

And that the said John Sargent, George Aufrere, David Barclay, junior, and John Barclay shall have and receive for their care and trouble in receiving the moneys and performing the duties required of them by this act the sum of twenty shillings for every hundred pounds, and no more.

Passed September 26, 1761. Referred for consideration by the King in Council, February 15, 1762, and allowed to become a law by lapse of time in accordance with the proprietary charter. See appendix XXIV, Section II, and the Acts of Assembly passed May 14, 1762, Chapter 483; March 4, 1763, Chapter 488; October 22, 1763, Chapter 505.

CHAPTER CCCCLXXI.

AN ACT FOR THE RELIEF OF WILLIAM GRIFFITTS, WITH RESPECT TO THE IMPRISONMENT OF HIS PERSON.

Whereas William Griffiths, of the city of Philadelphia, merchant, by his petition to this house hath set forth [that] by losses in trade for several years successively he found himself about eighteen months ago incapable of paying his creditors their respective just demands; whereupon, to do equal justice to each of them as far as lay in his power, by and with the approbation of far the greatest part of them, he did convey and deliver up to certain trustees named and chosen by a majority of the said creditors all and every part of his real and personal estate excepting only one hundred pounds reserved by the consent of his said creditors to pay certain poor persons for sums of money left in his, the said William Griffiths' hands to which said surrender of the said William Griffiths' real and personal estate his wife also added all her estate, amounting to several thousand pounds, on condition that his the said William Griffiths' body should be free from arrest and imprisonment; yet that some of his creditors refuse to agree (as almost all the rest of his creditors have done) to take their ratable proportion of what the whole of his and his wife's estates may produce, holding his body to bail and thereby obliging the trustees of the said estates to suspend

making the intended dividend thereof amongst all his creditors, expecting himself daily to be closely confined in gaol and praying such relief in the premises as shall be thought reasonable and just with regard to himself, and that the said trustees may be enabled to make equitable distribution of his and his wife's estates [as aforesaid] amongst all his creditors.

And whereas Charles Norris, John Reynell, attorney to Elias Bland, Daniel Rundle, Joseph Richardson, William Fisher, Joshua Howell, James & Drinker for themselves and William Neale, John Nixon, Thomas Carpenter, Thomas Moore, Joseph Wharton, junior, Charles Monk, Oswald Eve, Robert Field, Francis & Relfe, Samuel Ormes, Reed & Petit, Peter Wikoff, for John & Peter Wikoff, John Mease, John Nelson attorney for Charles Steuart, William Plumsted, Lester Falconar, Robert Lewis & Son, William Brown, Charles West, William Rush, George Robotham, Owen Jones, Benjamin Kendall, Isaac Greenleaf, Jacob Shoemaker, junior, James Eddy for Crosby & Trafford, Joseph Parker, James Benezet, Scott & McMichael, Israel Pemberton, Moore & Kinsey and Kerney & Gilbert, creditors of the said William Griffiths, have likewise by their petition to this house set forth that the said William Griffiths for many years past carried on an extensive trade in merchandising, and that about eighteen months past he was obliged to stop payment and upon an inspection into the state of his affairs it appeared he had not sufficient to pay his just debts; upon which many of his creditors met and named certain persons to receive a conveyance of his estate in trust for the benefit of all his creditors with which he complied, and his wife generously joined therein and conveyed for the benefit of her husband's creditors a very considerable real estate to be sold, and the money arising to be equally divided amongst them, on this condition, that her husband's body should not be held to bail or imprisoned, which the trustees appointed by the creditors, and most of the said creditors thought just and reasonable; but he was so unfortunate as to be indebted to some who have, regardless of his and his family's distresses, refused to agree (as almost all the creditors have done) to accept of their dividend of the estate so conveyed, holding him, the said William Grif-

fitts to bail, and he now shortly expects to be made a close prisoner in the common gaol, whereby the said petitioners apprehend that the good intentions of the conveyance of the said estate will be delayed if not defeated, to the petitioner's great prejudice, and therefore pray that this house will be pleased to take the premises into their consideration and grant such relief therein as they may see meet; therefore as it has been made appear by the aforesaid deed of conveyance laid before this house that the said William Griffitts and Abigail, his wife, have made over and conveyed unto Charles Norris, Joseph Richardson, Daniel Rundle, Abel James, Jacob Shoemaker, junior, and Joshua Howell all his the said William Griffitts' estate, both real and personal, except the value of one hundred pounds in the aforesaid petition mentioned and reserved with the consent of the creditors of the said William Griffitts, or the greatest part of them, to pay certain poor persons for sums of money left in the hands of the said William Griffitts; and also a very considerable estate belonging to the said Abigail, his wife, in trust and for the use of his, the said William Griffitts' creditors, to be equally proportioned and divided amongst them according to the respective debts to them and each of them due from the said William Griffitts.

And whereas by a certain writing also laid before the house under the hands of the said Charles Norris, Joseph Richardson, Daniel Rundle, Abel James, Jacob Shoemaker, junior, and Joshua Howell, trustees named and appointed by the aforesaid William Griffitts and Abigail, his wife, by their said indenture bearing even date with the said writing, they, the said Charles Norris, Joseph Richardson, Daniel Rundle, Abel James, Jacob Shoemaker, junior, and Joshua Howell did agree that the said indenture and every clause, article and thing therein contained should be null and void and of no effect unless the creditors of the said William Griffitts should agree that the said William should not be held to bail for any debt contracted before the date of the conveyance aforesaid:

Therefore, that the good intentions of the said conveyance may not be delayed or defeated we request the governor that it may be enacted:

[Section I.] And be it enacted by the Honorable James Hamilton, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania, and counties of Newcastle, Kent and Sussex upon Delaware, 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 the said Charles Norris, Joseph Richardson, Daniel Rundle, Abel James, Jacob Shoemaker, junior, and Joshua Howell, trustees by the creditors of the said William Griffiths nominated and appointed, or the survivors of them, shall, with the consent of the creditors of the said William Griffiths or a majority of them, as soon as may be after the passing of this act, proceed to make a just and equal distribution to and amongst all the creditors of the said William Griffiths in proportion to the several and respective debts justly due to them of all the sum and sums of money that shall by virtue of the said conveyance or deed of trust or by any other means whatsoever come into their hands of the estate of the said William Griffiths or of his said wife by virtue of the conveyance or deed [of trust] aforesaid, and thereupon give and take receipts and acquittances according to the true intent and meaning thereof.

And in order to prevent all fraud or collusion in the premises and that an impartial inquiry may be made and equal justice may be done to the creditors of the said William Griffiths:

[Section II.] Be it further enacted by the authority aforesaid, That the said Charles Norris, Joseph Richardson, Daniel Rundle, Abel James, Jacob Shoemaker, junior, and Joshua Howell or the survivors of them shall have power by virtue of this act to inquire of and concerning the delivery up or vesting the whole estate both real and personal of the said William Griffiths, except as before excepted, to them the said trustees for the use of his creditors, and in order to a discovery of the truth of the matter shall have full power and authority to cite before them all such persons as they shall find necessary and also [to] examine the said William Griffiths or other persons on oath or affirmation touching the premises; and if upon examination of the matter the said trustees, or the major part of them

or of the survivors of them, shall certify to the judges of the Supreme Court or to the justices of the court of common pleas within the county of Philadelphia that there doth not appear to them any fraud or collusion in the delivery up of the estate, real and personal, of him the said William Griffiths, but that the said estate (except as before excepted) hath been fairly delivered up and that no part thereof hath been by the said William secreted or fraudulently made and conveyed to any person or persons in trust for him or for any other person or persons whatsoever, then it shall and may be lawful for the judges of the Supreme Court or the justices of the court of common pleas aforesaid and they are hereby enjoined to administer an oath or affirmation to the effect following, viz.: That the said William Griffiths by one indenture or conveyance dated the nineteenth day of April, one thousand seven hundred and sixty, signed and executed by himself and Abigail, his wife, hath delivered up and made over to the said Charles Norris, Joseph Richardson, Daniel Rundle, Abel James, Jacob Shoemaker, junior, and Joshua Howell all his estate, real and personal, which he or any in trust for him have, had or was in any respect entitled to in possession, remainder or otherwise at the time of signing and executing the conveyance aforesaid (except as [is herein] before excepted) and that he has not at any time since or before, directly or indirectly, sold, leased, assigned or otherwise disposed of or made over in trust for himself or otherwise any part of the lands, estate, goods, stock, money or other real or personal estate, whereby to have or expect any benefit or profit to himself or with design to defraud any of his creditors to whom he is indebted.

And the said William Griffiths having taken such qualification and his creditor or creditors being therewith satisfied or failing to discover any effects or estate of the said William by him not made over as aforesaid or secreted, then the said judges of the Supreme Court or justices aforesaid, or any two of them, shall order the certificate of the trustees hereinbefore mentioned to be recorded; from and immediately after the recording of which certificate in manner aforesaid all recognizances for special bail entered into or acknowledged by the

said William Griffitts, or any person or persons for him, in any action or actions heretofore commenced against the said William Griffitts by any person or persons whatsoever within this province, and all bail bonds given to any sheriff in this province, conditioned for the appearance of the said William Griffitts in any court to answer the plaintiff in any action heretofore commenced or prosecuted against him, shall be and are hereby declared to be null and void to all intents and purposes whatsoever, and this act shall and may at all times hereafter be pleaded and in any court of law shall be deemed and adjudged to be a bar to all suits commenced on such recognizances or bail bonds, and judgment shall be given therein against any such plaintiff with costs of suit, and the body of him, the said William Griffitts, shall forever after the recording such certificate be freed, exempted and discharged from confinement on account of any debts heretofore contracted, and such estate only as he now is or hereafter shall be entitled to shall be subject to execution.

[Section III.] Provided always, and it is hereby further enacted and declared, That until the determination of the trustees hereinbefore named shall be certified and recorded as is hereinbefore directed, the said William Griffitts shall not be confined in the common gaol or prison for the said county, but shall be at liberty to go anywhere within the said county upon his giving bond with security to the sheriff of the said county sufficient to satisfy the several actions brought against him, the said William Griffitts, and for which he is already held to bail, that he will not depart or go out of the said county until the determination of the said trustees shall be certified and recorded as aforesaid, and that then he will deliver himself up to the said sheriff in case he should not be discharged by virtue of this act; and the said sheriff is hereby exempted from any action or actions of escape or other suits or actions on account of the liberty hereby allowed to the said William Griffitts, any law to the contrary hereof in any wise notwithstanding.

Passed September 26, 1761. Referred for consideration by the King in Council, February 15, 1762, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section II. Private act.