

CHAPTER MCXXI.

AN ACT FOR THE RELIEF OF INSOLVENT DEBTORS NOW CONFINED IN THE SEVERAL GAOLS OF THIS COMMONWEALTH.

(Section I, P. L.) Whereas application hath been made by petition to this house from a considerable number of prisoners confined in divers goals within this state for debt to be discharged from further confinement; And whereas many through misfortune and unavoidable losses are become wholly unable to discharge the several debts to the commonwealth as well as to individuals; And whereas the twenty-eighth section of the constitution provides, "That the person of a debtor where there is not strong presumption of fraud, shall not be continued in prison after delivering up bona fide all his estate, real and personal, for the use of his creditors," therefore in conformity to the aforesaid section of the constitution:

[Section I.] (Section II, P. L.) 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 the county courts of common pleas in and for the city of Philadelphia and the several counties within this commonwealth be and they are hereby authorized and required upon the respective petitions of the several debtors now confined within the gaols under their jurisdiction whether the amount of their debts respectively to any one person be more or less than one hundred and fifty pounds to grant unto them and each of them the like relief as by the laws now in force within this state is provided for insolvent debtors who are confined under executions for debt not exceeding one hundred and fifty pounds to any one person.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the same courts upon the several applications to them to be made as aforesaid shall thereupon proceed in all things (except as hereinafter excepted) conformably to the purport, true intent and meaning of the sev-

eral acts of assembly now in force in this commonwealth for the relief of insolvent debtors not owing more than one hundred and fifty pounds to any one person as aforesaid, that their several and respective discharges shall be equally valid and effectual and their proceedings equally good and binding to all intents and purposes whatsoever.

[Section III.] (Section IV, P. L.) Provided always and be it further enacted by the authority aforesaid, That if any creditor or creditors of the respective prisoners now confined in the several gaols within this commonwealth or either of them do not or shall not reside within this state at the time of such proceedings before the said court, that the service of notice of applications to the said court or of any rule or order of the same court in the premises on the known agent or attorney of such creditor or creditors within this state, shall be equally valid and effectual as if the same notice or notices were served on such creditor or creditors in person.

(Section V, P. L.) Provided also, That none of the said prisoners now confined as aforesaid shall be debarred or excluded the benefit hereby intended to be granted unto them and each of them by reason that they or either of them have not resided within this state, for the space of two years next before his, her, or their imprisonment.

[Section IV.] (Section VI, P. L.) And be it further [provided and] enacted by the authority aforesaid, That after either or all of the said prisoners confined as aforesaid shall have surrendered all his, her or their property both real and personal for the use of his, her or their respective creditors, and adducing to the court sufficient proof that no fraud or embezzlement hath been committed by them, or either of them, it shall not be lawful for the court so discharging him, her, or them, to remand to gaol him, her or them, although the creditor or creditors of him, her or them so discharged shall desire the same and offer to give security to pay such weekly allowance to the said debtor or debtors or any of them, as the respective courts shall assess.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the same courts shall and may

grant relief unto all persons confined as aforesaid for debt (other than for fines and forfeitures for crimes and misdemeanors) due to the commonwealth, or for rent due from them to their respective lessors or landlords in the same manner and form as aforesaid; any law to the contrary notwithstanding.

Passed December 20, 1784. Recorded L. B. No. 2, p. 382, etc. See the act of Assembly passed February 14, 1729-30, Chapter 315.

CHAPTER MCXXII.

AN ACT TO ALTER AND AMEND AN ACT OF ASSEMBLY, ENTITLED
 "AN ACT FOR OPENING THE LAND-OFFICE, FOR GRANTING AND DIS-
 POSING OF THE UNAPPROPRIATED LANDS WITHIN THIS STATE." ¹

(Section I, P. L.) Whereas in and by the act of assembly entitled 'An act for opening the land-office, for granting and disposing of the unappropriated lands within this state,' ¹ it was enjoined upon the commissioners appointed for making a further purchase of all the residue of the unpurchased lands within the limits of this state that they ascertain, in their negotiation with the Indians with the greatest possible precision the line between the lands already purchased and those that shall be by them purchased:

(Section II, P. L.) And whereas the directions given as aforesaid to the said commissioners have been supposed by some persons to vest in the said commissioners sufficient authority to adjust and ascertain the boundaries and lines of the purchase of lands made by the late proprietaries of the Six Nation Indians on the fifth day of November in the year of our Lord one thousand seven hundred and sixty-eight so as to influence and affect the location of lands under former acts of assembly and of the said recited act:

(Section III, P. L.) And whereas uncertainties and inconveniences may arise from the construction aforesaid:

Therefore:

¹ Passed April 1, 1784, Chapter 1094.