

Passed February 21, 1767. Referred for consideration by the King in Council, December 17, 1767, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXVI, Section II, and the Acts of Assembly passed February 18, 1769, Chapter 584; March 22, 1784, Chapter 1085; April 12, 1828, P. L. 351; February 6, 1830, P. L. 42; April 13, 1859, P. L. 621.

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CHAPTER DL.

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AN ACT FOR THE RELIEF OF THOMAS REILLY AND JOHN WHITPANE, LANGUISHING PRISONERS IN THE GAOL OF PHILADELPHIA, WITH RESPECT TO THE IMPRISONMENT OF THEIR PERSONS.

Whereas it hath been represented to the assembly by the several petitions of Thomas Reilly and John Whitpane that they are languishing prisoners in the gaol of Philadelphia and that, although they are willing to assign over all their respective effects to the use of their creditors for the payment of their debts and to discharge such as shall thereafter remain unpaid as soon as by their industry they can find means of satisfying such creditors, yet by their imprisonment they are disabled from putting in execution their just intentions and are reduced to great distress:

[Section I.] Be it therefore 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 application for that purpose to them in writing made by the said Thomas Reilly and John Whitpane, or either of them, 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 suits they respectively stand 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 Thomas Reilly and John Whitpane severally 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 Thomas Reilly and John Whitpane separately an oath or affirmation according to law to the following effect, to wit:

“That the account by him 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 and family 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 is mentioned in such account any part of his lands, estate, goods, stock, money, debts or other real or personal estate, whereby to have or expect any benefit or profit to himself or family or to defraud any of his creditors to whom he is indebted.”

And the said Thomas Reilly and John Whitpane having respectively taken such oath or affirmation in open court, and their several creditors being therewith satisfied or failing to discover any effects or estate belonging to such deponent omitted in his said account, and the said Thomas Reilly and John Whitpane severally making assignments to any one or more of the creditors, as the court shall order and direct, in trust for him or them and the rest of them of all his lands, goods and effects contained in such account by a short indorsement [thereon] 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 in his or their own name or names; and that no release of the said Thomas Reilly or John Whitpane, their executors or administrators respectively, subsequent to such assignment, shall be any discharge against or bar to the assignees aforesaid; that then the said court, upon the making

such assignment as aforesaid, shall cause and order the said Thomas Reilly and John Whitpane respectively to be discharged from their imprisonment aforesaid.

[Section II.] And be it further enacted by the authority aforesaid, That the persons of the said Thomas Reilly and John Whitpane respectively after such his or their discharge as aforesaid shall not at any time hereafter be imprisoned for any debts before the time of his or their discharge contracted.

Provided nevertheless, That the discharge of the said Thomas Reilly or John Whitpane 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 with the said Thomas Reilly or John Whitpane, nor any lands, goods, chattels or other effects which the said Thomas Reilly or John Whitpane may hereafter acquire.

[Section III.] Provided also and be it further enacted by the authority aforesaid, That if the said Thomas Reilly or John Whitpane 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 persons so convicted 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 Thomas Reilly or John Whitpane had never been in execution or discharged before, and shall forever after be barred of any benefit of this act.

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