

aforesaid, it shall and may be lawful for any justice of the peace of the county, city or place where any such offense shall be committed, upon complaint to him for that purpose made, to punish every such offender for every such offense, either by ordering of his or her relief or usual allowance on the collection to be abridged, suspended or withdrawn; or otherwise, by committing such offender to the House of Correction, there to be whipped, and kept at hard labor for any number of days, not exceeding twenty-one, as to the said justice should seem meet.

And if any such overseer of the poor shall relieve any such poor person, not having or wearing such badge or mark as aforesaid, being thereof convicted, upon the oath or affirmation of one or more credible witnesses, before any justice of the peace of the county or city where such offense shall be committed, shall forfeit for every such offense the sum of twenty shillings, to be levied by distress and sale of the goods of every such offender, by warrant under the hand and seal of any such justice, one moiety thereof to the informer, and the other to the poor of the township or place where the offense shall be committed.

Passed May 31, 1718. Apparently never considered by the Crown, but allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix IV, Section II, and Hill's letter and Fane's opinion in Appendix V, Section I, and the Acts of Assembly passed March 29, 1735, Chapter 336; August 19, 1749, Chapter 379. Repealed by Act of March 9, 1771, Chapter 635.

CHAPTER CCXXXVIII.

AN ACT FOR THE VESTING THE HOUSE AND LOT OF GROUND LYING IN PHILADELPHIA, LATE THE ESTATE AND INHERITANCE OF WILLIAM CLARKE, OF LEWES, IN THE COUNTY OF SUSSEX, DECEASED, IN TRUSTEES, TO BE SOLD FOR THE PAYMENT OF HIS DEBTS. &c.

Whereas it hath been represented to this assembly that William Clarke, late of Sussex county on Delaware, gentleman, in his lifetime, to wit, in the year one thousand seven hundred and four, was indebted to sundry persons in several great sums of money, and at the same time was an accomptant to the Crown

for more than the real value of his estate, and particularly was indebted to one William Houston, late of Newcastle upon Delaware, merchant, deceased, in one hundred and ten pounds for so much money borrowed of the said William Houston, for the payment whereof the said William Clarke and William Clarke, Junior, on the second day of March, one thousand seven hundred and four, did bind themselves jointly and severally and their heirs to the said William Houston in two hundred and twenty pounds, with a condition thereupon indorsed for the payment of one hundred and ten pounds, within one year from the date of the said obligation, and that the said William Clarke, the father, being at the same time seized in fee of a messuage and lot of ground in Philadelphia, bounded to the northward on Chestnut street, to the eastward with the third street, being ninety-nine feet in breadth and in length two hundred and seventy-two feet more or less, and that he, the said William Clarke, immediately after the date of the said bond made a voluntary settlement of the aforesaid messuage and lot of ground (being all his estate in Philadelphia) upon his said son, William Clarke, Junior, and one Rebecca Curtis (to whom it is said that the said William Clarke, Junior, was afterwards married) and on the heirs of the said William Clarke, Junior, on the body of the said Rebecca to be begotten.

And whereas it is also represented that the said William Clarke, the father, soon after died and all his estate, [both] real and personal, extended for a debt due from him to the Crown, and William Clarke, Junior, afterwards secretly withdrawing himself and his family and [all] his effects out of this province into the island of Barbados, where he is since dead, and left no estate in this province to satisfy the said debt, which with interest is now increased to the sum of one hundred and thirty-nine pounds fifteen shillings and ten pence farthing, lawful money of America; and the executor of the said William Houston like to be defeated and defrauded of his just debt,

May it therefore please the governor, at the humble request of Anthony Houston, executor and universal legatee of the said William Houston, deceased, to vouchsafe that it may be enacted and:

[Section I.] 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 the said message and lot of ground lying and being in Philadelphia aforesaid now in possession of Andrew Hamilton, by agreement of Clement Plumsted, attorney for the said William Clarke, Junior, &c., with every of the rights and members, together with all houses, fences and appurtenances whatsoever to the premises or any part thereof belonging or appertaining or accepted, reputed, taken, used, occupied or enjoyed as part, parcel or member thereof, shall from and after the tenth day of June, in the year one thousand seven hundred and eighteen, be actually vested and settled in Charles Read, William Fishbourn and Israel Pemberton, of Philadelphia, merchants, their heirs and assigns, and that from and after the said tenth day of June, in the year one thousand seven hundred and eighteen, they, the said Charles Read, William Fishbourn and Israel Pemberton, and their heirs, shall be adjudged and taken to be seized thereof and of every part and parcel thereof to them, their heirs and assigns, and may hold and enjoy the same free from all the estates, uses, limitations, remainders, titles and charges made and raised or intended to be raised by the said William Clarke, the father, in his lifetime in and by the said deed of gift or settlement of the twentieth day of March, one thousand seven hundred and four, to the said William Clarke, Junior, and Rebecca Curtis as aforesaid, and freely and clearly acquitted and discharged of and from all other rights, titles, entails, dowers, jointures and incumbrances whatsoever upon trust nevertheless that the said Charles Read, William Fishbourn and Israel Pemberton or any two of them, their heirs and assigns and the survivor of them and the heirs and assigns of such survivor, shall by sale thereof raise the sum of one hundred and thirty-nine pounds thirteen shillings and ten pence farthing, lawful money of America, or so much thereof as remains unpaid, as also as much money as upon account exhibited to the said trustees

shall be allowed by them to the said Andrew Hamilton for his charges laid out in the necessary reparations of the said messuage and premises after the yearly rent of twenty-two pounds ten shillings deducted, or so much as the said messuage and lot of ground aforesaid will yield, to be sold for the discharge of the said sum of one hundred and thirty-nine pounds, fifteen shillings and ten pence farthing, and the charges and disbursements laid out by the said Andrew Hamilton in the said reparations to be allowed as aforesaid. And if any sum or sums of money shall remain in the hands of the said trustees or their heirs or any of them from and after the satisfaction of the said debt of one hundred and thirty-nine pounds fifteen shillings and ten pence farthing, and the charges and disbursements of the said Andrew Hamilton as aforesaid and the charges of obtaining this act, that then the said trustees and the survivor of them and their heirs, deducting to themselves all reasonable charges and expenses by them laid out, in and about the execution of the said trusts, shall and are hereby enjoined and required to apply and dispose of the said moneys so remaining in their hands to and for the payment of such debt as shall appear to be due to Andrew Robeson or any other debt or debts really and bona fide due to any other person or persons whatsoever from the estates late of the said William Clarke, the father, and William Clarke, the son, and the surplus, if any be, shall be paid and equally divided between the widow and the children of the said William Clarke, the son.

Provided always, That to the intent the widow of the said William Clarke, the son, may have the opportunity to prevent the sale of the said premises by paying or otherwise securing the payment of the said debts, the same premises shall not be sold by virtue of this act before the sixteenth day of November next.

Passed May 31, 1718. Repealed by the King in Council, January 8, 1719-20. See Appendix IV, Section III.