issue in place of an execution, and such attached property shall be sold under the same. But if the attached property do not produce sufficient to discharge the judgment, a writ of execution may afterwards be issued for the amount deficient.

CHAPTER XIX.

OF INSOLVENCY.

1. Insolvency is the condition of a man whose property is not sufficient to pay his debts.

2. Whenever a man is insolvent, all conveyances, assignments, transfers, and deliveries of his property shall be void and of no effect; but conveyances, assignments, transfers, and deliveries of his property, made ninety days before his assignment for the general benefit of his creditors, as hereinafter provided for, to persons ignorant of his insolvency, shall be valid. It shall be presumed that every man is insolvent, for ninety days before he applies for permission to assign his property, for the general benefit of his creditors. Before that time, his acts are valid, unless his insolvency can be proved.

3. Every person arrested on a writ of execution, or a writ of arrest, for debt, contract, or damages, not for personal injuries, shall be at liberty to declare himself insolvent, and apply for leave to assign his property for the general benefit of his creditors.

4. The application must be made to the court issuing the writ of execution, or to some judge thereof, and it shall be the duty of the sheriff to take such person before the said court or judge, as soon as he is required so to do.

5. The court or judge shall require the applicant to file a schedule of all his money and other property, and of all debts due to, or from him, as far as he can ascertain them, and to verify the same by his oath.

6. The court or judge shall then appoint some person to take charge of the property, who shall immediately call a meeting of the creditors, to elect a trustee to act for their benefit. In such election every person shall, for each twenty dollars of debt due him, be entitled to one vote. Creditors for less than twenty dollars shall be entitled to a vote each.

7. As soon as the trustee so elected has given security before the court or judge, all the property, whether real or personal, of the

insolvent shall, by operation of law, be vested in him, as if the insolvent were dead, and he were his administrator, and he shall proceed to take possession of all his property, and to administer the estate in the same manner as an administrator, except that he shall make no difference between real and personal property, and shall account for his proceedings in the same manner, and to the same authority. The trustee shall, as much as possible, be likened to an administrator in his duties, rights, remedies and liabilities, in the manner of proceeding against him, and the causes for which proceedings may be had, and in all respects whatever.

8. The court or judge shall, on the insolvent filing the schedule required in the fifth section, require him to take an oath that he will disclose any property or debts not mentioned in his schedule, which he may hereafter discover, and that he has not secreted any thing belonging to him, and has not, in expectation of making that application, done any act to diminish his estate or injure his creditors, or prevent them or any of them, from recovering their just proportion of his property.

9. The court or judge shall require the insolvent to give security that he will appear when called upon, to answer any allegations or interrogatories which may be filed against him.

10. The court or judge may then discharge the insolvent from arrest, and from all future arrests for any debts he may owe, or actions to which he may be liable at that time. But such discharge shall not extend to any execution, or other writ, founded on an action of damages for an injury to the person, reputation or domestic relations of any person, except the particular execution upon which the defendant is arrested.

11. When an insolvent is arrested upon an execution, founded on an action of damages, for an injury to the person or domestic relations of another, he shall proceed in all respects in the same manner as if arrested upon an execution, founded on a judgment in any other action; but the court or judge shall not discharge him until he has suffered imprisonment, in the discretion of such court or judge, who shall be guided in the extent of the imprisonment by the amount of the damages, allowing for any imprisonment he may have suffered, under a writ of arrest or execution in the same action.

12. Every creditor of an insolvent may file at any time within one year of his discharge, before the court discharging him, allegations of fraud, committed either in contracting the debt due to such creditor, or in the application for permission to assign.

Maryland Historical Society

The Maryland State Colonization Society Papers

XIII. Colonization Pamphlets

1. The Declaration of Rights,
The Constitution of the
State of Md. in Liberia
(rough draft, engrossed copy, printed copy)