

under the laws of this commonwealth in such cases made and provided.

(Section VI. P. L.) [Section V.] And be it further enacted by the authority aforesaid, That all and every the tract and tracts of land hereby directed to be surveyed for the use of the said college shall be so done at the charge of this state, and the supreme executive council are hereby authorized and empowered to draw orders on the treasurer of the state to pay and defray all the charges arising thereupon.

Passed March 10, 1787. Recorded L. B. No. 111, p. 184, etc.

CHAPTER MCCLXXV.

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT FOR THE REGULATION OF BANKRUPTCY."¹

(Section I. P. L.) Whereas the act, entitled "An act for the regulation of bankruptcy" has upon experience been found in some respects uncertain in others defective and requires explanation and amendment.

(Section II. P. L.) [Section I.] 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 word "conform" in the twenty-fourth section of the said recited act used to entitle bankrupts to receive from the commissioners a certificate thereof, and to have such certificate allowed by the president or vice-president, was and is hereby declared to mean and intend that such bankrupt or bankrupts shall conform to all and singular the matters and things in and by the said act enjoined upon him, her or them, whether the same be made penal by the said act or is or are enjoined, without any penalty annexed to non-conformity therewith, and that if after granting any certificate by the commissioners of bankruptcy the person or persons to whom the

¹ Passed September 16, 1785, Chapter 1183.

same shall be granted shall be convicted of any perjury, fraud or concealment, contrary to the said act such certificate shall be ipso facto wholly void and shall not operate in any manner for the benefit of the party.

(Section III, P. L.) [Section II.] And be it further enacted by the authority aforesaid, That no discovery or disclosure made or to be made upon oath or affirmation by any bankrupt of his estate and effects pursuant to the said recited act, shall entitle such bankrupt to the benefits of the said act unless the said certificate do or shall contain in substance that such bankrupt hath made a full discovery and disclosure of his estate, real and personal, whatsoever and wheresoever, and hath in all things conformed himself to the requisitions and injunctions in the said act, and in this act mentioned and required of him and that there doth not appear to the commissioners of bankruptcy any reason to doubt but that such discovery and disclosure is a true, full and perfect discovery and disclosure of all the estate and effects of such bankrupt.

(Section IV. P. L.) [Section III.] And be it further enacted by the authority aforesaid, That before the president or vice-president of the supreme executive council of this commonwealth shall allow any certificate so as aforesaid to be granted, the bankrupt shall on his oath or affirmation declare before the said president or vice-president that such certificate was fairly obtained from said commissioners without any fraud practised by him or by others to his knowledge.

(Section V. P. L.) And whereas persons becoming bankrupts may be entitled to estates and effects in other countries where the jurisdiction and laws of this commonwealth do not extend nor may be allowed to be of force to vest the same in the said commissioners, and it is reasonable that such property should be secured to the use of the creditors before such bankrupts be discharged.

[Section IV.] Be it further enacted by the authority aforesaid, That no bankrupt although he may have conformed in manner aforesaid shall be entitled to such certificate before he shall make and in due form of law execute such conveyance, assurance and assignment of all his estate, real and personal and

mixed, whatsoever and wheresoever, as shall be devised and directed by the said commissioners to vest the same in them or assignees to be appointed as hereinafter is mentioned, their heirs, executors, administrators and assigns in trust for the use of all and every the creditors of such bankrupt who shall come in and prove their debts under the commission.

(Section VI. P. L.) [Section V.] And be it further enacted by the authority aforesaid, That all and every the persons who shall apply for the benefit of and shall conform in all things to the requisitions in this act contained shall be entitled to receive a certificate thereof from the commissioners or a major part of them, which certificate shall be allowed in manner aforesaid by the president or vice-president, and shall be of the same force and effect and operate to the same benefits as any certificate granted in pursuance of the said recited act of assembly would, may or can do, and that all the penalties, pains and forfeitures which are inflicted by the said act for any fraud, concealment or perjury therein and thereby forbidden shall equally operate against the persons by this act admitted to the benefit of the said act and shall be punished in the same manner as if they were herein particularly enumerated.

(Section VII. P. L.) [Section VI.] And be it further enacted by the authority aforesaid, That the commissioners or a major part of them or the assignees by them appointed shall be and hereby are vested with the like privileges and exemptions in disposing of bankrupt's estates and effects at public auction or vendue as executors or administrators are entitled unto, any law, custom or usage to the contrary notwithstanding.

(Section VIII. P. L.) And whereas the modes of compensating the commissioners for their time and trouble in attending their duty is uncertain, precarious and in many instances inadequate to their services:

[Section VII.] Be it further enacted by the authority aforesaid, That when any commission of bankruptcy shall be delivered to the commissioners therein named to be executed, it shall and may be lawful for the said commissioners before they shall take the oath or affirmation to qualify themselves, to proceed thereupon to demand and take from the creditor or credi-

tors, prosecuting such commission, a bond with one good security if required in the penalty of one hundred pounds conditioned for the payment of the costs, charges and expenses which shall arise and accrue upon the prosecution of the said commission agreeably to the rates herein after mentioned and no more.

(Section IX. P. L.) [Section VIII.] And be it further enacted by the authority aforesaid, That the costs and charges to be allowed to the commissioners or the major part of them in cases where the whole dividend among the creditors shall not amount to one thousand pounds, for every meeting whether public or private which shall be necessary from and after they shall have qualified themselves to proceed until the whole business shall be closed shall be the sum of five pounds, provided the whole sum for their services shall not exceed fifty pounds. And in cases where the whole dividend among the creditors shall amount to one thousand pounds or more the sum of five pounds per centum according to the directions in the former act to which this is a supplement.

(Section X, P. L.) Provided always, That the expenses so as aforesaid to be secured and paid by the petitioning creditors shall be repaid to him or them by the commissioners or assignees out of the first moneys arising from the bankrupt's estate and effects if so much be received therefrom.

(Section XI, P. L.) [Section IX.] And be it further enacted by the authority aforesaid, That a public meeting of the said commissioners whereof due notice shall be given in two of the public newspapers of the city of Philadelphia for two weeks previous thereto, the creditors of any bankrupt or bankrupts or such of them as shall upon such notice attend whose debts together shall amount to more than one-half in value of the whole of the bankrupt's debts, and whose separate debts shall exceed ten pounds each both which to be made out to the satisfaction of the commissioners, may or shall choose one or more proper and discreet persons to whom it shall and may be lawful to and for the said commissioners or any three or more of them to assign over all or any of the messuages, lands, tenements, goods, chattels, rights, credits, debts and effects, of the

said bankrupt or bankrupts in trust for the benefit of all and every, his, her or their creditors, with full power for the said assignees to sell and convert into money the state so assigned and pay and deliver over the moneys arising therefrom to the said commissioners as soon as they shall receive the same, in order that such moneys may by them be distributed to and among the creditors of the said bankrupt or bankrupts according to the directions of the said act, and in case such creditors shall neglect to attend or attending shall refuse to make choice of assignees as aforesaid, then the said commissioners shall or may make choice and appointment for the purposes aforesaid as to them shall seem meet.

(Section XII. P. L.) [Section X.] And be it further enacted by the authority aforesaid, That if after the bankrupt shall have finished his final examination or any other person or persons shall voluntarily make discovery of any part of such bankrupt's estate before unknown to the commissioners, such person or persons shall be entitled to five per centum out of the effects so discovered and such further reward as the commissioners shall think proper, and any trustee wilfully concealing the estate of any bankrupt for [the (space of)] ten days after the bankrupt shall have finished his final examination as aforesaid shall forfeit one hundred pounds and double the value of the estate concealed for the benefit of the creditors.

(Section XIII. P. L.) [Section XI.] And be it further enacted by the authority aforesaid, That if any creditor or pretended creditor of the bankrupt shall exhibit to the commissioners of bankruptcy any fictitious or false debt or demand with intent to defraud the real creditor of such bankrupt and the bankrupt shall not make discovery thereof but shall suffer the fair creditors to be imposed upon, he shall lose all title to the allowance upon the amount of his effects and of the indemnity to which he would be entitled by a certificate nor shall he claim the said allowance or indemnity if he has lost at any one time ten pounds or in the whole fifty pounds within twelve months before he became bankrupt by any manner of gaming or wagering whatever, or within the same time has lost to the value of fifty pounds by taking up or borrowing money at usury at more than

lawful interest. Provided always, that such loses by gaming or wagering or such taking up money at usurious interest shall have happened after the passing of this act.

(Section XIV. P. L.) And whereas from the great commercial intercourse between this state and the United States as well as foreign nations many of the creditors of bankrupts reside abroad, and it would be inconvenient and unreasonable to require their attendance in person to prove their debts:

[Section XII.] Be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for all creditors resident abroad to prove their debts before the mayor or chief magistrate of any city, borough or town corporate or before any judge or justice of the peace or other public officer having lawful authority to administer an oath or affirmation in any city, borough, town, county or place, and the same (being duly certified under the public seal of the city, borough, town, county or place) shall be allowed due proof of such debt unless from the examination of the bankrupt or the affidavit of one or more of the creditors or other credible witness or witnesses the commissioners or a major part of them shall see cause to suspect the justice of such debt or debts, in which case it shall be lawful to and for the said commissioners to inquire into the foundation of such debt and demand, and try the justice thereof by an issue at law or by arbitration as to them shall seem most proper.

Passed 15th of March 1787. Recorded L. B. No. 3, p. 188, etc.

CHAPTER MCCLXXVI.

AN ACT TO EXPLAIN AND AMEND THE ACT, ENTITLED "AN ACT TO ENCOURAGE AND PROTECT THE MANUFACTURERS OF THIS STATE BY LAYING ADDITIONAL DUTIES ON THE IMPORTATION OF CERTAIN MANUFACTURES WHICH INTERFERE WITH THEM" AND FOR THE FURTHER ENCOURAGEMENT OF THE NAVIGATION OF THE STATE.

(Section I. P. L.) Whereas it is found on experience that the act passed the twentieth day of September in the year of our Lord one thousand seven hundred and eighty-five, entitled "An