaid, That if any of the said absent husbands, being owners of lands, tenements, or other estate in this province, have aliened, or hereafter shall give, grant, mortgage or alienate from his wife and children any of his said lands, tenements or estate, without making an equivalent provision for their maintenance in lieu thereof, every such gift, grant, mortgage or alienation shall be deemed, adjudged and taken to be null and void.

Provided nevertheless, That if such absent husband shall happen to suffer shipwreck, or be by sickness or other casualty disabled to maintain himself, then and in such case, and not otherwise, it shall be lawful for such distressed husband to sell or mortgage so much of his said estate as shall be necessary to relieve him and bring him home again to his family, anything herein contained to the contrary notwithstanding.

But if such absent husband, having his health and liberty, stay away so long from his wife and children, without making such provision for their maintenance before or after his going away, till they are like to become chargeable to the town or place where they inhabit, or in case such husband doth or shall live in adultery, or cohabit unlawfully with another woman,

and refuses or neglects, within seven years next after his going to sea or departing this province, to return to his wife and cohabit with her again, then and in every such case the lands, tenements and estate belonging to such husbands shall be and are hereby made liable and subject to be seized and taken in execution to satisfy any sum or sums of money which the wives of such husbands, or guardians of their children, shall necessarily expend or lay out for their support and maintenance; which execution shall be founded upon process of attachment against such estate, wherein the absent husband shall be made defendant; any law or usage to the contrary in anywise notwithstanding.

Passed February 22, 1717-18. Apparently never submitted to the consideration of the Crown, but allowed to become a law by lapse of time, in accordance with the proprietary charter. See Appendix IV, Section II, Hill's letter and Fane's opinion, in Appendix V, Section I, and the Acts of Assembly passed April 7, 1830, P. L. 337; May 4, 1841, P. L. 307; May 4, 1855, P. L. 430.

CHAPTER CCXXVII.

AN ACT FOR CONTINUING A DUTY ON NEGROES BROUGHT INTO THIS PROVINCE.

We, the representatives of the freemen of the province of Pennsylvania, desire that it may be enacted:

[Section I.] And be it enacted by William Keith, Esquire, by and with the King's royal approbation Deputy-Lieutenant and Governor under William Penn, Esquire, Proprietary and Governor-in-Chief of the Province of Pennsylvania, &c., 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 for every negro which shall be imported, landed or brought within any port or place belonging to this province, at any time after the last day of May, in the year of our Lord one thousand seven hundred and eighteen, and the first day of