

*Chap. 162 AN ACT CONCERNING THE EXAMINATION OF JUDGMENT-DEBTORS.*

*Be it enacted, &c., as follows:*

In case of judgment against woman, for twenty dollars, and issue of execution, payment may be demanded.

SECTION 1. Whenever any person shall obtain a judgment against any woman, whether married or unmarried, for the sum of twenty dollars and upwards, exclusive of all costs which make a part of said judgment, whether the same

have accrued in the last action or any former action on the same original cause of action, and while so much as that amount remains uncollected, and shall take out execution upon the same, he may cause payment of the same to be demanded of the judgment-debtor, by any officer qualified to execute the same; and if upon such demand the judgment-debtor shall fail to pay the same, or to expose sufficient goods or estate to be taken by such officer to satisfy the same, the officer shall, if requested by the judgment-creditor, make a return of his doings upon such execution, and shall be entitled to receive his travel to make such demand and in addition thereto the sum of one dollar, which fees shall be repaid by the judgment-debtor to the judgment-creditor, as a part of the costs of the execution.

Return of doings in case of failure to pay upon request of creditor, to entitle officer to fees.

Creditor may apply to court of insolvency.

SECTION 2. At any time after a demand has been made as provided in the preceding section, the judgment-creditor, or any person in his behalf, may apply to the court of insolvency of the county within which the judgment was obtained, or in which the judgment-debtor resides, by petition, setting forth the fact of such judgment and demand with a copy of the execution, and the return of the officer thereon, alleging that he believes that the judgment-debtor has property not exempted from attachment, which she refuses to apply in payment of said execution, or to expose so that the same may be taken thereon, and praying that a citation may issue requiring such judgment-debtor to appear at a time and place therein to be fixed, and submit to an examination touching her estate, which application shall be verified by the oath of the applicant; and thereupon the register of said court shall issue a citation as prayed for, giving the judgment-debtor at least one day's time for every twenty miles' travel, and a like time for any distance less than twenty miles. Such citation may be served by any officer competent to serve the execution in such petition described.

Debtor failing to appear capias may issue.

SECTION 3. If the judgment-debtor shall fail to appear at the time and place fixed in the citation, the judge on proof of service by the return of the officer, may issue a capias to bring the judgment-debtor before him, which may be served by any officer competent to serve the citation; the fees for

service of the citation shall be fifty cents for the copy and the same travel as for the service of writs.

SECTION 4. The judgment-debtor being so before said judge shall be sworn by the judge or by the register of the court to make true, full and perfect answers touching her estate and the disposal of the same, and she shall thereupon be examined by the judgment-creditor upon written interrogatories, either in the presence of the judge or otherwise as he shall direct; and after such examination is completed the judgment-debtor shall be allowed to add such other facts as she may deem necessary, and the judgment-creditor shall have a right to re-examine her in regard thereto, and the examination so made shall be signed by the debtor and placed on file in the court of insolvency, with the other papers in said case. It shall be competent for either of the parties to introduce evidence in relation to the subject-matter of such examination.

To be sworn to make true answers.

Addition of facts and re-examination allowed.

Evidence by either party competent.

SECTION 5. If it shall appear upon the hearing of the said examination and proof, that the judgment-debtor has property not exempt from attachment, or from being taken on execution, or which cannot be got at to be taken on execution, or that she has property of any kind of the value of twenty dollars not so exempted, judgment to that effect shall be entered by the court, and she shall be required to produce the same or so much thereof as may be needed to satisfy such execution with the costs of the proceedings upon such citation; or if the said property is not within the county in which the proceedings are had, or not capable of being taken on execution, she shall be required to execute and deliver to the judgment-creditor, or some person on his behalf, a transfer, assignment or conveyance of the same, or so much of the same as may be sufficient to satisfy said execution and said costs, or to secure the payment of the same; and if upon being ordered so to do she shall neglect or refuse to obey such order, she shall be committed by said court as for a contempt, and shall stand committed until she shall obey such order, or be otherwise discharged according to law.

Possession of property appearing, judgment to be entered to produce same.

Proceedings in case of inability to take on execution.

Penalty for neglect to obey order of court.

SECTION 6. If any such judgment-debtor during such commitment shall become an insolvent debtor under the laws of this Commonwealth, or become a bankrupt under the laws of the United States, or if it shall appear that she has been divested of her property or estate during such commitment otherwise than by her own act, she shall thereupon be discharged.

Conditions of discharge.

SECTION 7. If it shall appear that after the commencement of the suit upon which the judgment was obtained,

Fraudulent conveyance pending suit, to be void.

the judgment-debtor therein has made any voluntary or fraudulent conveyance, transfer or gift of any property or estate, she may be required to transfer the same to the judgment-creditor, who shall thereupon have a right to demand such property, and recover the same from the party who received the same, or from any person who may have taken the same, without consideration or with notice of the fraud or want of consideration of the original transfer, conveyance or gift.

**Conveyance of property after service of citation to be deemed contempt.**

SECTION 8. If it shall appear that after the service of the citation upon the judgment-debtor, and during the pendency of the proceedings thereon, she has made any conveyance, assignment or transfer of any property, or any payment of money with intent to prevent the same from being transferred or paid to the judgment-creditor or applied by force of the said proceedings to the satisfaction of the said judgment, such transfer, assignment, conveyance or payment shall be deemed to have been made in contempt of the court, and she shall be liable, in the discretion of the court, to be committed as for a contempt, and stand committed until discharged by due process of law; but payment of debts for necessaries, and debts due on judgments, shall not be deemed within the prohibition of this section.

**Penalty.**

**Fees allowable and how accounted for.**

SECTION 9. The petitioner shall pay to the court of insolvency the fees following: for the citation, two dollars; for each day's hearing, and if the examination is conducted in the presence of the judge, for each day's examination, five dollars; which fees shall be repaid by the judgment-debtor, if she shall be adjudged to have property under the provisions of the fourth section of this act; all such fees shall be accounted for by the register of insolvency in the same manner as fees received by said register in cases of insolvency.

**Expiration of three years to authorize new demand.**

SECTION 10. At any time after the expiration of three years from the termination of any proceedings under the provisions of this act, and while the judgment remains in force, the judgment-creditor may cause a new demand to be made, and in case the execution in such case is not thereupon satisfied, he may cause the like proceedings to be had as if no previous demand and proceedings had been made or had.

*Approved April 28, 1862.*

**Chap. 163**

AN ACT CONCERNING THE EASTERN AVENUE CORPORATION.  
Be it enacted, &c., as follows:

**Time for location extended.**

SECTION 1. The provisions of chapter seventy-one of the acts of the year eighteen hundred and sixty, authorizing the