

INSOLVENT DEBTORS.

The estate of such prisoner shall be vested in the sheriff, who is to sell the same, andly (after deducting 1/4 per day for keeping such prisoner, and 7 1/2 per cent. commission,) shall apply the residue to the payment of the debts. *Ibid.* § 3.

Where the trustee is fully executed, the estate, &c. is transferred to the succeeding sheriff, who is to complete the same, and the former sheriff, or his executors, are to account with such succeeding sheriff, who may, in default thereof, bring an action in his own name against them. 1797, ch. 147.

The sheriff is not obliged to sue for debts due to the prisoner unless indemnified as to charges thereon. 1774, ch. 28, § 31.

He shall pay what may be recovered in proportion to the necessary apparel and utensils of trade not exceeding £. 5. to be valued by the aforesaid justices. *Ibid.* § 2, 3.

Notice to be given before suits are brought, and creditors having been paid, to refund to the others in proportion. *Ibid.* § 4.

The time from the discharge till the bringing of the suit (if brought within one year therefrom) not to be affected by any act of limitation. *Ibid.*

After the delivery of such schedule, &c. on oath, and the transmission thereof, the said justices, or two of them, shall, by their order in writing, command the sheriff to set such prisoner at liberty. *Ibid.* § 5.

Such order shall be sufficient to discharge and indemnify the sheriff against any escape or other action, and if sued, he may plead the general issue, and give this act, &c. in evidence. *Ibid.*

The creditors may, notwithstanding such discharge, at any time afterwards, without a writ of *habeas corpus*, sue out on their judgments writs of *fiert facias* or attachment for the balances due against any lands, &c. acquired or possessed by such insolvent person by descent, gift, devise, bequest, or in a course of distribution. *Ibid.* § 6.

If such person shall be arrested or imprisoned on a judgment for any debt, &c. contracted before such discharge, the court from which the process issues may discharge such prisoner on motion. *Ibid.* § 7.

And if arrested on process for the recovery of any debt, &c. so contracted, may take his common appearance without bail. *Ibid.*

The discharge of such prisoner not to acquit any other person from such debt, &c. *Ibid.*

The justices shall not relieve from confinement a person committed for any fine, forfeiture, or costs of prosecution. November, 1792, ch. 51.

If a creditor shall, on the day appointed, appear before the prisoner's discharge, and allege that such prisoner has sold or lessened his property to defraud his creditors, and shall give bond, in the penalty of £. 50, to be approved by the justices, to pay all damages, &c. which the prisoner may sustain by reason of such objection, if over-ruled, the justices shall not discharge such prisoner, but shall stay further proceedings, and return the bond to the next county court. 1774, ch. 28, § 8.

The county court shall hear and determine in a summary way such allegation of the creditor; if against the prisoner, he shall have no benefit of this act, and judgment shall pass against him for costs; if against the creditor, the prisoner shall be discharged, on delivering in open court such schedule, and taking the oath as aforesaid, and all his estate shall be vested in the sheriff as if he had been discharged by the justices as aforesaid. *Ibid.*

The court may ascertain what damages the prisoner has sustained by the false allegation of such creditor, and adjudge them to him, with costs, so as not to exceed the penalty of the bond. *Ibid.*

INSOLVENT DEBTORS.

The damages and costs so recovered are not to be vested in the sheriff, or subjected to the same. *Ibid.*

The court may order the prisoner to be brought in and may remand him, and appoint an assize time for the trial of the issue. *Ibid.* § 9.

Persons convicted of perjury in swearing under this act shall suffer as in cases of wilful and corrupt perjury, shall be liable to be taken on process *de novo*, and charged in execution for their debts, and shall never after have the benefit of this act. *Ibid.* § 11.

Certain insolvent debtors therein named to be relieved pursuant to the provisions in the act of 1774, 1785, ch. 122, sub A. & for the relief of the insolvent debtors therein respectively mentioned. November, 1785, ch. 6, ch. 17, 1789, ch. 10, ch. 43, 1790, ch. 13, ch. 45, ch. 46, 1791, ch. 73, April, 1792, ch. 8, November, 1799, ch. 57, 1799, ch. 11, ch. 68, 1794, ch. 73, 1795, ch. 84, 1796, ch. 70, 1797, ch. 139, ch. 83, ch. 97, ch. 98, ch. 111, 1798, ch. 14, ch. 26, ch. 31, ch. 64, ch. 79, ch. 102, ch. 109, 1799, ch. 11, ch. 26, ch. 125, ch. 40, ch. 41.

On the application of the persons therein named to the chancellor, offering to deliver all their property to the use of their creditors, the chancellor shall direct notice to be given as therein prescribed. 1799, ch. 89, § 2.

On the appearance of the creditors, or their neglect to appear on notice, the chancellor shall administer to the petitioner the oath or affirmation therein prescribed. *Ibid.*

The chancellor shall then choose such person as a majority of the creditors in value, their agents, &c. then present, shall recommend, to be a trustee for the benefit of the creditors. *Ibid.*

He shall name such person as he shall think proper if the creditors do not attend or make a recommendation. *Ibid.*

No persons but citizens of the United States and of this state to be entitled to the benefit of this act. *Ibid.* § 10.

The person to produce, at the time of petitioning, the assent in writing of his creditors to the amount of two thirds in value of the debts due from him on the passage of this act. *Ibid.*

Foreign creditors, not residing, or having agents empowered in the United States, not included herein. *Ibid.*

The chancellor empowered, without such consent, to discharge the person only of the debtors. *Ibid.*

But persons engaged in trade or merchandise need not procure such assent; but if so many as have due to them one fourth in value shall not judge with the chancellor their dissent in writing, on or before the expiration of six months after notice, as before directed, such debtors shall be entitled to relief as if they had procured the assent of two thirds of their creditors as aforesaid, if notice is given that they petition as traders, &c. *Ibid.* § 12.

Bond to be given by the trustee, and on his refusal, neglect, &c. another trustee to be appointed. *Ibid.* § 13.

On the petitioner executing a deed to the trustee, and delivering to him all his property, &c. the chancellor, on being certified thereof, may order that the said debtor shall be discharged from all debts, covenants, contracts, promises and agreements before the date of the said deed. *Ibid.* § 15.

Provided that he shall not thereby be discharged from the payment of any fine. *Ibid.*

Provided also, that any property which he shall thereafter acquire by gift, descent, or in his own right by bequest, devise, or in any course of distribution, shall be liable to the payment of the said debt, and that the discharge of such debtor shall not discharge any other person from any debt. *Ibid.*

The chancellor may allow such debtor to retain the necessary wearing apparel of himself and family. *Ibid.* § 6.

The chancellor may direct the trustee to sell the property as he shall think most for the advantage of the creditors. *Ibid.* § 7.

The