

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 all persons committed for any criminal offense whatsoever shall during their imprisonment have and receive three pence per diem each, and that the commissioners of and for each respective county within this province shall pay the same to the sheriffs of the respective counties for the diet and support of such criminals as shall be within their gaols respectively out of the county stock which shall from time to time be raised and levied for the payment of the county debts, any usage or custom to the contrary notwithstanding.

Passed February 24, 1770. Confirmed by the King in Council, May 24, 1771. See Appendix XXVII, Section III, and the notes to the Acts of Assembly passed January 12, 1705-6, Chapter 151; May 31, 1718, Chapter 236.

CHAPTER DCXI.

AN ACT FOR THE RELIEF OF [THE] LANGUISHING PRISONERS IN THE GAOLS OF THE SEVERAL COUNTIES WITHIN THIS PROVINCE, WITH RESPECT TO THE IMPRISONMENT OF THEIR PERSONS.

Whereas it hath been represented to the assembly of this province that many persons by losses and other misfortunes are rendered incapable of paying their whole debts, and though they are willing to make the utmost satisfaction they can, are nevertheless detained in prison by their creditors:

And whereas such unhappy persons have always been deemed the proper objects of public compassion:

[Section I.] Be it therefore enacted by the Honorable John Penn, 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 justices of the county court of common pleas for each and every county within this province shall on application to them in writing made by any prisoner or prisoners committed in execution for debt at or before the passing of this act, appoint a certain day and place for holding a special court of common pleas, whereof at least ten days' notice shall be given to his or their respective creditors or their attorneys in fact if such they have within this province, otherwise to their attorney at law, by leaving the same in writing at his, her or their last place of abode, at which time and place the said justices shall by an order or rule of the said court, cause the said prisoners to be brought before them and shall then and there in the presence of the said creditors if they will be present, administer to each of the said prisoners an oath or affirmation according to law to the following effect, to wit:

That the account by him 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 and family, not exceeding ten pounds in value in the whole), and that he has not at any time since 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 family or to defraud any of his creditors to whom he is indebted.

And the said prisoner having taken such oath or affirmation in open court, and his creditors failing to discover any effects or estate belonging to such deponent omitted in his said account, shall make assignments to any two or more of the creditors, as the court shall order and direct, in trust for all his said creditors, of all his lands, goods and effects contained in such account by a short indorsement thereon, 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 in his or their own name or names, after which no release of the said prisoners or any of them, his or their executors or administrators, shall be valid or effectual in law against the assignees aforesaid, and the said court, in case no fraud shall appear on the part of the said prisoner and they shall think it just and reasonable, shall cause and order the said prisoner so *bona fide* assigning all his estate and effects to be discharged from his imprisonment aforesaid.

[Section II.] And be it further enacted by the authority aforesaid, That the said trustees so as aforesaid appointed by the court shall within such time as shall be thought reasonable by the said justices render their accounts to and adjust the same with the said justices, who are hereby authorized and empowered to allow or disallow of all or any part thereof as to them shall appear just; and after such settlement shall distribute the sum and sums of money which shall be in their hands to and among the respective creditors of such insolvent debtors in proportion to their several debts; and in case the said trustees shall neglect or refuse to obey and comply with the orders and directions of the said justices it shall and may be lawful to and for them to proceed against them for the contempt in such manner as is usual in other cases of contempt to the said court.

[Section III.] And be it further enacted by the authority aforesaid, That the persons of the said prisoners, or of any of them, after such his or their discharge as aforesaid, shall not at any time hereafter be imprisoned for any debts before the time of his or their discharge contracted.

Provided nevertheless, That the discharge of the said prisoners or any of them by virtue of this act shall not acquit or discharge any other person from such debts, sum or sums of money for which such person now is bound or engaged with the said prisoners or any of them, nor any lands, goods, chattels or other effects which the said prisoners or any of them may hereafter acquire.

[Section IV.] Provided also, and be it further enacted by

the authority aforesaid, That if the said prisoners or any of them 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 or their own confession or by the verdict of twelve men, he or they 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 he or they had never been in execution or discharged before, and shall forever after be barred of any benefit of this act.

Passed February 24, 1770. Confirmed by the King in Council, May 24, 1771. See Appendix XXVII, Section III, and the note to the Act of Assembly passed February 14, 1729-30, Chapter 315.

CHAPTER DCXII.

AN ACT FOR PUNISHING WICKED AND EVIL-DISPOSED PERSONS FROM GOING ARMED IN DISGUISE AND DOING INJURIES AND VIOLENCES TO THE PERSONS AND PROPERTIES OF HIS MAJESTY'S SUBJECTS WITHIN THIS PROVINCE, AND FOR THE MORE SPEEDY BRINGING THE OFFENDERS TO JUSTICE.

Whereas several ill-designing and disorderly persons have of late associated themselves under the name of Black Boys and entered into confederacies to support and assist one another in robbing and stealing, breaking prisons and rescuing thereout persons committed for capital offenses and other illegal practices, and have in great numbers, armed with swords, cutlasses, firearms and other offensive weapons, with their hands and faces blacked, robbed and despoiled divers of His Majesty's subjects of their goods and merchandise, have once broke one of His Majesty's gaols and rescued thereout prisoners committed for capital offenses, and since attempted to do the like, and have severely threatened such persons who should attempt to prosecute or give evidence against any of them for such their wicked