

take it, and consequently the debtor would thereby be relieved.

But the combined pressure of debts and taxes bore so hard upon the debtor, that we conceived some sure and certain relief ought, if possible, to be devised and adopted. Our courts of justice, it appeared, were filled with lawsuits, and it was generally admitted that there was not enough of gold and silver to pay taxes, much less to pay both taxes and private debts. In deliberating on the subject we found it both delicate and difficult. While we felt a real concern for the debtor, whose distress was in many instances occasioned by the calamities of the late war, and heightened immediately on the peace by the necessary imposition of heavy taxes; to pay off the national debt contracted during the war, we could not but be sensible at the same time of the critical situation of the creditor, whose engagements and prospects might be defeated by a suspension of debts. The treaty too was a circumstance which very much embarrassed and perplexed us.

On a review of our laws as to the legal remedy the creditor had against the debtor, we found he had his election to take the body of his debtor, or his lands, goods and chattels. If he took his execution against the property of the debtor, the law authorized an appraisement of it on oath, and obliged him to take the property at such appraisement, but the election as to species of property was given