

this province, take, receive, enjoy and be entitled to all rights, privileges and advantages of natural-born subjects as fully to all intents, constructions and purposes whatsoever as any of His Majesty's natural-born subjects of this province can, do or ought to enjoy by virtue of their being His Majesty's natural-born subjects of His Majesty's said province of Pennsylvania.

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 the Acts of Assembly passed February 3, 1742-43, Chapter 359; June 20, 1759, Chapter 445; (the Constitution of 1776, Plan of Government, Section XLII;) June 13, 1777, Chapter 756; August 31, 1778, Chapter 803; March 4, 1786, Chapter 1206; February 11, 1789, Chapter 1387.

CHAPTER CCCXXV.

AN ACT FOR THE RELIEF OF BENJAMIN MAYNE, WITH RESPECT TO THE IMPRISONMENT OF HIS PERSON.

Whereas it hath been represented to the assembly of this province by Benjamin Mayne, late of Philadelphia, merchant, that he traded and lived several years in good credit in the province of Pennsylvania, before the year one thousand seven hundred and twenty-one, and in his way of merchandising had become debtor to sundry merchants in the said province and others; and being encouraged by a prospect of a ready sale of [his] goods in Salem county in New Jersey, he thereupon transported part of his merchandise thither, leaving at the same time considerable effects, with all his books of accounts, and household goods at his dwelling-house and store in Philadelphia; and had then likewise very considerable sums of money due to him for goods sold in the province of Pennsylvania and elsewhere, in the whole amounting to more in value than all the debts he owed in America. And that the said Benjamin being obliged to be frequently in Salem county aforesaid for

disposing of his said goods, some of his creditors when he had not been gone from his own house in Philadelphia above three days took the advantage of his absence, and by virtue of a law of this province then in force took out several writs of attachment against his effects in Philadelphia, by virtue whereof all his merchandise, goods and chattels, household goods and books of accounts, bonds and notes for moneys, were attached and seized by the sheriff of Philadelphia, and soon after all his said effects were sold for less than one-half of the real value, to the utter ruin of the said Benjamin Mayne, whereby he was not only totally disabled to pay his just debts, but rendered liable to perpetual imprisonment; which representation appearing to be true, and the said Benjamin Mayne having likewise set forth that if he might obtain his liberty or the freedom of his person from arrests there are still considerable debts due to him from sundry persons in Pennsylvania and elsewhere which he is willing to assign over, together with all the effects or estate he hath in the world of what kind soever he is possessed or hath any right to in law or equity, to any person or persons in trust, to recover for the use and benefit of all his creditors:

Wherefore as well to relieve the said Benjamin Mayne from the distress of imprisonment of his person as to render his liberty beneficial to his creditors:

We the representatives of the freemen of the said province do pray that it may be enacted:

[Section I.] And 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 said representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That if the said Benjamin Mayne shall before the fifteenth day of June next ensuing exhibit to the justices of the city and county of Philadelphia, in the county court of common pleas to be held for the said city and county, a true and perfect account of all his estate both real and personal, with the dates of the securities wherein any part of his estate or effects consist, and the deeds or notes relating thereto, and the names of the witnesses who can prove the same as far as his knowledge extends thereto,

the said court shall upon the petition of the said Benjamin Mayne, and exhibiting such accounts as aforesaid, with the names of his creditors at whose suit he is imprisoned, cause the said Benjamin Mayne by order or rule of court to be brought up and the creditors at whose suit he stands charged to be summoned to appear personally or by their attorney in court at a day to be appointed for that purpose. And the said court shall then and there, in the presence of the creditors if they will be present, administer an affirmation to the said Benjamin Mayne to the effect following:

I, Benjamin Mayne, do solemnly, sincerely and truly declare and affirm, that the account by me delivered into this honorable court in my petition to this court doth contain a true and perfect account of all my real and personal estate, debts, credits and effects whatsoever which I, or any in trust for me have, or at the time of my said petition had, or am or was in any respect entitled to, in possession, remainder or reversion (except the wearing apparel and bedding for me or my family, not exceeding ten pounds in value in the whole), and that I have not at any time since my imprisonment or before, directly or indirectly, sold, leased, assigned or otherwise disposed of or made over in trust for myself or otherwise, other than as mentioned in such account, any part of my lands, estate, goods, stock, money, debts or other real or personal estate, whereby to have or expect any benefit or profit to myself or to defraud any of my creditors to whom I am indebted.

And the said Benjamin Mayne having taken such affirmation in open court, and his creditors being therewith satisfied or failing to discover any effects or estate of the said Benjamin Mayne omitted in such his account; and the said Benjamin making an assignment to any one or more of his creditors as the court shall think fit to direct in trust for the rest of them of all his lands, goods and effects contained in such account by a short endorsement on the back of the same account or schedule, by which assignment the estate, interest and property of the lands, goods and effects as assigned shall be vested in the person or persons to whom such assignment shall be made, who may take possession of the same and sue for the same in his or their own name or names, and that no release of the said Benjamin Mayne, his executors or administrators,

subsequent to such assignment shall be any discharge, then the said court upon his making such assignment as aforesaid shall cause the said Benjamin to be discharged.

[Section II.] And be it further enacted by the authority aforesaid, That the person of the said Benjamin after such his discharge as aforesaid shall not at any time hereafter be imprisoned for any debts by him before that time contracted.

Provided nevertheless, That the discharge of the said Benjamin Mayne by virtue of this act shall not acquit any other person from such debt, sum or sums of money for which such person is bound or engaged for or with the said Benjamin, but that all others shall be answerable for the same in such manner as they were before the passing of this act.

[Section III.] Provided also, and be it further enacted by the authority aforesaid, That if the said Benjamin Mayne shall upon any indictment for taking a false and corrupt affirmation in any matter or particular contained in the said affirmation be convicted by his own confession or by the verdict of twelve men, as he may be by force of this act, the [said] Benjamin shall suffer all the pains and forfeitures which may by law be inflicted on any person convicted of willful perjury and shall likewise be liable to be taken upon any process *de novo*, and charged in execution for the said debt in the same manner as if the said Benjamin Mayne had never been discharged or taken in execution before, and shall never after have the benefit of this act.

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; and the Act of Assembly passed February 24, 1770, Chapter 611.