

the act, entitled "An act for granting to His Majesty the sum of fifty-five thousand pounds, and for striking the same in bills of credit in the manner hereinafter directed, and for providing a fund for sinking the said bills of credit by a tax on all estates real and personal and taxables within this province,"¹ directed to be rated in the same manner and according to the rules, orders and regulations laid down in and by the same act and not altered and repealed and by this act imposing the same, and no other rate or rates on the several kinds of property than what are there and herein directed, according to the best of your skill, conscience and judgment; and in laying the said rates you shall spare no person for favor or affection nor grieve any for hatred or ill-will.

[Section VI.] And be it further enacted by the authority aforesaid, That so much of the said recited act as relates to the rating and assessing improved lands and plantations shall be and is hereby repealed to all intents and purposes.

Passed January 22, 1774. Referred for consideration by the King in Council, August 12, 1774, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXXI, and the note to the Act of Assembly passed March 5, 1725-26, Chapter 289.

CHAPTER DCXCIII.

AN ACT TO OBLIGE THE TRUSTEES AND ASSIGNEES OF INSOLVENT DEBTORS TO EXECUTE THEIR TRUSTS.

Whereas many persons finding themselves incapable of discharging their just debts have by their deeds and conveyances duly executed, conveyed and assigned over all their lands, tenements, goods, chattels and effects to trustees in the said deeds mentioned in trust to sell and dispose thereof and to apply and appropriate the moneys arising from such sales towards payment of their said debts in proportion to the demands of their several and respective creditors.

¹ Passed May 30, 1764, Chapter 513.

And whereas many of the said trustees, regradless of their said trusts, have neglected to perform and execute the same and to pay to the creditors of such insolvents such moneys and effects as have come to their hands under and in pursuance thereof, to the great injury of the said creditors:

[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 where any insolvent debtor or debtors have before conveyed and assigned or shall after the passing of this act convey and assign by his, her or their deed or conveyance duly executed his, her or their lands, tenements, goods, chattels or effects to a trustee or trustees in trust for the use of his, her or their creditors, and the said trustee or trustees or his or their executors or administrators shall have neglected or refused to perform and execute their said trust, it shall and may be lawful for any creditor or creditors of such insolvent debtors to petition any county court of common pleas within this province, setting forth the circumstances of the case, and upon proof made of such assignment, the acceptance, undertaking or entering upon the execution of the trust therein contained by the said trustee or trustees or any of them, and his or their neglect or refusal to execute the same and every part thereof according to the true intent and meaning of such conveyance and assignment, the said court shall and they are hereby authorized and required to nominate and appoint three or more judicious men as commissioners, who, or a majority of them, shall audit, settle and finally adjust the accounts of such trustees or trustees, his or their executors or administrators, as well as the debts and demands of the said petitioner or petitioners and all of the other creditors of such insolvent, and to settle and finally determine the shares and proportions which each and every such creditor or creditors is justly entitled to of the said insolvent's estate as well real as personal in the hands and possession of the said trustee or trustees or his or their executors or administrators and of such which ought to be in their hands upon a true and faithful execution of

their said trust, and to make a report of their proceedings to the said court at such day or days as the said court shall from time to time appoint, and the said court shall make such allowance for their trouble to the said commissioners out of the estate of the said insolvents as shall be just and reasonable.

[Section II.] And be it further enacted by the authority aforesaid, That the said commissioners or a majority of them shall be and they are hereby authorized and empowered to call before them the said trustee or trustees, his or their executors or administrators, and to compel them to exhibit just and true accounts of all lands, tenements, goods, chattels, moneys, debts and effects which have come to their hands in virtue of such conveyances and assignments, and also to call before them and to examine on oath or affirmation such persons as they shall think proper touching the same as well as concerning any debts or demands which shall be claimed or made by any creditor or creditors of such insolvents, and in case such trustee or trustees or his or their executors or administrators shall neglect or refuse to appear or to exhibit his or their accounts as aforesaid, or if any such witnesses shall refuse or neglect to appear or to be examined as aforesaid, it shall be lawful for the said commissioners or a majority of them to cause them to be apprehended by their warrant directed to the sheriff of the proper county and to commit the delinquents to the common gaol, there to remain without bail or mainprise until they shall comply with the directions of this act.

[Section III.] And be [it] further enacted by the authority aforesaid, That if any of the said trustees or their executors or administration shall conceive themselves aggrieved in any article or articles or particular matters or thing in the account settled and returned to the said court by the said commissioners and shall by his or their petition particularly mentioning the said articles or particular matters and things pray to be reheard by the said court, the justices thereof shall proceed to inquire into, hear and determine the same according to law and justice, and shall thereupon or upon the report returned as aforesaid order and adjudge the said trustees or trustees, his or their executors or administrators, forthwith to satisfy and pay

to each and every creditor and creditors of such insolvent debtors his just and reasonable dividend and proportion.

And whereas the laws of this province respecting domestic attachments are defective, inasmuch as they do not empower the justices to issue writs of attachment against persons who shall confine or conceal themselves within their own houses or elsewhere with intent to defraud their creditors:

[Section IV.] Be it therefore enacted by the authority aforesaid, That if it shall appear by the oath or affirmation of any creditor or creditors or any other credible person for him or them that his or their debtor or debtors have confined him or themselves in his or their own house or houses or concealed him or themselves elsewhere for and during the space of six days with design to defraud his, her or their creditors as is believed, and that he, she or they have not a clear real estate in fee simple within this province sufficient to pay his, her or their debts, it shall be lawful for the justices of the respective county courts of common pleas within this province to grant writs of attachment against all the lands, tenements, goods and chattels of such persons so confining or concealing him, her or themselves, upon which writs of attachment the proceedings shall be the same in all respects as are by law directed, used and accustomed in cases of attachments issued against the goods and chattels of persons absconding from their places of usual abode with design to defraud their creditors.

Passed January 22, 1774. Referred for consideration by the King in Council, August 12, 1774, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXXI, and the note to the Act of Assembly passed February 14, 1729-30, Chapter 315. The act in the text was repealed by the Act of Assembly passed March 24, 1818, P. L. 285.