

1729-30. in as they might have done before the making of this act, any thing herein contained to the contrary notwithstanding.

Passed 14th February, 1729-30.—Recorded A. vol. II. page 382.

CHAPTER CCCXI.

A SUPPLEMENT to the act, entitled An Act for preventing clandestine marriages. (h)

WHEREAS the good intention of an act of Assembly of this province, entitled *An Act for preventing clandestine marriages*, hath been very much eluded, by reason that no proper penalty is by the said law imposed upon the Justice of Peace, or other persons, marrying or joining in marriage any persons contrary to the intent and meaning of the said act: For the remedying whereof, *Be it enacted*, That no Justice of the Peace shall subscribe his name to the publication of any marriage within this province, intended to be had between any persons whatsoever, unless one of the persons, at least, live in the county where such Justice dwells, and unless such Justice shall likewise have first produced to him a certificate of the consent of the parent or parents, guardian or guardians, master or mistress of the persons, whose names or banns are to be so published, if either of the parties be under the age of twenty-one years, or under the tuition of their parents, or be indentured servants, if such parent, guardian, master or mistress live within this province, or can be consulted with; and also that no person or persons, of what character or degree soever he be, presume to publish the banns of matrimony, or intentions of marriage, between any person or persons, in any church, chapel, or other place of worship, within this province, unless one of the parties at least live in the town, county or city, where such publication shall be made, and unless the person or persons making or causing to be made such publication, shall have received such certificate of the consent of the parent, guardian, master or mistress, as is herein before directed, if the parties who ought to grant such certificate live within this province.

No marriage of non-residents, minors or servants, to be published without certificates, &c.

Penalty on Justices, clergymen, &c. acting contrary to the directions of this act.

II. And if any Justice of the Peace, clergyman, minister, or other person, shall take upon him or them to join in marriage any person or persons, or if any Justice of the Peace shall be present at and subscribe his name as a witness to any marriage within this province, without such publication being first made as aforesaid, such Justice of Peace, clergyman, minister, or other person, taking upon him to sign, make, or cause to be made, any publication contrary to the directions of this act, or shall marry or join in marriage any person or persons not published, as in the aforesaid act of assembly, and by this act, is directed, every Justice of Peace, clergyman, minister, or other person, so offending, shall, for every such offence, forfeit the sum of fifty pounds, to be recovered in any Court of Record within this province, by bill, plaint or informa-

(h) For the original act, see ante. chap. 109; and the note there subjoined, page 21, 22.

tion, by the person or persons grieved, if they will sue for the same, wherein no essoin, protection or wager of law, nor any more than one imparlance, shall be allowed. 1729-30.

III. *Provided*, That nothing herein contained shall be deemed to extend to any person, who shall be married in the religious society to which they belong, so as notice be given to the parent or parents, guardian or guardians, masters or mistresses, of the person or persons so to be married, if such parent, guardian, master or mistress live within this province, at least twenty days before such marriage be solemnized; nor that this law shall extend to any person marrying by the authority of any lawful licence, so as such consent or approbation in writing of the parent or parents, guardian or guardians, masters or mistresses, as by this act is directed, be first had, and the same consent be certified in the body of the said licence; any thing herein, or in the aforesaid act of assembly, contained to the contrary notwithstanding.

Marrying in religious societies not forbid by this act, so as notice be given, &c.

Consent of parents, &c. to be certified in licences.

Passed 14th February, 1729-30.—Recorded A. vol. II. page 387.

CHAPTER CCCXV.

An ACT for the relief of insolvent debtors within the province of Pennsylvania.

WHEREAS, in compassion to such unhappy persons, as, by losses and other misfortunes, have been rendered incapable to pay their debts, it is provided by an act of assembly of this government, that if any person be imprisoned for debt, or fines, within this province, and have no sufficient estate to satisfy the same, the debtor shall make satisfaction by servitude, according to the judgment of the court; but there being no provision made by the said law to compel the debtor to render any account of his or her estate, great abuses have been committed by persons claiming the benefit of that law, in concealing their estates, or making them over in trust, so that no clear discovery could be made of the same by the creditors; and it being found by experience that the service of the debtor has in no wise answered the end proposed in making the said law: Therefore, for the relief of such prisoners, who shall be willing to satisfy their creditors as far as they are able, *Be it enacted*, That if any person or persons, charged in execution for any sum or sums of money, not exceeding in the whole the sum of one hundred pounds, from and after the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and thirty, shall be minded to deliver up to his, her or their creditors, all his, her or their effects, towards the satisfaction of the debts wherewith he, she or they stand charged, it shall and may be lawful for such prisoner to exhibit a petition to any of the courts of law within this province, from whence the process issued, upon which he, she or they was or were taken or charged in execution, certifying the cause or causes of his or their imprisonment, and an account of his, her or their whole real and personal estate, with the dates of the securities wherein any part of it consists, and the deeds or notes relating thereunto, and

Prisoner to exhibit a petition, &c.