

against such justice or justices and also against such constable or other officer or person or persons acting in his or their aid as aforesaid, then on proof of such warrant the jury shall find for such constable or other officer and person or persons so acting as aforesaid, notwithstanding such defect of jurisdiction as aforesaid; and if the verdict shall be given against the justice or justices, that in such case the plaintiff or plaintiffs shall recover his, her or their costs against him or them, to be taxed in such manner by the proper officer as to include such costs as such plaintiff or plaintiffs are liable to pay to such defendant or defendants for whom such verdict shall be found as aforesaid: Provided always, That where the plaintiff in any such action against any justice of the peace shall obtain a verdict, in case the justices before whom the cause shall be tried shall in open court certify on the back of the record that the injury for which such action was brought was willfully and maliciously committed, the plaintiff shall be entitled to have and receive double costs of suit.

[Section VII.] Provided always, and be it further enacted by the authority aforesaid, That no action shall be brought against any justice of the peace for anything done in the execution of his office or against any constable or other officer or person or persons acting as aforesaid, unless commenced within six months after the act committed.

Passed March 21, 1772. Referred for consideration by the King in Council, January 15, 1773, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXX, and the Acts of Assembly passed January 14, 1804, P. L. 16; March 28, 1820, P. L. 156.

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## CHAPTER DCXLIII.

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### AN ACT FOR THE RELIEF OF RICHARD STEVENS WITH RESPECT TO THE IMPRISONMENT OF HIS PERSON.

Whereas Richard Stevens, late of the city of Philadelphia, merchant, but now of Perth Amboy, in the province of New Jer-

sey, by his petition to this house, has set forth that about five years ago, by repeated misfortunes and losses in trade, he found himself incapable of satisfying the just demands of all his creditors; that thereupon, in order to do equal justice to each of them as far as lay in his power, he called his creditors together to take a view of his affairs, and by and with the approbation and advice of those who met on that occasion (being his principal creditors) he did, by an indenture, bearing date the sixteenth day of February, one thousand seven hundred and sixty-seven, made between him, the said Richard Stevens of the first part, and Adam Hoops, John Mease, John Startin, Nathan Hyde and Robert Morris, five of his principal creditors (all of the city of Philadelphia) of the second part, for and in consideration of the several debts and sums of money by him then due and owing unto the said parties of the second part, and unto several other persons, his creditors, and for and towards payment of the same debts, and for and in the further consideration of the sum of ten shillings, did grant, bargain, assign, transfer and set over to the said Adam Hoops, John Mease, John Startin, Nathan Hyde and Robert Morris of the second part, and to their heirs and assigns forever, all his estate real and personal whatsoever and where-soever in trust, to be sold towards the payment and discharge of all the just debts, dues and demands against him, and the moneys arising from the sale thereof to be paid to and amongst the several creditors of the said Richard Stevens, rateably and in proportion according to their several and respective debts, and in order that the said estate might be freed from all incumbrances at the request of the said assignees, did procure a release of dower to the said Adam Hoops and others above mentioned from Susannah, the wife of the said Richard Stevens, upon full confidence and a proposal to him made by his said assignees and creditors then present that all his creditors should give him a total discharge, as is customary on the like occasions, and that thereupon a proper instrument of writing of discharge, bearing date the second day of March, one thousand seven hundred and sixty-seven, was accordingly drawn, and several of the principal creditors of the said Richard Stevens did sign and execute the same, and afterwards, in virtue of the said assignment from the

said Richard Stevens to the said Adam Hoops, John Mease, John Startin, Nathan Hyde and Robert Morris, by which they, or any three of them, and the survivors and survivor of them were fully empowered to dispose of all or of any part of his estate and to appoint and authorize any person or persons for that end and purpose; they the said assignees did by an instrument of writing, accordingly appoint and authorize an attorney to recover his personal estate and sell his real estate so assigned over, and to transact every other matter relative to said estate in their stead; in consequence of which some moneys have been recovered by the said attorney; notwithstanding which said assignment and transactions of the assignees and their attorney in consequence thereof, some of the said assignees and others his creditors have refused and still do refuse to sign the said discharge which was proposed as aforesaid to be given to the said Richard Stevens in consideration of his assigning over his estate for the general benefit of his creditors as aforesaid; by reason of which the said Richard Stevens, having been obliged to leave the province of Pennsylvania for fear of arrests and prosecutions, and thereby prevented making use of the necessary means to support and maintain himself and family for near five years past, and being otherwise greatly distressed thereby, is reduced to the necessity of asking relief of the legislature of this province:

And whereas the facts aforesaid set forth in the said petition have been made appear to, and the said deed of conveyance has been laid before this house, and it appearing that the said Richard Stevens made a surrender upon oath of all his estate, real and personal, and that the said Susannah, his wife, has given a release of dower for all the said estate, in confidence of the performance of the engagement of the said assignees and creditors met together to inspect his affairs, which engagement has been complied with but by part of his creditors:

Therefore that the good intention of the said conveyance may not be any longer delayed or defeated and that the person of the said Richard Stevens may not be liable to imprisonment, we request the governor that it may be enacted:

[Section I.] And be it enacted by the Honorable Richard

Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and John Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania, 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 trustees before named or the survivors of them or some person or persons by them duly authorized shall and do, as soon as conveniently may be after the passing of this act, proceed for the recovery of the debts due to the said Richard Stevens and so as aforesaid assigned and made over by him, and also proceed to make sale of all the real estate of the said Richard Stevens, also so as aforesaid assigned and made over, and not as yet sold or disposed of, and thereupon to make a just and equal distribution to and amongst all the creditors of the said Richard Stevens, in proportion to the several and respective debts justly due to them of all sum or sums of money that have been or shall or may by virtue of the said conveyance or deed of trust aforesaid or by any other ways or means whatsoever come to their hands of the estate and effects of the said Richard Stevens, and thereupon to give and take proper receipts and acquittances therefor, and to proceed in all things according to the true intent and meaning of the said deed of the said Richard Stevens to the said trustees.

[Section II.] And be it further enacted by the authority aforesaid, That the person of him the said Richard Stevens shall forever after the publication of this act be freed, exempted and discharged from confinement on account of any debts by him contracted before the said sixteenth day of February in the year of our Lord, one thousand seven hundred and sixty-seven.

Provided nevertheless, That the discharge of the person of the said Richard Stevens from imprisonment 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 Richard Stevens, nor any lands, goods, chattels or other effects of the said Richard Stevens.

Passed March 21, 1772. Referred for consideration by the King in Council, January 15, 1773, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXX.