

be due as aforesaid payable to the person or persons entitled thereto.

Passed December 27, 1786. Recorded L. B. No. 3, p. No. 106, etc.

The Act in the text was repealed by the Act of Assembly passed February 14, 1789, Chapter 1339.

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## CHAPTER MCOLVIII.

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AN ACT FOR THE RELIEF OF ISAAC WYNN, PHILIP BUCKIUS, JOHN HARMAR, ADAM ALBERGER, EDWARD DICKINSON, GEORGE KNOX, CHARLES BROWN, [ELIAS ROSA,] HARMAN COURTER, DENNISON HUME, THOMAS HARRISON, WILLIAM RITCHIE AND CATO HILL, INSOLVENT DEBTORS CONFINED IN THE GOAL OF THE CITY AND COUNTY OF PHILADELPHIA.

(Section I. P. L.) Wheras Isaac Wynn, Philip Buckius, John Harmar, Adam Alberger, Edward Dickinson, George Knox, Charles Brown, Elias Rosa, Harman Courter, Dennison Hume, Thomas Harrison, William Ritchie and Cato Hill, prisoners now confined in the gaol of the city and county of Philadelphia: for debt or money due by them to their respective creditors, have by their petitions to the house of assembly severally set forth their total inability to satisfy their respective creditors and have prayed to be discharged from further confinement of their bodies, which from their particular circumstances cannot be done under the laws at present subsisting for the benefit of insolvent debtors without the intervention of this house:

And whereas the prayers of their petitions appear to be reasonable as the petitioners will by such discharge be the better enabled by their industry when at liberty to acquire property, by which the debts or money now due by them may be paid to their several creditors:

[Section I.] (Section II. P. L.) Be it therefore 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 court of common pleas in and for the city and county of Philadelphia be and

they are hereby authorized and required upon the several petitions of the said Isaac Wynn, Philip Buckius, John Harmar, Adam Alberger, Edward Dickinson, George Knox, Charles Brown, Elias Rosa, Harmar Courter, Dennison Hume, Thomas Harrison, William Ritchie and Cato Hill, to grant unto them and each of them relief in like manner and upon the same terms as by the laws of the commonwealth now in force is provided for insolvent debtors who are confined in execution for debt to any one person to the value of forty shillings and upwards and the several and respective discharges thereupon to be made by the said court of the prisoners aforesaid shall be as valid and their proceedings as effectual to all intents as any discharge or proceeding in case of any insolvent debtor under the laws of this commonwealth now in force for the relief of insolvent debtors who severally are indebted or owe to any one creditor to the value of forty shillings and upwards would or may be.

[Section II.] (Section III. P. L.) And be it further enacted by the authority aforesaid, That if any creditor or creditors of the said Isaac Wynn, Philip Buckius, John Harmar, Adam Alberger, Edward Dickinson, George Knox, Charles Brown, Elias Rosa, Harman Courter, Dennison Hume, Thomas Harrison, William Ritchie and Cato Hill, or either of them do or shall not reside in this state at the time of such proceeding before the said court, that the service of notice of the application to the said court or of any rule or order of the same court in the premises on the known agent or attorney within this state of such creditor or creditors shall be equally good and effectual as if the same notice or notices were served on the person or persons of such creditor or creditors, but if such creditor or creditors shall have no such agent or attorney within the state the said court on satisfactory proof that due diligence hath been used to find out such agent or attorney and that none can be found shall and may notwithstanding proceed to discharge any such debtor in like manner as if such notice had been actually given.

[Section III.] (Section IV. P. L.) And be it further enacted by the authority aforesaid, That the said Isaac Wynn, Philip Buckius, John Harmar, Adam Alberger, Edward Dickinson, George Knox, Charles Brown, Elias Rosa, Harman Courter,

Dennison Hume, Thomas Harrison, William Ritchie and Cato Hill, and each of them shall be fully entitled to the benefit of this act, although they, or either of them have not resided within this state for the space of two years next before their or his imprisonment or confinement aforesaid and although they or either of them be deemed liable to be proceeded against by virtue of the "Act for the regulation of bankruptcy,"<sup>1</sup> and shall not have been in actual custody in any gaol within this commonwealth for the space of six months next before his application for the benefit thereof, and although they or either of them have not been committed or charged in execution for the debt or money due as aforesaid and although the cause of action for which they or either of them have been committed as aforesaid be rent due.

Section IV. (Section V. P. L.) Provided always and be it further enacted by the authority aforesaid, That it shall not be lawfull for the said court to remand the said Isaac Wynn, Philip Buckius, John Harmar, Adam Alberger, Edward Dickinson, George Knox, Charles Brown, Elias Rosa, Harman Courter, Dennison Hume, Thomas Harrison, William Ritchie and Cato Hill or either of them to gaol, although the creditor or creditors of them or any of them shall or may desire the same to be done and offer to comply with the security, weekly payments and other requisites provided by the laws of the commonwealth for such purposes made and now in force except in case of a strong presumption of fraud committed by such of the said insolvents as shall be required to be remanded by his creditor or creditors.

Passed December 28, 1786. Recorded L. B. No. 3, p. 158, etc.

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<sup>1</sup>Passed September 16, 1785, Chapter 1183.