

What property of a debtor shall be exempt from execution, &c.

process, which may be issued against such debtor for debts, rent excepted, which shall have been contracted after said first day of September, that is to say, household utensils, not exceeding in value fifteen dollars; the necessary tools of a tradesman, not exceeding in value twenty dollars; all wearing apparel, two beds and the necessary bedding, one cow and a spinning wheel.

JOHN ST. CLAIR, *Speaker*
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-sixth day of March, one thousand eight hundred and fourteen.

SIMON SNYDER.

CHAPTER CXXII.

An ACT for the relief of Insolvent debtors.

SECT. I. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That any person who after the first day of September next, shall be in actual confinement in any jail in this commonwealth, on mesne or final process, for the recovery of money or damages, without any collusion with the plaintiff or plaintiffs, or who shall be so confined for the non-performance of any decree or sentence, for the payment of money, and who shall have resided within this state for six months immediately preceding such confinement, may apply by petition in writing to the court of common pleas of the county wherein he shall be confined, and offer to deliver up to the use of his creditors, all his property, real, personal and mixed, to which he is in any manner entitled; a schedule whereof, (on oath or affirmation) together with a list of his creditors and the nature and amount of their debts as far as he can ascertain the same, with a statement of his losses and the means whereby he became insolvent, shall be exhibited with and annexed to his petition; and thereupon the court may direct fifteen or more days personal notice of such application to be given to the creditors or so many of them as can be served therewith, or direct notice of such application to be published in one or more public newspapers, for such time as the court may think proper; and at the time and place appointed for hearing the petitioner and his creditors, may administer to him the following oath or affirmation: “I, A. B. do swear (or solemnly, sincerely and truly declare and affirm) that I will deliver up and transfer to my trustee or trustees for the use of my creditors, all my property that I have or claim any title to or interest in at this time, and all debts, rights and claims which I have at this time, or that I am in any respect entitled to, in possession, reversion or re-

Insolvent debtors may petition the courts in certain cases.

And deliver up their property.

When the court shall give notice to the creditors, &c.

Form of oath to be taken by debtors.

mainder ; and that I have not directly or indirectly, at any time, given, sold, conveyed, leased, disposed of, or entrusted any part of my property, rights or claims to any person whereby to defraud my creditors or any of them, or to secure, receive or expect any profit, benefit or advantage thereby.

SECT. II. *And be it further enacted by the authority aforesaid,* That the debtor shall thereupon exhibit to the court a just and true account of his debts, credits and estate, real and personal, and satisfy the court that he has not concealed or conveyed to any person or persons whatsoever, for the use of himself or any of his family or friends, or whereby to expect any future benefit to him or them, any part of his estate, effects or credits, and shall answer all and every question relative to and concerning his estate and losses, by word or in writing, as shall be put to him by the court ; and if upon such examination there shall not arise strong presumption of frauds, the court, whether at its regular terms or sitting by adjournment, shall appoint such trustee or trustees of the debtor as two-thirds in number and value of his creditors then attending, either in person or by attorney, shall nominate ; or if the said creditors should not attend or not nominate any trustee, the court shall appoint such trustee or trustees as they may think proper ; whereupon the court may make an order that the debtor shall not at any time thereafter be liable to imprisonment by reason of any judgment or decree, obtained for the payment of money only, or for any debt, damages, costs, sum or sums of money contracted, accrued or occasioned and due before the time of said order, and such order shall be a sufficient warrant to the sheriff, jailor or keeper of the prison, where any such debtor shall then be imprisoned, to discharge the said debtor ; and the court shall allow such debtor to retain the necessary wearing apparel and bedding for himself and his family, and if a mechanic or manufacturer, his tools not exceeding in value fifty dollars.

Debtors to exhibit a true account of his debts, &c.

And answer all questions, &c.

The court shall appoint trustees in certain cases.

And order said debtor to be discharged from imprisonment.

A debtor may retain bedding &c.

Trustees to give bond, &c.

Vacancies how filled.

SECT. III. *And be it further enacted by the authority aforesaid,* That every trustee, before he acts as such, shall give bond to the commonwealth with security in such penalty as the court shall direct, for the faithful execution of his trust ; and in case of the refusal or delay of any trustee or trustees to act, or in case of his or their death, the court may appoint another or others in his or their room, who before acting shall give bond with security, as aforesaid, and each trustee shall receive such pay or commission for his trouble and services as shall be thought reasonable and ordered by the court.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the trustee or trustees shall be deemed vested with all the estate of such debtor, at the time of his or their appointment, and may and shall take the same into possession, and all books, vouchers and papers relating thereto ; and shall be capable in his or their own names, to sue for and recover any

Trustees vested with all the estate, &c. of the debtor.

Trustees may sue, &c.

property or debts belonging to such debtor at the time of his or their appointment; and no suit brought by such debtor and pending at the time of the appointment of said trustee or trustees, shall abate thereby, but the same shall be continued, and the money or property recovered therein shall be paid or given to the said trustee or trustees.

Trustees may compound with other debtors, &c.

SECT. V. *And be it further enacted by the authority aforesaid,* That the trustee or trustees shall have power to compound with the debtors of the said petitioning debtor, in cases of dispute or controversy, or to settle the same by arbitration or otherwise; and all such debtors shall have the benefit of a defalcation, where there shall be mutual debts between them and the said petitioning debtor, in like manner as in other cases.

Trustees to sell and convey the real estate of a debtor,

SECT. VI. *And be it further enacted by the authority aforesaid,* That the trustee or trustees shall collect the debts, and sell and convey all the real and personal estate of such debtor at public sale, and the nett produce, after paying all necessary expenses attending the execution of the trust and the commission of the trustees, shall be divided amongst the creditors in proportion to the amount of their respective debts and claims, in doing which no preference shall be allowed to debts due by specialty, but the fees and charges of maintenance due to the jailer at the time of the discharge of the debtor, being approved by the court, shall be first paid out of the debtor's property previous to any distribution.

Proofs and claims of creditors when they shall be heard.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the trustee or trustees shall appoint such time and place for receiving the proofs of the creditors in support of their respective claims, and for the distribution of the debtors estate, as to them shall seem proper, and shall finally close the accounts of the said estate, and make distribution at such time, not less than three, nor more than twelve months from the time of their appointment, unless the time shall be extended by order of the court, after which time every creditor shall be barred from claiming any share in the distribution of said estate: *provided,* that if any suit affecting the estate of the debtor should be pending, or any part of the estate should remain undisposed of, or any other of the effects or estate of the debtor should afterwards be discovered, the trustee or trustees shall, as soon as possible, convert the said estate or effects into money, and within three months afterwards divide the same among the creditors as aforesaid: *and provided,* that such notice, either by publication in one or more newspapers or otherwise as the court may direct, shall be given of the several times and places of meeting for the purposes aforesaid.

Proviso.

Second Proviso.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That at each of the said meetings for the purpose of making a dividend, creditors shall be permitted to prove their debts; and after making all just allowances for necessary expenses

Of dividends of debtors' estate.

such part of the residue of the nett produce of the debtor's estate as the trustee or trustees shall direct, shall be divided among those creditors who shall have duly proved their debts, in proportion to the amount of the same, and the trustee or trustees shall take receipts from each creditor in a book to be kept for that purpose, and such receipts shall be a full discharge to the trustee or trustees, for so much as they shall fairly pay. And all proceedings of the trustee or trustees together with the accounts and vouchers exhibited to them, shall be filed with the records of the court.

SECT. IX. *And be it further enacted by the authority aforesaid,* That if any debtor whose property shall be vested in a trustee or trustees, according to this act, shall have satisfied all claims brought in and allowed against him, the court shall order his estate and effects not sold to be restored to him, or his legal representatives, and he shall thereupon be seized and possessed thereof, as if no application to the court for the benefit of this act had been made, and if upon the final settlement of the estate, by the trustee or trustees, there shall be any surplus the same shall be paid to and be vested in the debtor or his legal representatives.

In what cases a debtor's effects shall be restored to him.

SECT. X. *And be it further enacted by the authority aforesaid,* That if any person with intent to defraud all or any of the creditors, shall collude or contrive with the debtor for the concealment of any part of his estate or effects, or for giving a false colour thereto, or shall contrive or concert any grant, sale, lease, bond, acknowledgement, or other like proceeding, either by parole or by writing, or shall become a grantee purchaser, lessee, obligee, or other like party, in any such fraudulent transaction, or shall with such fraudulent intent act as broker, scrivener, factor, agent or witness, in any proceeding as aforesaid, such persons shall, on being duly convicted thereof, in the court of quarter sessions of the proper county, forfeit and pay a sum not less than fifty dollars, nor more than ten thousand dollars, and shall suffer imprisonment for a term not less than three months, nor more than two years, and shall moreover forfeit all claim which he may have to any part of the estate of such debtor.

Any person intending to defraud creditors, &c.

Shall be fined on conviction thereof.

SECT. XI. *And be it further enacted by the authority aforesaid,* That if any person who shall be legally sworn or affirmed by virtue of this act, shall be guilty of wilful perjury, he shall be prosecuted and punished in the same manner as persons guilty of wilful and corrupt perjury are, or shall be prosecuted and punished by the laws of this commonwealth, and shall be liable to be taken and committed on process, and charged in execution in the same manner as if he had never been discharged or taken in execution before, and shall never afterwards have the benefit of this act.

Penalty for perjury.

SECT. XII. *And be it further enacted by the authority aforesaid,* That no debtor who shall obtain an order or discharge as afore-

An order of discharge shall exempt any debtor from a second imprisonment, &c.

said, shall at any time thereafter, be imprisoned by reason of any judgment or decree obtained for the payment of money only, or for any debt, damages, costs, sum or sums of money, contracted, accrued or occasioned, and due at the time of said order or discharge, but upon every arrest upon such judgment or decree, or for such debt, damages, costs, sum or sums of money, it shall and may be lawful for any judge of the court, whence the process issued upon the showing of a copy of the order of discharge, certified by the clerk of the court where the same shall have been recorded under seal of office, to release and discharge the said debtor out of custody, and the said judge is hereby directed so to do, so that the said debtor if arrested or detained, on mesne process do give a warrant of attorney to appear to the action or actions on which he is so arrested or detained, and to plead thereto:—
Provided, That the discharge of a debtor by virtue of this act, shall not acquit any other person from any debt, sum or sums of money, or any part thereof but that all other persons shall be answerable for the same in the same manner as before the passing of this act, and all mortgages, judgments, and executions, whereby the goods and chattels, lands and tenements of the said debtor shall be bound, shall remain good and effectual in law, and shall be first satisfied out of the debtor's estate, according to their priority of lien, in the same manner as if this act had not been passed.

Proviso.

SECT. XIII. *And be it further enacted by the authority aforesaid*, That notwithstanding the discharge of any debtor by virtue of this act, all and every debt and debts due and owing from such debtor, and all and every judgment had and taken against him shall stand and be good and effectual in law to all intents and purposes against the lands, tenements, hereditaments, goods and chattels of such debtor, which he or any other person or persons in trust for him at the time of his discharge shall have had, or at any time thereafter, shall or may be in any way seized or possessed of, interested in or entitled to in law or equity, except the necessary wearing apparel and bedding for himself and his family; and if he be a mechanic or manufacturer, his tools, not exceeding in value fifty dollars, and it shall and may be lawful for any of his creditors or his or their executors or administrators to take out a new execution against the lands, tenements, hereditaments, goods and chattels of such debtor, except as herein before provided, for the satisfaction of their debts respectively, in the same manner and form as they might have done if the said debtor had never been taken in execution,

The lands, &c. of a debtor after discharge shall be liable, &c.

SECT. XIV. *And be it further enacted by the authority aforesaid*, That it shall be lawful for the court by whom any debtor shall have been discharged under this act, to make an order that whenever a majority in number and value of his creditors residing within the United States, or having a known attorney

therein, consent in writing thereto, he shall be released from all suits, and the estate and property which he may afterwards acquire, shall be exempted from execution for any debt contracted or cause of action created previous to such discharge, for seven years thereafter, and if after such order shall be so made, and a majority in number and value of the creditors shall have consented as aforesaid, any action shall be commenced or execution issued for such debt or cause of action, it shall be the duty of any judge of the court from which the process issued to set aside the same with costs.

In what case the property of a debtor shall be exempt from execution.

SECT. XV. *And be it further enacted by the authority aforesaid,* That where the court shall have directed personal notice to be given to creditors in pursuance of the first section of this act, the discharge of any debtor shall not affect the rights or proceedings of any creditor to whom personal notice shall not have been given as directed by the court.

Notice to be given to the creditors &c.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That where any rent shall be due from any debtor at the time of his discharge, no goods or chattels, then lying or being in or upon the respective tenements or lands so in lease, or liable to be distrained, shall be removed or disposed of without the consent of the landlord or person to whom the rent shall be due, until the same not exceeding one years rent be paid, and the landlord may use all lawful means for the recovery of his rent: *Provided,* The same exceed not one year's rent by distress or otherwise, as he might have done before the passing of this act.

Property liable for rent, &c.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That any person who shall after the first day of September next, be in confinement by order of any court until he or she restore to the owner or owners any stolen goods or chattels, or pay to the owner or owners the value thereof, and any person who shall be so confined, for the payment of any fine or fines, or for the payment of the costs of prosecution, and for no other cause shall be entitled to the benefit of this act.

Who shall be entitled to the benefit of this act.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That every person who shall be confined in any jail within this commonwealth, after the first day of September next, in execution or otherwise for any debt or debts, sum or sums of money, or fine or fines, forfeiture or forfeitures, none of which exceed the sum of fifteen dollars exclusive of costs, and shall have remained so confined for the space of thirty days, shall be discharged from such confinement and not liable to be again imprisoned for the same, and the sheriff or jailor shall discharge such person from confinement if confined for such debt or debts, sum or sums of money, fine or forfeiture only, and for no other cause.

In what case a debtor shall be discharged from imprisonment by the sheriff.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the several courts of common pleas to fix and order a daily allowance, not exceeding twenty

Provisions to be found for the debtor.

To be paid by the creditor, &c.

And on neglect of payment, &c. the prisoner shall be discharged.

Former acts repealed.

Proceedings in certain cases not affected by this act.

cents for all such poor and insolvent debtors as shall or may be confined in the prison of their respective counties, and have not property sufficient to support themselves, and it shall be the duty of the plaintiff or plaintiffs, at whose suit any such debtor may be imprisoned, his her or their agent or attorney, upon notice given by the keeper of the prison, to pay the said daily allowance at the prison on every Monday morning, while the debtor continues in prison, on failure whereof for the space of three days, the debtor may apply to the court of common pleas if it be in session, or if not, then to a judge of the same, who upon enquiry, and finding the said debtor to be destitute of property, for his support in prison, and failure of payment to have been made as aforesaid, shall forthwith discharge the said debtor from imprisonment, and such debtor shall not be again imprisoned for the same debt or debts.

SECT. XX. *And be it further enacted by the authority aforesaid,*

That the first thirteen sections of an act for the relief of insolvent debtors, within the province of Pennsylvania, passed the fourteenth day of February, one thousand seven hundred and twenty-nine-thirty—and an act containing a supplement to the acts made for the relief of insolvent debtors, and also granting relief to felons, unable to make restitution of stolen goods, passed the twenty eighth of February, one thousand seven hundred and eighty-seven, and a supplement to the several acts of assembly, for the relief of insolvent debtors, passed the twenty-seventh of March, one thousand seven hundred and eighty nine, and a further supplement to the act of assembly, entitled an act for the relief of insolvent debtors, within the province of Pennsylvania, passed the twenty-seventh of March, one thousand seven hundred and ninety, and a supplement to the laws, made for the relief of insolvent debtors within this commonwealth, passed the sixteenth of February, one thousand seven hundred and ninety-two, and the twelfth section of a supplement to the penal laws of this state, passed the twenty-third of September, one thousand seven hundred and ninety-one, and a supplement to the acts of assembly, made for the relief of insolvent debtors, passed the third of April, one thousand seven hundred and ninety-four, and a supplement to the act, entitled an act for the relief and support of insolvent debtors, passed the seventh of April, one thousand eight hundred and seven, shall be and hereby are repealed from and after the first day of September next, but no proceeding already commenced or which shall be commenced, before the said first day of September next, under any of the said acts, shall be affected by this repeal.

JOHN ST. CLAIR, *Speaker*
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-sixth day of March, one thousand eight hundred and fourteen.

SIMON SNYDER.