

CHAPTER DXCVIII.

AN ACT FOR THE RELIEF OF JOHN RELFE AND ABRAHAM HOWELL,
PRISONERS IN THE GAOL OF PHILADELPHIA, WITH RESPECT TO
THE IMPRISONMENT OF THEIR PERSONS.

Whereas it hath been represented by John Relfe that by due process of law he is lately declared a bankrupt in the city of London, by means whereof all his estate, real and personal, was assigned over according to the form of the statutes in such case made and provided; that he was for some time confined in the King's Bench prison, and being from thence discharged upon complying in all respects with the said statutes, he lately returned to the city of Philadelphia, when he was taken by his special bail in a certain action yet depending and by him delivered up to the sheriff of the county of Philadelphia in discharge of the recognizance entered into by his said bail and remains in execution in the gaol of the said county for a large sum of money, which by reason of the premises he is utterly unable to pay:

To the intent therefore that the person of the said John Relfe may be discharged from his imprisonment for or on account of such debts as have been by him heretofore contracted:

[Section I.] 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 said John Relfe shall be and he is hereby discharged from his imprisonment, and that the person of the said John Relfe shall not at any time hereafter be imprisoned or held to bail for any debts by him due or for any contracts by him made or entered into before the passing of this act.

And whereas Abraham Howell hath represented to the assembly that being by many accidents and losses in trade rendered incapable of paying his just debts he remains now confined in the gaol of Philadelphia for a sum of money due to one person exceeding one hundred and fifty pounds, and therefore is excluded from the relief usually granted to persons indebted in lesser sums by the acts of general assembly made and provided for [the] relief of insolvent debtors, and hath therefore prayed that his person may be discharged from imprisonment to enable him to pay the said debts:

[Section II.] Be it therefore enacted by the authority aforesaid, That the justices of the county court of common pleas, or any three of them, shall on an application for that purpose to them in writing made by the said Abraham Howell 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 Abraham Howell 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 Abraham Howell an oath or affirmation according to law to the following effect, to wit:

That the account by him, the said Abraham Howell, 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, estate, 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 Abraham Howell having taken such oath or affirmation in open court, and his creditor or creditors being therewith satisfied, or failing to discover any effects or estate of the said Abraham Howell omitted in such his account, and the said Abraham Howell 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 Abraham Howell, 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 Abraham Howell to be discharged from his imprisonment aforesaid.

[Section III.] And be it further enacted by the authority aforesaid, That the person of the said Abraham Howell 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 John Relfe or Abraham Howell by virtue of this act shall not acquit or discharge any other person from such debts, sum or sums of money for which such person now is bound or engaged for or with the said John Relfe or Abraham Howell, nor any lands, goods, chattels or other effects which the said John Relfe or Abraham Howell may hereafter have or acquire.

[Section IV.] Provided also, and be it further enacted by the authority aforesaid, That if the said Abraham Howell shall, upon any indictment for taking a false or 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 Abraham Howell 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 Abraham Howell had never been in execution or discharged before, and shall forever after be barred of any benefit of this act.

Passed September 30, 1769. Confirmed by the King in Council, May 24, 1771. See Appendix XXVII, Section III.

CHAPTER DXCIX.

AN ACT FOR THE SUPPORT OF THE GOVERNMENT OF THIS PROVINCE AND PAYMENT OF THE PUBLIC DEBTS.

Whereas by virtue of an act of general assembly passed in the ninth year of His present Majesty's reign, entitled "An act for raising the sum of sixteen thousand pounds for the support of the government of this province and payment of the public debts and other purposes therein mentioned,"¹ the sum of sixteen thousand pounds in bills of credit was prepared, printed and signed and deposited in the hands of the provincial treasurer, who was therewith directed to pay off and discharge all such drafts and certificates as had been made by order of assembly before the passing the said act, and such other drafts and orders as the trustees of the State-House of this province, or a majority of them, should draw for the purposes in the said act mentioned; and in case there should remain any surplus of the said bills of credit after the said certificates, drafts and orders should be paid off and discharged, it was therein declared that the same should be disposed of by act of general assembly:

And whereas there remains in the hands of the said treasurer a surplus of the said bills of credit more than sufficient to answer the purposes in the said recited act mentioned; and we the representatives of the freemen of this province being desirous of supporting the honor and dignity of the government

¹ Passed February 18, 1769, Chapter 580.