

in the prison, the court shall notwithstanding immediately discharge the said prisoner unless the said creditor or creditors shall then and there agree by writing, under his or her hand, to pay and allow any sum of money that shall be assessed by the said court not exceeding five shillings per week, but in case the prisoner has a wife or children, any sum not exceeding seven shillings and six pence per week to the prisoner, his wife or children; or in case the prisoner be a widow, to her and her children in such proportions as the justices of the said court from time to time shall direct, on every Monday so long as he or she shall continue in prison in the same manner and under the same restrictions and penalties as in the aforesaid act of assembly made for the relief of insolvent debtors is provided.

[Section III.] And be it further enacted by the authority aforesaid, That so much of the act of assembly aforesaid to which this act is a supplement as is hereby altered or changed, be and is hereby repealed.

Passed February 2, 1765. Referred for consideration by the King in Council, February 10, 1766, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section VIII, and the note to the Act of Assembly passed February 14, 1729-30, Chapter 315.

CHAPTER DXIX.

AN ACT FOR THE RELIEF OF WALTER DAVIES, A LANGUISHING PRISONER IN THE GAOL OF PHILADELPHIA, WITH RESPECT TO THE IMPRISONMENT OF HIS PERSON.

Whereas Walter Davies hath, by petition to the present assembly of this province, set forth that he now is a languishing prisoner in the gaol of the city of Philadelphia, where, for eight months past, he hath been confined at the suit of a certain Francis Hamitt for a debt of one hundred and twenty pounds sterling for which the said petitioner gave his notes of hand to a certain John Charles Sauliner, who is become a bankrupt, and the said notes have been indorsed or assigned to the said Francis

Hamitt; that his, the said petitioner's, many misfortunes in trade for five years past have put it out of his power to pay the said debt, which is all he owes in this province; and that he has offered to give up to the said Francis Hamitt all that he is worth, but that the said Francis Hamitt, alleging that he did not think himself safe in discharging the said petitioner, lest he should be sued by the said bankrupt's assignees, declared he was sorry that he had arrested the said petitioner and sincerely wished that he could be relieved by some other means, and therefore the said petitioner prays relief in the premises.

And whereas on due inquiry being made it appears that the allegations of the said petitioner are true; therefore, to relieve him from the distress of imprisonment and to enable him to carry on business for the payment of his just debts and for his maintenance, we, the representatives of the freemen of the province of Pennsylvania, request the governor that it may be enacted:

. [Section I.] And be it enacted by the Honorable John Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, 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 the justices of the county court of common pleas for the county of Philadelphia, or any three of them, shall, on an application for that purpose to them in writing made by the said Walter Davies, appoint a certain day and place for holding a special court of common pleas, whereof due notice shall be given to the creditor or creditors at whose suit he stands charged by leaving the same in writing at his, her or their [last] place of abode, at which time and place the said justices, or any three of them, shall, by an order or rule of the said court, cause the said Walter Davies to be brought before them, and the said court shall then and there, in the presence of the said creditor or creditors, if he or they will be present, administer to the said Walter Davies an oath or affirmation according to law to the effect following, to wit:

“That the account by [him], the said Walter Davies, delivered into that honorable court in his petition to the said court doth contain a true and perfect account of all his real and personal estate, debts, credits and effects whatsoever which he or any in trust for him have or at the time of his said petition had or is or was in any respect entitled to in possession, remainder or reversion (excepting the wearing apparel and bedding for himself not exceeding ten pounds in value in the whole), and that he has not at any time since his imprisonment or before, directly or indirectly, sold, leased, assigned or otherwise disposed of or made over in trust for himself or otherwise other than as mentioned in such account any part of his lands, estates, goods, stock, money, debts or other real or personal estate, whereby to have or expect any benefit or profit to himself or to defraud any of his creditors to whom he is indebted.”

And the said Walter Davies having taken such qualification in open court and his creditor or creditors being therewith satisfied or failing to discover any effects or estate of the said Walter Davies omitted in such his account, and the said Walter Davies making an assignment to any one or more of his creditors as the court shall order and direct, in trust for the rest of them of all his lands, goods and effects contained in such account by a short indorsement on the back of the same account, by which said assignment the estate, interest and property of the lands, goods and effects so 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 Walter Davies, his executors or administrators, subsequent to such assignment shall be any discharge or bar to the assignees aforesaid; that then the said court, upon his making such assignment as aforesaid, shall cause and order the said Walter Davies to be discharged from his imprisonment aforesaid.

[Section II.] And be it further enacted by the authority aforesaid, That the person of the said Walter Davies 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 Walter Davies by virtue of this act shall not acquit or discharge any other person from such debt, sum or sums of money for which

such person now is bound or engaged for or with the said Walter Davies, nor any lands, goods, chattels or other effects which the said Walter Davies may hereafter have or acquire.

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

Passed February 2, 1765. Referred for consideration by the King in Council, February 10, 1766, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section VIII.

CHAPTER DXX.

AN ACT FOR THE RELIEF OF JAMES PEARSON, A PRISONER IN THE GAOL OF PHILADELPHIA, WITH RESPECT TO THE IMPRISONMENT OF HIS PERSON.

Whereas James Pearson hath, by petition to the present assembly of this province, set forth that he now is and for seventeen months past hath been confined in the common gaol of Philadelphia county for debt at the suit of Messieurs Edmund Kearney and Thomas Gilbert, of the city of Philadelphia, merchants, for the sum of one hundred and twenty-seven pounds, and also at the suits of Messieurs John Bayard, Buckridge Sims and Andrew Hodge; that the said James Pearson, at the time of his being arrested and at several times since, hath offered to the said Edmund Kearney and Thomas Gilbert all the satisfac-