

mitted, or his or their attorney, that the said debtor is in actual confinement, specifying in such notice the suit and cause in and for which the said debtor hath been so committed; and it shall be the duty of the said creditor or creditors, within fourteen days, (exclusive of the day of notice,) after the notice shall be served as aforesaid, to pay to the sheriff the sum of two dollars and sixty-two and a half cents, and the sum of eighty-seven and a half cents weekly thereafter, for the support and maintenance in prison of the said debtor, so long as he shall be confined in prison at the suit or instance of such creditor or creditors; and if default shall be made in any of the payments directed by this section for the support and maintenance of the debtor as aforesaid, then the same proceedings shall be had as are directed in the first section of this law in cases where default shall be made in the payments therein mentioned for the support and maintenance of an imprisoned debtor, the said proceedings to be subject to the provisions and conditions contained in the first section of this law.

SEC. 3. *And be it enacted*, That the provisions herein before contained shall not be extended to any debtor who hath been or shall be convicted, on allegations filed against him under the act of assembly, entitled, an act for the relief of sundry insolvent debtors, passed at November session eighteen hundred and five, and who may be confined in prison for any debt due or owing from him before his application for the benefit of the said law, but whenever any person so convicted shall be committed or confined for any debt due or owing from him as aforesaid, or for the want of special bail in a suit already instituted, or hereafter to be instituted, for any such debt, it shall be the duty of the sheriff to support and maintain such debtor while in actual confinement, and he shall be paid therefor the same sum, and in the same manner as is now allowed in cases where persons are confined in gaol charged with the commission of felony or any other crime.

Not to extend to persons convicted under insolvent law, &c.

SEC. 4. *And be it enacted*, That if any prisoner shall be discharged from prison before the expenditure of any of the sums of money herein before directed to be paid to the sheriff for the support of such prisoner, rating the said expenditure at twelve and an half cents a day, it shall be the duty of the sheriff, on the discharge of said prisoner, to repay forthwith to the creditor or creditors the money so advanced and not expended.

If prisoner should be discharged before money is expended, sheriff to pay it over to creditor.

SEC. 5. *And be it enacted*, That the amount which may have been paid by said creditor or creditors, for the support of such prisoner, shall be considered as a preferred claim, and be first paid out of the effects of such prisoner, should he or she be finally released under the benefit of the insolvent laws of this state.

Amount paid by creditor for support of debtor to be considered a preferred claim, &c.