

given to the creditor. The law, which made this provision on execution against the goods and chattels of the debtor, was an act passed in 1716 under the old government, and by the statute of fifth of George the second, extended here, and adopted before the revolution, lands were put on the footing of goods and chattels as to executions for debts.

On this review we conceived, that if executions against the body could be suspended for a time, and the creditor obliged to take substantial property for his debt at its actual worth, a relief would be given to the debtor, and as much attention preserved to the creditor and treaty as circumstances and the necessity of the case would admit. It appeared to us, that in most cases the debtor had enough of solid property to pay his debts, his distresses and difficulties arose from the acknowledged scarcity of gold and silver, and the impracticability of commanding it on a public sale of his property in any proportion to its real worth, and in such cases the creditor to avoid the taking of property under the act of 1716, took out execution against the person of the debtor, and locked him up in a gaol; the debtor, to relieve himself from the distresses, horrors and calamities of imprisonment, had no other means left but by a public sale of his property for gold and silver.

As the difficulties of the debtor arose principally from the present scarcity of gold and silver, and not from a want of sufficient property of the debtor, we framed