

ance with the proprietary charter. See Volume III, Appendix V, Section I, and the Acts of Assembly passed April 6, 1791, Chapter 1547; February 17, 1818, P. L. 104; April 8, 1833, P. L. 238; (the Constitution of 1838, Article VII, Section III;) October 13, 1840, P. L. (1841) 1; April 22, 1841, P. L. 269; August 2, 1842, P. L. 458; February 20, 1854, P. L. 90; April 26, 1855, P. L. 328; May 7, 1855, P. L. 477; April 9, 1856, P. L. 293; March 26, 1867, P. L. 44; April 4, 1872, P. L. 40; April 29, 1874, P. L. 73; April 17, 1876, P. L. 30; May 8, 1876, P. L. 143; May 26, 1876, P. L. 211; May 24, 1877, P. L. 39; April 11, 1879, P. L. 22; May 13, 1879, P. L. 60; May 23, 1887, P. L. 168; June 2, 1887, P. L. 298; April 22, 1889, P. L. 42; May 9, 1889, P. L. 173; May 21, 1889, P. L. 257; May 29, 1889, P. L. 395; May 26, 1891, P. L. 119; June 8, 1891, P. L. 211; June 9, 1891, P. L. 249; April 10, 1893, P. L. 14; June 6, 1893, P. L. 325; June 10, 1893, P. L. 435; May 23, 1895, P. L. 114.

CHAPTER CCCXXI.

AN ACT FOR AMENDMENT OF THE LAW, ENTITLED "AN ACT FOR RELIEF OF INSOLVENT DEBTORS."

Whereas sundry idle and ill-disposed persons who were indebted before the commencement of an act of assembly of this province, entitled "An act for the relief of insolvent debtors,"¹ have very much abused their creditors and disappointed the good intentions of the legislature in making the said act, and especially single or unmarried persons who were indebted in small sums of money which they could easily have paid by their labor, have taken the advantage of the said act of assembly by procuring themselves to be discharged as insolvent debtors, by means whereof many creditors of low circumstances have lost their debts and been obliged to pay the costs of suit:

[Section I.] Be it therefore enacted by the Honorable Patrick Gordon, Esquire, Lieutenant-Governor of the Province of Pennsylvania, 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 no person or persons whatsoever shall have any benefit of the afore-

¹ Passed February 14, 1729-30, Chapter 315.

said act of assembly for the relief of insolvent debtors for any sum or sums of money which they owed before the making of the said act except such persons as were actually prisoners in some of the public gaols of this province on or before the first day of August, in the year one thousand seven hundred and thirty, anything in the said act to the contrary in anywise notwithstanding.

[Section II.] And be it further enacted by the authority aforesaid, That no person or persons, being unmarried and under the age of forty years, having no charge of children, and being or that shall be indebted to any one or more persons in any sum or sums of money in the whole not exceeding twenty pounds, shall have any benefit of the aforesaid act of assembly, but such person or persons shall be liable to be arrested and imprisoned for their respective debts as if the said act of assembly had never been made.

[Section III.] Provided always, and be it further enacted by the authority aforesaid, That any person or persons within this province that shall be arrested and imprisoned for any debt, sum or sums of money or other thing which was owing by them before the first day of August last past, and that any single person under the age of forty years aforesaid, having no charge of children and whose debts in the whole do not exceed twenty pounds, whether the debts owing by such person were contracted before the said first day of August last or since that or shall hereafter be contracted, and being arrested or imprisoned for the same or any part thereof, may at any succeeding court to be held for the city or county where he or she is imprisoned next after his or her imprisonment exhibit to the justices of the said court, upon oath or affirmation, an account of all their effects to which they have any right in law or equity, and the names of their creditors at whose suit such person is imprisoned, and the sums of money which they owe and when the same became due, as far as his or her knowledge does extend, and shall by petition show to the court their inability to pay the debts for which such person is imprisoned, and shall make an assignment of their effects to any person that shall be appointed by the court in trust for his or her creditors or for

such of them as the said court shall direct, and shall signify his or her willingness to make satisfaction by servitude for the residue of the debt, the party petitioning shall be discharged as by an act of assembly of this province, entitled "An act about arrests and making debtors pay by servitude,"² is provided, which said act of assembly is hereby revived and declared to be and continue in full force for the purposes in this act mentioned, anything in the aforesaid act of assembly for relief of insolvent debtors contained to the contrary notwithstanding.

[Section IV.] And be it further enacted by the authority aforesaid, That no person or persons who have not resided within this province for the space of two years next before his or her imprisonment shall have the benefit of the aforesaid act for relief of insolvent debtors.

Provided nevertheless, That if the person at whose suit any person is arrested shall refuse or neglect to give security for payment of such weekly allowance for maintenance of the defendant as the justices of the court where the said suit is depending shall direct and award, and also give security that the said defendant [or defendants], his or their wife or children nor any of them, shall become chargeable to the town or county where such person or persons are imprisoned, it shall and may be lawful for the justices of the said respective courts of common pleas within this province, and they are hereby required, in such case to cause the action or actions against the person or persons so imprisoned to be discontinued and the parties thereupon to be discharged.

[Section V.] And be it further enacted by the authority aforesaid, That if any person be imprisoned in any city or county of this province for any debt under forty shillings, having no effects to pay the same, and shall be willing to make satisfaction by servitude, it shall and may be lawful for any two magistrates in any county or city within this province where the party is imprisoned to proceed to relieve the party so imprisoned by judging such debtor to make satisfaction by servitude.

² Passed January 12, 1705-6, Chapter 153.

And whereas some doubts have arisen concerning the meaning of some part of the aforesaid act of assembly for relief of insolvent debtors touching the time of [the] sheriff being capable to hold his office in any county of this province, and the uses to which the fine of two hundred pounds imposed on any person occupying the office of sheriff contrary to the directions of the said act shall be applied:

Therefore, for the removing any doubts that have arisen or may arise concerning that part of the aforesaid act:

[Section VI.] Be it enacted by the authority aforesaid, and it is hereby declared to be the true intent and meaning of the aforesaid act of assembly, That no sheriff who had been elected and who had occupied the office of a sheriff or under-sheriff in any county of this province for the space of three years at one time, shall be again elected sheriff for the said county or serve or occupy the office of a sheriff in the same county within the space of three years next after his being sheriff as aforesaid.

[Section VII.] And it is hereby enacted and declared, That of the two persons elected for the office of sheriff and returned to the governor, one being commissioned, the other shall not act as under-sheriff to the [person appointed] sheriff during the term of the said sheriff's commission; and that if any sheriff or under-sheriff within this province shall be elected contrary to the true intent and meaning of this act and the aforesaid act of assembly, such his election shall be null and void; and if any such sheriff or under-sheriff shall again enter upon and occupy the office of a sheriff contrary to the directions and provision made in and by this and the [last-mentioned] act of assembly, he shall forfeit and pay the sum of two hundred pounds as in the said act is directed, one moiety thereof to the person or persons who will inform or sue for the same, and the other half to be paid to the provincial treasurer towards the support of government, to be recovered by action of debt, bill, plaint or information, wherein no more than one imparlance shall be allowed; and that no pardon, *nolle prosequi* or other act of the governor or lieutenant-governor for the time being shall be

any bar or hindrance to the suing for, recovering and levying the said fine for the uses aforesaid.

Passed February 6, 1730-31. Apparently never considered by the Crown, but allowed to become a law by lapse of time, in accordance with the proprietary charter. See Volume III, Appendix V, Section I, and note to the Act of Assembly passed February 14, 1729-30, Chapter 315.

CHAPTER CCCXXII.

AN ACT FOR THE BETTER PREVENTION OF ACCIDENTS THAT MAY HAPPEN BY FIRE IN THE CITY OF PHILADELPHIA BY BAKE HOUSES AND COOPERS' SHOPS.

For the further securing the inhabitants of the city of Philadelphia from the dangers that may happen by fire:

[Section I.] Be it enacted by the Honorable Patrick Gordon, Esquire, Lieutenant-Governor of the Province of Pennsylvania, &c., 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 from and after the space of sixteen months next ensuing the publication of this act no person whatsoever within the said city, by himself, his agents, journeymen or servants, shall occupy the trade of a cooper or baker but in such shops or places as are built in the manner herein respectively directed and appointed: (That is to say) that no person after the time aforesaid shall occupy the trade of a cooper within the said city but in a shop or place built of brick or stone, with a large chimney in the same, the ceiling thereof plastered, no stairs nor passage up the loft within such shop, and the floor thereof to be earth, or laid with good two-inch oak plank. And that no person after the time aforesaid within the said city shall occupy the trade of a biscuit or soft bread baker but in a bakehouse built of brick or stone and arched over with brick if the place will admit thereof, or otherwise to be well ceiled with plastering; the floor of the said bakehouse paved with brick or stone; the crown of the oven to