

1787.

## CHAPTER MCCL.

*An ACT containing a supplement to the acts made for the relief of insolvent debtors, and also granting relief to felons unable to make restitution of stolen goods.*

SECT. I. WHEREAS it is proper that the laws for the relief of insolvent debtors should be extended, in order to make them correspond with the words and spirit of the twenty-eighth section of the constitution of this state: And whereas the confinement of persons who have been convicted of crimes against the commonwealth, until they make restitution for the goods stolen, or pay the value thereof has been found oppressive to such convicts, and expensive to the state, without answering the good purposes intended thereby: Therefore,

SECT. II. *Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, That* from and after the passing of this act, all and every person or persons who is, are, or shall be, held in confinement, by order or judgment of any court of this state, committing him, her, or them, until he, she or they restore to the owner or owners any stolen goods, chattels or effects, or pay to the owner or owners the value thereof, or until he, she or they pay to such owner or owners the sum or sums of money allowed by the court, for the loss of time, charges and disbursements of such owner or owners, in the apprehending and prosecuting of such offender or offenders, shall and may be discharged from personal imprisonment by the court, which shall have committed such offender or offenders as aforesaid, so far as regards confinement for such causes, if such court shall, on consideration of the situation and circumstances of such offender or offenders, find, that he, she or they cannot make such restitution or payment: *Provided always, That* no such discharge shall be made, unless reasonable previous notice be given by the offender or offenders to the owner or owners aforesaid, respectively, his, her or their agent or attorney in fact, if such owner or owners be in this state at the time, or on proof of due diligence to find such owner or owners, his, her or their agent or attorney in fact, and that such owner or owners, agent or attorney, cannot be found.

SECT. III. *And be it further enacted by the authority aforesaid, That* every debtor who is, or who shall be, charged in execution for rent, shall be entitled to the benefit of the acts heretofore made for the relief of insolvent debtors, (except such acts as are made for particular debtors by name,) in like manner as those debtors who are charged in execution for other debts.

SECT. IV. *Provided always, That* nothing herein contained shall deprive any landlord or landlords of the benefit of the act, entitled "An act for the relief of insolvent debtors within the province (now state) of Pennsylvania," so far as regards any remedy, by distress of goods or chattels actually distrained, or liable to distress, and so that such landlord or landlords do not arrest, or in any way confine, the body of the insolvent debtor, in the course of such remedy.

[See vol. 1, pa. 187, chap. 315, and the notes thereto subjoined.]

Persons committed till the restoration of stolen goods or payment of the value, &c. may be discharged as insolvent debtors, by the proper court.

Reasonable notice to be given to the owner, or his attorney.

Debtors in execution for rent may be discharged as insolvent debtors.

But this not to affect the landlord's remedy by distress.

SECT. V. *And be it further enacted by the authority aforesaid, 1787.*  
 That it shall not be lawful for any court to remand to gaol any debtor or person entitled to the benefit of this act, or the acts heretofore made for the relief of insolvent debtors, although the creditor or creditors shall desire the same to be done, and offer to comply with the security, weekly payments, and other requisites provided by the laws of this commonwealth, for such purpose made and now in force, except in case of a strong presumption of fraud committed by the insolvent person or persons applying, and required by his, her or their creditor or creditors to be remanded.

No insolvent debtor to be remanded on a weekly allowance.

Except there is a strong presumption of fraud.

SECT. VI. *And be it further enacted by the authority aforesaid,*  
 That so much of the acts made for the relief of insolvent debtors, as is hereby altered or supplied, be, and the same is hereby repealed.

Repealing clause.

Passed 28th February, 1787.—Recorded in Law Book, No. III. pa. 165.

## CHAPTER MCCLII.

*A SUPPLEMENT to the act, entitled "An act for the more speedy and effectual administration of justice."*

SECT. I. **WHEREAS** doubts have arisen respecting the construction of the seventh section of the act, entitled "An act for the more speedy and effectual administration of justice :—" For removing whereof,

[Ante. chap. 2235, p. 391.]

SECT. II. *Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That nothing in the said act shall be taken or construed to prevent any plaintiff or plaintiffs from removing into the Supreme Court, by writ of *certiorari*, any suit or action, which, by virtue of the said act, cannot be originally commenced in the said Supreme Court, but that every such plaintiff or plaintiffs shall be at liberty to remove into the said court any such suit or action, as they might or could have done, before the passing of the said act.

Plaintiffs may, as formerly, remove into the Supreme Court, causes which could not be originally brought there.

Passed 28th February, 1787.—Recorded in Law Book No. III. page 167.

## CHAPTER MCCLIII.

*An ACT for the establishment of an academy, or public school, in the town of Pittsburgh. (u)*

Passed 28th February, 1787.—Private Act.—Recorded in Law Book No. III. page 167.

(u) By an act of the 10th of Sept'r, made to the trustees of the Pittsburgh 1787, a grant of 5000 acres of land was academy. (Note to former edition.)

## CHAPTER MCCLV.

*An act for incorporating the German Lutheran congregation in and near the borough of Lancaster, in the state of Pennsylvania.*

Passed 5th March, 1787.—Private act.—Recorded in Law Book No. III. pa. 169.