

CHAPTER DCLXXXVII.

AN ACT FOR THE RELIEF OF SAMUEL SWEET, A LANGUISHING PRISONER IN THE GAOL OF PHILADELPHIA, AND THOMAS BAMFORD, A LANGUISHING PRISONER IN THE GAOL OF LANCASTER COUNTY, WITH RESPECT TO THE IMPRISONMENT OF THEIR PERSONS.

Whereas it hath been represented to the assembly of this province by the petition of Samuel Sweet that he is a languishing prisoner in the gaol of Philadelphia, and by the petition of Thomas Bamford that he is a languishing prisoner in the gaol of the county of Lancaster, and that although they are willing to assign over all their respective effects to the use of their respective creditors for the payment of their respective 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, Governor and Commander in Chief 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 the justices of the county court of common pleas for the county of Philadelphia or any three of them, on application to them for that purpose in writing made by the said Samuel Sweet, and that the justices of the court of common pleas for the county of Lancaster or any three of them, on application for that purpose in writing made as aforesaid by the said Thomas Bamford, shall appoint a certain day and place for holding a special court of common pleas in their respective counties, whereof due notice in writing shall be given to the creditor or creditors or their attorneys in fact, respectively, at whose suits they respectively stand charged, by leaving the same at his, her or their last place of abode, at which times and places so appointed by the said

courts, respectively, they the said respective courts shall by an order or rule of court cause the said Samuel Sweet and Thomas Bamford severally and respectively to be brought before their said respective courts, and the said courts, respectively, upon sufficient proof of the said notice being given to all and every of their creditors that may or can be found within this province and to all and every of their creditors who reside in foreign and distant parts or to the attorneys in fact of such foreign and distant creditors of the said prisoners or either of them, and upon their exhibiting and delivering to the said courts, respectively, full, true and perfect accounts in writing of all their real and personal estates, debts, credits and effects, shall at the times appointed as aforesaid in the presence of the said creditor or creditors, if he or they will be present, administer to the said Samuel Sweet and Thomas Bamford separately and respectively, 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 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 as mentioned in such account any part of his lands, estate, goods, stocks, 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 Samuel Sweet and Thomas Bamford having respectively taken such oath or affirmation in open court and severally making assignments to any one or more of the creditors as the said respective courts shall order and direct in trust for all their respective creditors of all their 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, after which no release of the said respective prisoners, their executors or administrators, shall be any discharge against or bar to the assignees aforesaid, then the said respective courts shall cause and order the said prisoners respectively to be discharged from their imprisonment aforesaid. But in case the person or persons at whose suit the said prisoners, respectively, are held and detained or their attorneys in fact respectively or any other creditor or creditors, shall not be satisfied with the truth of such oath or affirmation as aforesaid but shall desire further time to inform him, her or themselves of the matters contained therein, the said court may and shall remand the said prisoners, respectively, and direct such prisoners so remanded and the person or persons dissatisfied with such oath or affirmation to appear at another day to be appointed by the said court not less than one month from the time of making such oath or affirmation; and if at such second day so to be appointed the creditor or creditors or their attorneys in fact respectively dissatisfied with such oath or affirmation shall make default in appearing, or in case he or they shall appear but shall be unable to discover any estate or effects of such prisoner omitted in such account as aforesaid delivered in to the said court, or to show any probability of his having been forsworn or to have declared falsely in the said oath or affirmation, then the said court shall immediately cause the said prisoners to be discharged upon such assignment of his or their effects; but in case the said prisoners or either of them shall refuse to take the said oath or affirmation, or having taken the same shall be detected of falsity therein, he or they shall be presently remanded.

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

Provided nevertheless, That the discharge of the said prisoners 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 with the said prisoners or either of them, nor any lands, goods, chattels or other effects which they may hereafter respectively acquire.

[Section III.] Provided also, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend to discharge the persons of the said prisoners or either of them from being liable to be sued, prosecuted or imprisoned for any debt due to the Crown, and that the said debts shall be first paid by the said trustees out of the moneys which shall come to their hands from the effects so assigned.

[Section IV.] Provided also, and be it further enacted by the authority aforesaid, That if the said prisoners or either of them 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 person or persons so convicted shall suffer all the pains, penalties and disabilities which by law may be inflicted on persons 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 same debt in the same manner as if they had never been in execution or discharged before, and shall forever after be barred of any benefit of this act.

Passed September 28, 1773. Referred for consideration by the King in Council, February 20, 1775, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXXI.