

CHAP. 77.

Creditors assenting that debtors shall obtain the benefit of insolvent law shall make affidavit, &c.

2. AND BE IT ENACTED, That any creditor of an insolvent debtor or who assents that such insolvent debtor shall obtain the benefit of the insolvent law, shall make affidavit, or affirmation, (as the case may be,) that the said debtor is *bona fide* indebted to him in the sum claimed as due, and that he has received no security or satisfaction for the same, or any part thereof, before some justice of the peace of this state, or notary public residing within the United States, and without such affidavit or affirmation annexed to the assent aforesaid, such creditor shall not be included among the assenting creditors.

Who shall be entitled to a personal release.

3. AND BE IT ENACTED, That any debtor who shall petition for the benefit of the insolvent laws, and shall comply with all the terms and conditions of such laws, except obtaining the assent of two-thirds of his creditors in amount, shall be entitled to a personal release, except in cases where interrogatories or allegations have been filed, and have not been satisfactorily answered and decided in favour of such debtor, which release shall be a good and effectual discharge of the person from all arrests on mesne or execution process, on account of any debt or contract incurred or entered into by such insolvent debtor before his application; *Provided*, such debtor shall, at the time of his arrest on mesne process, execute a warrant of attorney, authorising some attorney to appear for him in the court to which such process is returnable.

Proviso.

Final release.

4. AND BE IT ENACTED, That no person shall be entitled to the benefit of said insolvent laws oftener than once in two years, nor shall any debtor be entitled to a full and final release a second time, until he shall pay over or convey to his trustee or trustees, estate sufficient in amount to pay fifty *per cent.* of his debts at the time of his second application as aforesaid; nor to a full and final release a third time, until he shall pay over or convey to his trustee or trustees, estate sufficient in amount to pay seventy five *per cent.* of his debts at the time of his third application as aforesaid; *Provided*, that nothing in this act contained shall prevent the right of such petitioner to obtain the benefit of a personal release in such cases.

Proviso.

Persons vexatiously withholding their assent.

5. AND BE IT ENACTED, That if any petitioning debtor shall not be able to produce to the county court, at the time of his final hearing, the assent of two thirds of his creditors in amount, and against whom no interrogatories or allegations shall have been filed, or if filed shall have been satisfactorily answered or decided in favour of such debtor, and the said debtor shall allege in writing to the county court, within six months after the time of his final hearing as aforesaid, (having given to his creditors one month's notice in the manner prescribed in the act to which this is a supplement of his intention,) that he is not able to obtain the assent of two-thirds of his creditors in amount, and that such assent is vexatiously and unreasonably withheld, it shall be in the power of the county court to examine, in a summary manner, into the truth and merits of such application, and where in their opinion such assent shall be vexatiously and unreasonably withheld, the said court is hereby authorised to extend to such applicant the full benefit of the acts of insolvency.

Appointment of trustee shall operate as assignment

6. AND BE IT ENACTED, That the appointment of a trustee or trustees under said insolvent laws, shall operate as an