

As to Sections I-VIII, see notes to the Acts of Assembly passed March 5, 1725-26, Chapter 289; November 27, 1755, Chapter 406.

As to Sections IX-XXXI, they were continued by the Acts of Assembly passed October 22, 1763, Chapter 505; May 20, 1767, Chapter 559; February 17, 1768, Chapter 571; February 18, 1769, Chapter 580. Repealed by the Act of Assembly passed March 21, 1772, Chapter 656.

CHAPTER CCCCXIII.

AN ACT FOR THE RELIEF OF JOSEPH YEATES, A LANGUISHING PRISONER IN THE GAOL OF PHILADELPHIA, WITH RESPECT TO THE IMPRISONMENT OF HIS PERSON.

Whereas Joseph Yeates, of the city of Philadelphia, by his petition to the assembly of this province hath set forth: That he has been long confined in gaol in the said city under execution at the suit of Thomas Robey for a debt of one hundred pounds sterling; that the said Joseph by his said confinement is rendered utterly incapable of satisfying the same; that he had used his utmost endeavors to prevail upon his said creditor to accept of an assignment of all his effects and release him from his imprisonment; that if the same proved deficient, the petitioner might be the better enabled when at liberty to make his said creditor full payment and satisfaction; and that all his endeavors for obtaining his liberty have proved fruitless.

And whereas it hath been represented to the satisfaction of this assembly that the said Joseph Yeates hath lived and traded in this and the neighboring provinces divers years last passed, by which means he has debts and effects due and owing to him, which if in time collected may be applied towards the paying and satisfying as well the aforesaid Thomas Robey as other the creditors of the said Joseph; that if they are not speedily looked after and collected the same may be totally lost and the said Joseph subject to imprisonment during life. And it being further represented that if the said Joseph Yeates might obtain his liberty and freedom of his person from arrests, he is willing and ready to assign over all his estate, real and personal, to

which he hath any right or title in law or equity to any person or persons in trust to recover for the use and benefit of all his creditors:

Wherefore, as well to relieve the said Joseph Yeates from the distress of imprisonment of his person as to render his liberty useful and beneficial to his creditors, we the representatives of the freemen of the said province do pray that it may be enacted:

[Section I.] And be it enacted by the Honorable William Denny, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and of the counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the said representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That if the said Joseph Yeates shall on the twentieth day of this instant September exhibit to the justices of the court of common pleas of the city and county of Philadelphia, in the county court of common pleas then to be held at Philadelphia for the said city and county, or at any other succeeding court of common pleas to be held for the said city and county, a petition together with a true and perfect account of all his estate both real and personal, with the dates of the securities wherein any part of his estate, debts or effects consists, and the deeds or notes relating thereto, and the names of the witnesses to the same so far as his knowledge extends thereto, the said court shall, upon the petition of the said Joseph Yeates, and exhibiting such account as aforesaid, with the names of his creditor or creditors at whose suit he is imprisoned, cause the said Joseph Yeates by an order or rule of court to be brought up, and the creditor or creditors at whose suit he stands charged to be summoned to appear personally or by his or their attorney in court at a day to be appointed within four months for that purpose; and the said court shall then and there in the presence of the said creditor or creditors, if he or they will be present, administer to the said Joseph Yeates a legal qualification to the following effect, viz.:

That the account by him the said Joseph Yeates delivered into

that honorable court in his petition to the said court doth contain a true and perfect account of all 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 not exceeding ten pounds in value in the whole), and that he has not at any timesince 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, stock, money, debts or other real or personal estate, whereby to have or expect any benefit or profit to himself or to defraud any of his creditors to whom he is indebted.

And the said Joseph Yeates having taken such qualification in open court, and his creditor or creditors being therewith satisfied or failing to discover any effects or estate of the said Joseph Yeates omitted in such of his account, and the said Joseph Yeates making an assignment to any one or more of his creditors as the court shall order and direct in trust for the rest of them of all his lands, goods and effects contained in such account by a short endorsement on the back of the same account, 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 and sue for the same in his or their own name or names, and that no release of the said Joseph Yeates, his executors or administrators, subsequent to such assignment shall be any discharge or bar to the assignees aforesaid, that then the said court, upon his making such assignment as aforesaid, shall cause and order the said Joseph Yeates to be discharged from his imprisonment aforesaid.

[Section II.] And be it further enacted by the authority aforesaid, That the person of the said Joseph Yeates, after such his discharge as aforesaid, shall not at any time hereafter be imprisoned for any debts by him before that time contracted.

Provided nevertheless, That the discharge of the said Joseph Yeates by virtue of this act shall not acquit or discharge any

other person from such debt, sum or sums of money for which such person now is bound or engaged for or with the said Joseph Yeates, but that all others shall be answerable for the same in such manner as they were before the passing of this act.

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

Passed September 21, 1756. Referred for consideration by the King in Council, November 14, 1758, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXI, Section V.