

for a light
house.

of land near Presque' Isle and the town of Erie, to wit: Beginning on the north boundary line of tract No. thirty-eight, in the Erie Reserve, at the distance of fifty-eight perches, eastward, from the northwest corner of said tract, at a post, and running thence, north, sixty-three degrees, east sixteen perches to a post, thence south twenty seven degrees, east twenty perches to a post; thence south sixty-three degrees, west sixteen perches, to a post; thence north twenty-seven degrees; west twenty perches to the place of beginning; being part of tract No. thirty-eight, containing two acres, which has been laid off by commissioners appointed by an act of the legislature of Pennsylvania, passed the second day of April, in the year one thousand eight hundred and eleven.

State juris-
dic'ion to be
concurrent in
certain cases.

SECT. II. *And be it further enacted by the authority aforesaid,* That this commonwealth shall, and hereby doth retain, concurrent jurisdiction with the United States, over the said tract or piece of land so far, that process, civil and criminal, issuing under the authority of said commonwealth, may be executed in any part of the said two acres or in any building thereon to be erected.

JOHN TOD, *Speaker*
of the House of Representatives.

P. C. IANE, *Speaker of the Senate.*

APPROVED—the thirteenth day of March, one thousand eight hundred and twelve.

SIMON SNYDER.

CHAPTER LXXXI.

An ACT for the relief of insolvent debtors, residing in the city and county of Philadelphia, and their creditors.

Commission-
ers to be ap-
pointed.

SECT. I. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the governor of this commonwealth be, and he is hereby authorized, to appoint three persons in the city and county of Philadelphia, to be commissioners, to execute all and singular the duties and powers granted, enjoined, and required by the provisions of this act, and each and every commissioner so to be appointed, before he enters upon the duties of his office, shall take and subscribe before one of the judges of the supreme court, or of the court of common pleas, or district court, for the said county, an oath or affirmation, well and truly to perform all and singular, the duties enjoined on him by the provisions of this act; which oath or affirmation the said commissioners shall cause to be filed in the office of the prothonotary of the supreme court, for the eastern district.

Who shall
take and sub-
scribe an
oath, &c.

Which shall
be filed.

SECT. II. *And be it further enacted by the authority aforesaid,* Persons apprehending themselves insolvent, to petition.

That it shall be lawful for any person being a citizen of this commonwealth, and who shall believe him or herself to be insolvent, to present a petition to the said commissioners, provided such petitioner shall have resided in the said city or county two years, next before the time of presenting his or her petition, stating his or her belief of his or her insolvency, and praying that he or she may be permitted to assign all his or her estate and property, for the benefit of his or her creditors, and be discharged by virtue of this act; whereupon the said commissioners shall immediately appoint three curators, to whom all the estates, real, personal and mixed, of the petitioner shall be by him forthwith assigned; and the said curators shall immediately take possession thereof, and exercise complete controul over the same, in trust for all the petitioner's creditors, until the assignees hereinafter mentioned shall have been appointed, and the said curators shall immediately give notice of their appointment in three or more public newspapers, printed in the city of Philadelphia; and they shall allow the said petitioner the use of his or her house, and of such household furniture as shall be necessary for his or her comfort, and shall allow him or her out of the effects assigned, such weekly sum or allowance as may be necessary for the support of him or herself, or his or her family, as the case may be; and the said commissioners shall, on possession being taken of the estate and effects as aforesaid, grant to the said petitioner, under the hands and seals of the said commissioners, a provisional discharge, which shall protect such petitioner from all arrest or arrests in all civil cases, either on mesne or final process, until the case of the said petitioner shall be finally heard, and determined on by the said commissioners, in manner hereinafter provided; and the said commissioners shall forthwith appoint a time and place not less than twenty days distant from the time of executing the said provisional assignment, for hearing the said petitioner and his creditors, and shall direct the said curators to give notice thereof in three or more public newspapers as aforesaid; and shall direct the said petitioners to give at least fifteen days written or printed notice to at least two thirds of his or her creditors, in number and amount, within the said city and county; and on the day and time appointed for the hearing, the said petitioner on proving the service of notice upon at least two thirds of his or her creditors as aforesaid, and shall exhibit a true account or list of all his or her creditors, and of the monies due, or to become due, and owing to them respectively by the petitioner, and also an inventory and account of all his or her estate, real, personal and mixed, and of all interest of the said petitioner, either present or contingent, in any thing of value, and of all books, vouchers and securities, relating to the same, and

Persons apprehending themselves insolvent, to petition.

Provided they have resided in the city and county two years.

Curators to be appointed.

Who shall take possession of the petitioner's goods.

Notice to be given.

Allowance to the petitioner.

And discharge from arrest.

Petitioner and his creditors to be heard.

Notice to be given.

List of creditors, debts, and possessions to be exhibited.

every part thereof; whereupon one of the said commissioners shall administer to such petitioner the following oath or affirmation: "I do solemnly swear, (or affirm, as the case may be,) that the account, list and inventory now delivered to the commissioners, is true in all its parts to the best of my knowledge and belief, and that, to the best of my remembrance, nothing is omitted therein, and that if I should hereafter recollect or discover any thing that has been omitted or mis-stated, I will give immediate information thereof to the assignees now appointed or hereafter to be appointed in my case." And after such oath or affirmation has been administered, it shall be the duty of the said commissioners, to assign to three reputable persons, to be nominated by the creditors, and agents of creditors, or a majority in number and amount then present; which persons so appointed, shall be assignees, with full powers to seize, take, hold, possess, manage, and distribute in manner hereinafter provided, all the estate, real, personal and mixed, of the said petitioner, or which was of the said petitioner at the time of the provisional assignment, whether in the hands of the said curators or elsewhere, except such articles of household furniture and wearing apparel necessary to the said petitioner's comfort, and the comfort of his or her family, as may be approved of by the said commissioners, not exceeding in the whole three hundred dollars, the necessary tools or implements of his or her trade, and his militia arms and accoutrements; and the said curators shall forthwith deliver over to and account for with the said assignees all the estate, money and effects whatsoever, of the said petitioner, that may have come to their hands, deducting therefrom any sum that may have been by them reasonably allowed and expended in the execution of their trust, and also such compensation for their trouble as to the said commissioners may seem just and reasonable; and immediately from and after the appointment of the said assignees, all the powers and functions of the said curators shall cease and determine: *Provided always*, that all legal acts of the said curators, done before the appointment of the said assignees, shall be valid and binding upon the said assignees, and if any creditor or creditors, or any agent or attorney on behalf of any creditor or creditors, shall then appear to oppose the said petitioner, or to examine into the state of his or her affairs, the said creditor or creditors, his, her or their agent or attorney, may proceed to ask such questions of the said petitioner, or of any other person or persons, on oath or affirmation, as may tend to disclose the real situation of such petitioner's affairs, and to ascertain whether he or she be fairly entitled to the benefit of this act; and if any of the said creditors, or any agent or attorney of any of the said creditors, or any of the said commissioners, shall not be fully satisfied after such examination, then the said commissioners shall appoint a time and place for a

Oath to be taken by the petitioner.

Assignees to be appointed.

Powers and duties of.

Household goods and implements of trade, &c. exempted.

Curators to account, &c.

Compensation to.

Their powers to cease and determine.

Their acts to be binding on the assignees.

Creditors may oppose the petitioner, &c.

May propose questions.

Second examination may be had.

second examination, having regard in fixing the said time to the nature of the case, and to the facility or difficulty of obtaining any testimony that may be expected to be produced: *Provided however*, that such time shall never be less than ten or more than sixty days from the time of the first examination; and the said commissioners shall, upon the application of any creditor, or the agent or attorney of any creditor, or of the said petitioner, summon any person or persons to give testimony before such commissioners, at such time and place as shall be in such summons mentioned, and in case such person or persons shall refuse or neglect to attend, and upon the oath or affidavit of the due service of such summons, then it shall be lawful for the said commissioners to issue a warrant under their hands and seals, commanding the sheriff or other proper officer to apprehend such person or persons, as shall in such warrant be named, and to bring him, her, or them, before the said commissioners, at such time and place as shall in such warrant be mentioned, to answer such questions as shall be asked of him, her, or them, touching the affairs of the said petitioner; and if such person or persons, being served with such summons, shall duly appear, and refuse to answer, upon oath or affirmation, all legal questions touching the matter aforesaid, then it shall be lawful for said commissioners, by warrant under their hands and seals, to commit such person or persons to prison, there to remain till he or she shall answer as aforesaid, or shall be otherwise discharged according to law; and in every such warrant shall be specified the cause of commitment.

Within what time.

Witnesses to be summoned.

Penalty on neglecting to attend.

May be committed for refusing to answer.

SECT. III. *And be it further enacted by the authority aforesaid*, That if upon the said second examination, it shall appear to the satisfaction of the said commissioners,

I. That the said petitioner has not concealed any part of his property, or conveyed any part thereof in trust, in order to defeat or defraud his creditors: First specification to be sworn to by petitioner.

II. That he has not, since the passing of this act, made any partial or conditional assignment or conveyance in contemplation of insolvency, to secure any one or more of his creditors to the exclusion, or in preference, and to the damage of his other creditors: 2d specification.

III. That he hath not, since the passing of this act, aided, assisted, or abetted any one of his creditors in procuring any mortgage, judgment or any lien upon his estate, with intent to prefer any such creditor to the damage of his other creditors: 3d specification.

IV. That he hath not, since the passing of this act, made any fraudulent payment in contemplation of insolvency, with intent to prefer any creditor or creditors to the damage of his other creditors: 4th.

V. That he hath not, in contemplation of insolvency, made any fraudulent purchase, or fraudulently borrowed any sum of money with intent to defraud the party of whom such purchase 5th.

may have been made; or such money may have been borrowed :
VI. That he hath not been guilty of any fraudulent conduct, either by keeping false books or otherwise :

6th.

Petitioner to have a certificate of having conformed, &c.

Which shall be filed.

Transcript thereof to be a security against imprisonment.

And an exoneration from all debts due by him at its date, &c.

General issue may be pleaded, and the special matter given in evidence, &c.

Certificate to be filed.

And recorded.

Proceedings where the petitioner hath been guilty of any of the acts enumerated in the six specifications.

Then the said commissioners shall give to the said petitioner a certificate under their hands and seals, that the said petitioner hath in all things conformed to, and is discharged by this act, and the said petitioner shall forthwith, file the said certificate in the office of the prothonotary of the supreme court for the eastern district, who shall on application, for the fee of fifty cents, give a transcript thereof, under the hand of the said prothonotary, and the seal of the said court ; which certificate or transcript, shall be a sufficient authority to any sheriff or jailer to set such petitioner at large, if imprisoned, and shall be conclusive evidence in all courts of this state of the fact that such petitioner has been discharged by virtue of this act, and shall be construed to discharge such insolvent from all debts and demands due from him, or for which he was liable at the date of such certificate or contracted or originating before that time, though payable or liable to be exacted afterwards ; and no person so discharged, shall be liable to be arrested or imprisoned for any debt or demand due from him or to which he was liable at the time of the said discharge, or contracted or originating before that time though payable or liable to be exacted afterwards, and if sued, prosecuted, impleaded, arrested, or imprisoned for or by reason of any such debt or demand, may plead the general issue, and give the special matter in evidence, upon, and under a notice given with said plea, in which notice he shall state that he has been discharged under this act, the commissioners who signed the discharge and the date thereof ; and the said prothonotary of the supreme court is hereby required to file and preserve the said certificate, and to keep a book with a proper index, in which book he is hereby required to record the said certificate, and it shall be his duty to receive and safely keep in proper order, all the papers and documents hereinafter directed to be lodged in his office.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if upon such second examination, as is provided for in the third section of this act, it shall appear to the satisfaction of the commissioners that the said petitioner hath done, or committed, or been guilty of any of the acts or things enumerated under the six specifications in the said third section contained, then and in such case, the said commissioners shall proceed to assign to three persons, who shall be appointed in like manner, and shall have like powers and authority as in the second section is provided, and the powers and functions of the said curators shall cease and determine in like manner as in the said section is provided ; but the said commissioners shall not grant any such certificate to the said petitioner as is in the said second section directed to be

given ; and if there shall appear to the commissioners any strong ground to suspect fraud or perjury, the said commissioners shall bind over such petitioner in a recognizance, with two sufficient sureties, or if no such sureties can be found, commit such petitioner by warrant under their hands and seals to the common jail to answer to the next court of quarter sessions of the county of Philadelphia, for such fraud or perjury, or application may be made to any alderman, justice of the peace, or judge, to bind over, or commit any such person in the usual manner.

Shall be held in recognizance.

Or committed to jail.

SECT. v. *And be it further enacted by the authority aforesaid,* That if at the time appointed for the first hearing of the said petitioner and his creditors, neither any creditor nor the agent or attorney of any creditor shall attend the due service of the notices as before provided, being first proved, it shall be the duty of the said commissioners to examine the said petitioner, and such other persons as may be deemed necessary either at that time or at any other time, not more distant than ten days from the time of the first hearing, on oath or affirmation, touching the situation and transactions of the petitioner, and if it shall appear, to the satisfaction of the said commissioners, that the said petitioner hath not done, committed, or been guilty of any of the acts or things enumerated under the six specifications in the third section of this act contained, then the said commissioners shall appoint like assignees, whose powers, duties, and rights shall be the same as those of the assignees mentioned in the second section of this act, and such further proceedings shall in all things be had as in the said second section is provided. But if on the contrary it shall appear to the satisfaction of the said commissioners, that the said petitioner hath done, committed, or been guilty of any one of the said acts or things enumerated under the six specifications as aforesaid, then the said commissioners shall appoint like assignees, whose powers, duties and rights shall be the same as those of the assignees mentioned in the second section of this act ; and such further proceedings shall in all things be had as in the fourth section of this act is provided ; and if at the time appointed for the first hearing as aforesaid, any creditor or creditors, or the agent or attorney of any creditor or creditors, shall attend, and shall upon the said first examination be satisfied that the said petitioner is entitled to the benefit of this act, and if neither any creditor nor the agent or attorney of any creditor shall request such second examination as is provided for in the second section of this act, then and in such case the said commissioners shall proceed to appoint like assignees, nominated as aforesaid, whose powers, duties and rights, shall be the same as those of the assignees mentioned in the second section of this act, and such further proceedings shall in all things be had as in the said second section of this act is provided, and in every of the cases provided

Proceedings where none of the creditors attend.

And the petitioner's conduct is without fraud.

Where it is objectionable.

If any creditor or should attend, he may object, &c.

Of assignees.

Creditors.

for in this section, the powers and functions of the curators shall, immediately from and after the appointment of the assignees, cease and determine, in like manner as is provided by the second section of this act.

Certificate may be set aside within 6 years, &c.

Proceedings to be had respecting.

Statute of limitations not to run, &c.

Judges to certify the facts, &c.

Certificate to be filed.

Entry on certificate.

Questions, &c. to be reduced to writing.

Documents to be deposited with the prothonotary.

SECT. VI. *And be it further enacted by the authority aforesaid,* That if in any action that shall be brought in any court of record within this commonwealth, against any such petitioner, or his or her heirs, executors, or assigns, within six years after the date of such petitioner's certificate, it shall be found by the opinion of the court and the verdict of a jury, that the said petitioner had before the date of such certificate, done, committed, or been guilty of any of the acts or things enumerated under the six specifications in the third section of this act contained, or hath at any time since the time of presenting his petition, received and retained any debt due to him or her before the time of presenting his or her said petition, then from and after the date of the judgment in such action, or of the affirmance of such judgment, if such judgment shall not in the first instance have been acquiesced in, the said certificate shall be deemed to have been fraudulent, and shall from thenceforth be utterly void and of no effect; and the statute of limitations as to personal contracts, shall not be construed to run, or to have run in favour of such petitioner during the time in which he was protected by such fraudulent certificate; and the judges of the said court before whom such action was tried, shall, at the request of the plaintiff, certify that the facts found by the jury were sufficient to avoid the said petitioner's certificate, which certificate given by the said judge or judges, shall be filed in the prothonotary's office in which the said insolvent's certificate remains of record; and the said prothonotary shall thereupon enter on the margin of the recorded insolvent's certificate, the words "fraudulent and void."

SECT. VII. *And be it further enacted by the authority aforesaid,* That any creditor, or the agent or attorney of any creditor, at any examination of the said petitioner, shall have a right to require the said commissioners to reduce to writing any question or questions that may be put to the said petitioner, and the said petitioner's answer or answers thereto, which said question or questions, together with the answer or answers, shall be signed by the said petitioner and certified by the said commissioners under their hands and seals, and the same, together with all documents exhibited upon the examination of the said petitioner, except such as it may be deemed necessary to deliver to the assignees or to other persons interested in the same, together with a true account of all the proceedings, shall be, by the said commissioners, immediately after the final decision of the said petitioner's case, deposited with the said prothonotary of the supreme court, there to remain of record.

SECT. VIII. *And be it further enacted by the authority aforesaid,* Petitioner
 That if such petitioner shall conceive that the said commissioners may appeal to-
 ers in any case shall have unjustly refused to grant the certificate the supreme
 herein before mentioned, the said petitioner shall have a right to court.
 appeal to the supreme court of the eastern district, which appeal Appeal to be
 shall be entered on the docket of the said court, and the said entered.
 court shall, on motion (on legal proof of due notice having been
 given to the said commissioners of the time when such motion
 would be made,) appoint, at their discretion, three arbitrators, Arbitrators
 whose duty it shall be to examine and report whether the said to be appoint-
 petitioner is justly entitled to a certificate according to the ed.
 provisions of this act, and the said referees shall have the same pow- Powers of.
 ers and authority to examine the said petitioner and every other
 person or persons, under oath or affirmation, to compel the at-
 tendance of witnesses, and to compel answers to all legal ques-
 tions as is given to the said commissioners, in and by the second
 section of this act. And upon the report of the said referees, Report of, to
 the said court if they approve thereof, shall order and adjudge be final.
 that the said certificate be allowed or the appeal be dismissed
 agreeably to the said report : *Provided always,* that any certifi- Proviso.
 cate, obtained by virtue of this section, shall be liable to the pro-
 visions of the sixth section of this act, the report of the said re-
 ferees, and the proceedings of the court thereon as aforesaid to
 the contrary notwithstanding.

SECT. IX. *And be it further enacted by the authority aforesaid,* Majority may
 That a majority of the said commissioners, or of the curators, ar- act.
 bitrators or assignees, mentioned in any part of this act, shall in
 all cases, have full power to act, and the act or acts of such ma-
 jority, shall be in all cases valid and binding ; and if any of the
 said commissioners, curators, assignees or arbitrators, shall re- How vacan-
 fuse to serve, or shall die, or be rendered incapable to serve, the cies are to be
 vacancy shall be supplied in the same manner in which the supplied.
 original appointment or nomination was made ; and any of the
 said commissioners may be removed by the governor for misbe- Commission-
 haviour, and the said commissioners, on complaint of any person ers may be
 whom it may concern, and good cause shown, shall have power removed.
 to displace any of the said curators or assignees, and to appoint And others
 others in their stead, in the same manner in which the original appointed.
 appointment may have been made ; and in case of the refusal Attachments
 of any of the said curators or assignees to exhibit their accounts, to be issued
 or to deliver up all the books, papers, documents, and securities, against cura-
 relating to the estate of the said petitioner, and also all the mo- tors, &c. for
 nies and effects that may have come to their hands by virtue of refusing to
 their trust, and in such case the said commissioners are hereby exhibit their
 empowered and required to issue an attachment against the said accounts, &c.
 curator or assignee, to bring him before the said commissioners,
 and commit him, if necessary, to the common jail, until he has

And committed. complied with the provisions of this act, or is otherwise discharged according to law.

What shall constitute insolvency.

SECT. X. *And be it further enacted by the authority aforesaid,* That if any debtor, being a merchant, trader, or person using commerce, or exercising the occupation of buying and selling, or of a factor or commission merchant, shall fraudulently confess, or cause to be obtained, any judgment, or shall fraudulently cause, or suffer his or her lands, tenements, goods or chattels, to be levied upon, to defeat or delay his or her creditors ; or to secure or satisfy any one creditor in preference to, or to the injury of his or her other creditors ; or shall depart from his or her dwelling house with intent to avoid his or her creditors, or being within his or her house, shall cause him or herself to be denied in order to avoid his or her creditors ; or shall suffer any two promissory notes, drawn payable without defalcation, and endorsed to and held by different persons or bodies corporate, of or on which notes the said debtor shall be drawer or endorser to remain protested and unpaid for the space of thirty days ; or shall suffer any execution on any judgment, to the amount of two hundred dollars, to be returned nulla bona ; or shall buy goods, wares or merchandize upon a credit, and afterwards sell or dispose of the same or a greater part thereof, for a less price than he or she contracted to pay for them, in order and with intent by such purchase and sale, or purchase and disposition, to pay or satisfy any creditor other than the person from whom such purchase was made ; then it shall and may be lawful for any three creditors of such debtor, whose debts shall together amount to one thousand dollars, to apply to the said commissioners, and upon one of the said creditors making affidavit of the facts upon which the said application is founded, and all of them making affidavit of their belief that the said debtor is insolvent, it shall be the duty of the said commissioners to issue a warrant under their hands and seals, requiring the sheriff, or other proper officer, to bring the said debtor before the said commissioners forthwith, to answer such questions as may be asked of him or her touching his or her solvency. And upon such debtor appearing before the said commissioners, the said commissioners, or the said creditors, or any other creditors who may attend, may proceed to ask such questions of the said debtor as may tend to disclose the situation of the said debtor as far as regards his or her solvency, which questions the said debtor shall be compelled to answer on oath or affirmation, according to the best of his or her knowledge and belief ; and if the said debtor shall refuse to answer such questions, or shall not either satisfy the said commissioners of his or her solvency, or shall not swear or affirm that to the best of his or her knowledge and belief, he or she is solvent, the said commissioners shall proceed to appoint curators ; and such further pro-

Creditors may apply to the commissioners.

Affidavit to be made.

Commissioners to issue a warrant.

Debtor to be brought forth.

And examined.

On oath or affirmation.

Proceedings on refusal, &c.

ceedings shall be had in all things as if the said debtor had voluntarily petitioned according to the provisions of the second section of this act. But if the said debtor shall swear or affirm, that to the best of his or her knowledge and belief, he or she is then solvent, the said oath or affirmation shall be reduced to writing, signed, certified, and recorded in like manner as in the case provided for in the seventh section of this act; and the said commissioners shall then proceed no further in the case; but if the said debtor shall at any time afterwards, apply for the benefit of this act, and if upon his or her examination, or in the investigation of his or her affairs, it shall appear that the said debtor must have known himself or herself to have been insolvent at the time at which he or she shall have been sworn or affirmed to the contrary thereof as aforesaid, then such person shall not receive any such certificate as is herein before provided, and shall moreover be, by the commissioners to whom he or she shall apply for the benefit of this act. bound over to answer for the crime of perjury, in like manner as is provided in the fourth section of this act.

When debtor swears to his solvency.

Penalty on swearing falsely.

SECT. XI. *And be it further enacted by the authority aforesaid,* That the assignees appointed by virtue of this act, shall, before they enter upon the execution of the trust hereby reposed in them, take an oath or affirmation, to be administered by the said commissioners, honestly and truly, to the best of their knowledge and ability, to observe and perform the duties enjoined upon them by this act; and the said assignees are hereby declared to be vested with all the estate, real, personal and mixed, of the said petitioner, or which was of the said petitioner at the time of presenting his or her petition; and they shall have power and authority to dispose of and convert the same into money, to execute deeds for real estate, redeem mortgages, and conditional contracts, satisfy all judgments, bring and maintain such real or personal actions as shall be necessary and expedient for the complete execution of their trust; to refer to arbitration, settle and compound, or agree with any person indebted to the said petitioner, in such manner as may appear most advantageous to the creditors of the said petitioner.

Assignees to take an oath, &c.

Debtors estate vested in them.

Powers of.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the assignees shall forthwith, after such assignment, cause due notice thereof to be given, and shall in such notice, require all the creditors of the petitioner to appear, by themselves or agents, at a time and place therein to be specified, to prove their debts; and any creditor shall, if required, be allowed to prove his debt by oath or affirmation, taken before, and duly certified by any judge or alderman, or justice of the peace, or notary public within this commonwealth, or in any other legal manner; and in case of any controversy relating to such debts, it shall

Notice of assignment to be given.

Creditors to prove their debts.

Arbitrators to be chosen when debts are disputed. In what manner. Vacancies how supplied.

be determined by three arbitrators, to be mutually chosen by the assignees, and the creditor, or in manner following, that is to say, the said commissioners shall furnish a list of the names of nine persons, not creditors of the petitioner, and the said assignees shall strike out of the said list, three, and the creditor whose debt is in controversy, shall strike out other three of the said names, and the remaining three persons shall finally determine and settle the said controversy; and if the said assignees or any of the said creditors, shall neglect or refuse to strike out three persons as aforesaid, the said commissioners shall strike out as aforesaid for the said creditor or assignees, so refusing or neglecting; and in case of the refusal of all or any of the persons so appointed to be arbitrators, or of their or any of their inability to serve in a reasonable time, a new choice shall be again made, in the same manner, in the room of the person or persons so refusing or neglecting.

Debts incurred before, but not due till after petitioning, to be allowed, &c. And paid as other debts. Interest to be deducted. Set off allowed.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That all persons who have given credit to such petitioner, on a valuable consideration for any sum of money, or other matter, promise, contract or thing, which is or shall not be due or payable, or liable to be exacted or performed, at or before the time of presenting the petition, shall and may be admitted and considered as creditors whose debts are then due, and shall receive a dividend, or be considered as having a claim to a dividend, if such debt or contract be contingent in the same proportion as the other creditors, deducting therefrom only a rebate of interest, at the rate of six per centum per annum, for what shall be received on such debts, (unless such debts shall be payable with interest,) to be computed from the actual payment thereof to the time when they would have become due; and when it shall appear that there hath been a mutual credit given by the said petitioner and any other person, or that mutual debts or demands were subsisting between them before such petition was presented, the one debt may be set off against the other, and the balance due on either side after such set-off, and no more, shall be claimed or paid.

First dividend. Commissioners to attend. Accounts to be exhibited by the assignees. May be examined on oath, &c. Commissioners to audit the accounts, &c.

SECT. XIV. *And be it further enacted by the authority aforesaid,* That within three months of the time of their appointment the said assignees shall cause public notice to be given of the time and place at which they intend to meet to make a dividend of all the funds of the said petitioner's estate, so far as the same may have been realized, which time so to be appointed, shall be within three months from the date of the said notice, at which time and place the said commissioners shall also attend, and the said assignees shall then and there exhibit all their accounts, and reasonable allowance shall be made to the said assignees for their services; and the said assignees or any of them, shall, if required, be examined on oath or affirmation, to be administered by the said commissioners touching the truth of the said accounts;

and the said commissioners shall audit the same and certify the sum to be allowed to the said assignees ; and at the said time and place the creditors of the said insolvent, who shall not before have proved their debts, shall then be allowed to prove the same, and all costs, fees, and charges arising out of the proceedings under this act, shall be first paid, and the residue shall be divided amongst the creditors, in proportion to their respective claims ; in which dividend so to be made, no preference shall be given to debts due by speciality or otherwise.

Creditors may at this time prove their accounts. Costs, &c. to be first paid. Dividend to be made.

SECT. xv. *And be it further enacted by the authority aforesaid,* That within twelve months next after making the dividend aforesaid, the said assignees shall make a second dividend of the estate of the said petitioner, in case the same shall not have been wholly divided at the first dividend, and shall cause like notice to be given, and creditors who have not theretofore proved their debts may then prove the same ; and the said assignees shall in manner aforesaid, exhibit their accounts, and if required, be examined as aforesaid, and in case of dispute between the said assignees and the creditors, the commissioners are hereby required to adjust the same, and the nett proceeds shall be then divided among the creditors, allowing to the creditors who have not proved their debts at the former meeting of the said assignees, their just proportion thereof ; and the second dividend shall be final, unless any suit at law or equity be depending relative to the estate of the said petitioner, or unless some other estate or effects should thereafter vest in, or come to the hands of the said assignees, or unless some money or effects should remain in their hands to answer to some contingent claim, in any of which cases the said assignees shall, as soon as conveniently may be, settle the said contingent claims, convert the said estate or effects into money, and within two months thereafter, divide the same among the creditors aforesaid ; and if any overplus shall remain after the payment of all the creditors, and all the fees and expenses arising out of the proceedings under this act, the said assignees shall pay over the same to the said petitioner, or to his or her legal representatives.

Second dividend when to be made.

Debts may be proved before.

Commissioners to audit, &c.

Second dividend to be final, &c.

Of contingent claims.

Overplus to be returned to the petitioner.

SECT. xvi. *And be it further enacted by the authority aforesaid,* That in all cases wherein any petitioner shall have complied with the provisions of this act, and shall have received a certificate as aforesaid, two thirds in number and value of the creditors of the said petitioner, who shall have proved their debts, may make such reasonable allowance to the said petitioner out of the estate and effects assigned, as the circumstances of the case may appear to them to warrant : *Provided,* that such allowance shall not exceed ten per centum on the nett produce of the said estate and effects ; *Provided also,* that no such allowance shall be made in cases wherein any petitioner shall have made any partial or conditional assignment, with intent to prefer

Allowance to be made to the petitioner.

Not to exceed ten per cent. Proviso.

any creditor or creditors, in exclusion, and to the damage of his or her other creditors.

Commission-
ers fees.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That the said commissioners shall severally have and receive the following fees, to wit: For receiving any petition and directing the assignment fifty cents, to be paid in the first instance by the petitioner; for his attendance at any meeting of the creditors, fifty cents; for examining the said petitioner and others, in case neither any creditor nor the agent of any creditor shall attend, as is provided for in the fifth section of this act, fifty cents; for deciding on the propriety of granting or refusing the petitioner's certificate, fifty cents; and the following sums for the following services shall be paid and allowed to the said commissioners; for making up a record of the proceedings, and lodging it, together with all the documents, as herein before provided, with the clerk or prothonotary of the supreme court, one dollar; for reducing to writing and certifying any examination of the said petitioner, as by the seventh section of this act is provided, one dollar; and the said commissioners shall on no pretence whatever, receive other or greater fees than those herein provided and directed to be paid and allowed; and the services for which no fee is allowed in this section shall be performed gratis.

Penalty for
concealing ef-
fects of the
petitioner.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That any person or persons who at any time before or after the passing of this act, shall accept, or shall have accepted any trust or trusts for the benefit of any such petitioner, or shall have in his, her or their possession, any estate, real, personal or mixed, of such petitioner, and shall not forthwith after notice of such assignment, fully discover and disclose such trust and estate to the assignees, shall forfeit the sum of one hundred dollars, and also double the value of the estate so conveyed in trust, or concealed, to be recovered with costs, by action in any court of record having cognizance thereof, in the name or names of the said assignees for the use and benefit of the creditors of the said insolvent; and in case the said assignees shall neglect or refuse to prosecute for such penalties, then any creditor of the said petitioner may, at his own risk and expense, sue for and recover the same for his own use and benefit; and the creditor who, upon the neglect and refusal of the said assignees as aforesaid, shall first sue for the same, shall be entitled to all the said penalty and penalties; and from and after the passing of this act, all conditional and partial assignments made by any person or persons, in contemplation of insolvency, with intent to defraud creditors, or with intent to prefer any creditor or creditors to the exclusion and to the damage of the other creditors, shall be utterly void and of no effect.

How recov-
erable.

Assignees to
prosecute.
or creditors.

Partial or
fraudulent as-
signments to
be void.

Of perjury.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That if any person who shall be legally sworn or affirmed by

virtue of this act shall be guilty of wilful perjury, he shall be prosecuted and punished in the same manner as persons guilty of wilful and corrupt perjury are or shall be prosecuted and punished by the laws of this commonwealth.

SECT. XX. *And be it further enacted by the authority aforesaid,* Limitation of
That this act shall continue until the first day of April, one thou- this act.
sand eight hundred and fifteen, and no longer, but the same shall be always in force for the completion of any proceedings on the petition of any insolvent debtor, begun previous to the said first day of April, one thousand eight hundred and fifteen; and for the purpose of prosecuting any offence or misdemeanor the punishment of which is provided for in this act.

JOHN TOD, *Speaker*
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the thirteenth day of March, one thousand eight hundred and twelve.

SIMON SNYDER.

CHAPTER LXXXII.

An ACT to provide for the election of representatives of the people of this state, in the congress of the United States.

SECT. I. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of electing representatives of the people of Pennsylvania, to serve in the house of representatives, in the congress of the United States, this state shall be divided into fifteen districts, as follow, the city of Philadelphia and the counties of Philadelphia and Delaware, shall be the first district, and shall elect four members; the counties of Chester and Montgomery, shall be the second district, and shall elect two members; the counties of Lancaster and Dauphin shall be the third district, and shall elect two members; the county of York shall be the fourth district, and shall elect one member; the counties of Cumberland, Franklin and Adams, shall be the fifth district, and shall elect two members; the counties of Bucks, Northampton and Wayne, shall be the sixth district, and shall elect two members; the counties of Berks and Schuylkill, shall be the seventh district, and shall elect one member; the counties of Bedford, Somerset and Cambria, shall be the eighth district, and shall elect one member; the counties of Mifflin, Huntingdon, Centre, Clearfield, and McKean, shall be the ninth district, and shall elect one member; the counties of Northumberland, Luzerne, Ontario, Susquehanna, Lycoming, Tioga and Potter, shall be the tenth district, and shall elect two members; the counties of Westmoreland, Indiana, Jefferson and Armstrong,

Commonwealth divided into 15 congressional districts.
First district.
Second.
Third.
Fourth.
Fifth.
Sixth.
Seventh.
Eighth.
Ninth.
Tenth.