

C H A P.
XXVIII.
Proviso.

III. **Provided always,** That before such sheriff shall be obliged to sue in any such action, the creditor or creditors requiring the same shall give a bond to such sheriff, to indemnify him against any charge that may accrue to him by means of any such suit, and in case of recovery and receipt of the debt or damages, then the sheriff shall make distribution of what shall be recovered and received to the person or persons giving him such security, rateably and in proportion to their respective demands, saving to such prisoner his or her necessary apparel and utensils of trade, not exceeding in the whole the value of five pounds current money, to be adjudged and ascertained by the said justices.

Before any
suit be
brought, no-
tice to be
given, &c.

IV. **Provided also,** That before any suit shall be brought by any sheriff aforesaid, notice shall be given thereof in the Maryland gazette for four weeks successively, in order that all the creditors of such prisoner may have an opportunity, if they shall think fit, of joining in the request aforesaid to, and indemnification of, the said sheriff, and thereby be entitled to receive rateably what shall be recovered; and the time from discharge of such prisoner as aforesaid, till such suit shall be brought, shall not be affected by any act for limitation of actions, provided such suit be commenced within one year from the time of such discharge; and the creditors, who shall apply and receive any sum or sums of money of the sheriff as aforesaid, shall refund and pay rateably, to such other creditors as shall apply for the same thereafter, the debt or debts due from such prisoner to him, her or them, so as that the said last mentioned creditors may receive and be paid in equal proportion to his, her or their demands; and in case such prisoner as aforesaid shall be liable, on a future breach of a contract by him or her made or entered into, before his or her discharge, the person or persons who shall be entitled as a creditor or creditors of such prisoner, under such breach of contract, shall have and receive his or her satisfaction rateably of the creditors, who shall have received the whole or a proportion of the debts due to them on such distribution as aforesaid; and, to prevent persons who may be committed or charged in execution, or for want of special bail, from lying in prison until they have spent their substance, wherewith they should satisfy their creditors, and afterwards taking the benefit of this act, when they have nothing left to deliver up to their creditors, no person who shall be so committed or charged, from and after the expiration of this present session of assembly, shall be allowed or permitted to exhibit a petition for the purpose aforesaid, unless such petition shall be exhibited within sixty days after his or her commitment, or be charged in execution, or for want of special bail.

Prisoners to be
set at liberty
after deliver-
ing a schedule
and taking
the oath.

V. **And be it enacted,** That after delivering in such schedule and duplicate, and taking such oath or affirmation, and transmission as aforesaid, the said justices attending, or two of them, shall by their order in writing, command the sheriff forthwith to set at liberty such prisoner, which order shall be sufficient to discharge and indemnify such sheriff against any escape or action whatsoever, which shall or may be brought or prosecuted against him by reason thereof; and if any action shall be commenced against any sheriff or justice for performing his duty in pursuance of this act, he may plead the general issue, and give this act and the special matter in evidence.

Proviso.

VI. **Provided always,** That notwithstanding such discharge, it shall be lawful for any creditor or creditors, at whose suit such insolvent prisoner was imprisoned, at any time afterwards to sue out a writ of *scire facias*, or attachment, against any lands or tenements, goods or chattels, which such insolvent person shall thereafter acquire or be possessed of, by descent, gift, devise, bequest, or in a course of distribution on any judgment obtained against such prisoner, without previously prosecuting any writ of *scire facias*, whereby the balance only remaining due on such judgment shall be levied.

To be dis-
charged from
future arrests,
&c.

VII. **And be it enacted,** That if the said prisoner shall be arrested or imprisoned on any process sued out on any judgment or decree obtained against him or her, for any debt, damages or costs, contracted, owing or growing due, before his or her discharge as aforesaid, the court out of which such process issued shall and may discharge such prisoner on motion: And if the said prisoner shall be arrested

or