

or persons from and after such nomination and appointment, shall be and hereby are declared to be vested with the same powers respectively as any of the deputies nominated and appointed by this act is vested with by the same. Provided always, That the council are not hereby authorized nor shall they make any such nomination or appointment except in vacation, and during the recess of the general assembly of this state.

Passed December 30, 1786. Recorded L. B. No. 3, p. 163, etc.  
See the Act of Assembly passed March 28, 1787, Chapter 1280.

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## CHAPTER MCCLXI.

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AN ACT CONTAINING A SUPPLEMENT TO THE ACTS MADE FOR THE RELIEF OF INSOLVENT DEBTORS AND ALSO GRANTING RELIEF TO FELONS UNABLE TO MAKE RESTITUTION OF STOLEN GOODS.

(Section I. P. L.) Whereas it is proper that the laws for the relief of insolvent debtors should be extended in order to make them correspond with the words and spirit of the twenty-eighth section of the constitution of this state:

And whereas the confinement of persons who have been convicted of crimes against the commonwealth until they make restitution for the goods stolen or pay the value thereof has been found oppressive to such convicts, and expensive to the state without answering the good purposes intended thereby:

Therefore:

[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 from and after the passing of this act all and every person or persons who is, are, or shall be held in confinement by order or judgment of any court of this state, committing him, her or them until he, she or they restore to the owner or owners, any stolen goods, chattels or effects, or pay to the owner or owners the value thereof, or until he, she or

they pay to such owner or owners the sum or sums of money allowed by the court for the loss of time, charges and disbursements of such owner or owners in the apprehending and prosecuting of such offender or offenders, shall and may be discharged from personal imprisonment by the court which shall have committed such offender or offenders as aforesaid so far as regards confinement for such causes if such court shall on consideration of the situation and circumstances of such offender or offenders find that he, she or they cannot make such restitution or payment. Provided always, That no such discharge shall be made unless reasonable previous notice be given by the offender or offenders to the owner or owners aforesaid respectively his, her or their agent or attorney in fact, if such owner or owners be in this state at the time or on proof of due diligence to find such owner or owners, his her or their agent or attorney in fact, and that such owner or owners, agent or attorney cannot be found.

[Section II.] (Section III. P. L.) And be it further enacted by the authority aforesaid, That every debtor who is or who shall be charged in execution for rent shall be entitled to the benefit of the acts heretofore made for the relief of insolvent debtors (except such acts as are made for particular debtors by name) in like manner as those debtors who are charged in execution for other debts.

(Section IV. P. L.) Provided always, That nothing herein contained shall deprive any landlord or landlords of the benefit of the act, entitled "An act for the relief of insolvent debtors within the province (now state) of Pennsylvania,"<sup>1</sup> so far as regards any remedy by distress of goods or chattels actually distrained or liable to distress, and so that such landlord or landlords do not arrest or in any way confine the body of the insolvent debtor in the course of such remedy.

[Section III.] (Section V. P. L.) And be it further enacted by the authority aforesaid, That it shall not be lawful for any court to remand to gaol any debtor or person entitled to the benefit of this act or the acts heretofore made for the relief of insolvent debtors, although the creditor or creditors shall desire the

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<sup>1</sup> Passed February 14, 1729-30, Chapter 315.

same to be done and offer to comply with the [security], weekly payments and other requisites provided by the laws of this commonwealth for such purpose made and now in force except in case of a strong presumption of fraud committed by the insolvent person or persons applying and required by his, her or their creditor or creditors to be remanded.

[Section IV.] (Section VI. P. L.) And be it further enacted by the authority aforesaid, That so much of the acts made for the relief of insolvent debtors as is hereby altered or supplied be and the same is hereby repealed.

Passed February 28, 1787. Recorded L. B. No. 3, p. 165, etc.

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## CHAPTER MCCLXII.

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AN ACT TO EXONERATE THE CONTRIBUTORS TO THE PENNSYLVANIA HOSPITAL, FROM A DEBT DUE TO THIS COMMONWEALTH UPON A LOAN MADE TO THEM IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND EIGHTY.

(Section I. P. L.) Whereas the managers of the Pennsylvania Hospital made application to the legislature of this state in the month of January in the year of our Lord one thousand seven hundred and eighty, setting forth that the institution was largely in debt and the income insufficient for the common expenses of the house and praying such aid as might enable them to discharge the hospital debts, restore the capital stock and prosecute the laudable purposes of the institution, upon which application the house by their minute of the twenty-fifth day of March in the year aforesaid, did resolve that ten thousand pounds be lent to the Pennsylvania Hospital, which sum was accordingly paid to the said managers in bills of credit of this state or of the United States, being, according to the scale of depreciation since established equal in value to the sum of one hundred and sixty-six pounds, thirteen [shillings] and four pence, gold and silver money:

And whereas the managers of the said hospital have by several memorials to this and former houses represented that