

ARRESTED PERSONS IN CIVIL ACTIONS, DISCHARGE
Act of Jun. 1, 1915, P.L. 704, No. 321
AN ACT

CL. 39

Providing for the discharge of persons arrested or held on process issued on a judgment obtained in civil actions.

Section 1. Be it enacted, &c., That from and after the passage of this act, any person arrested or held in custody, on or by virtue of any process issued on a judgment obtained in any civil action in this Commonwealth, may present his petition to the court, or any law judge thereof, out of which the process or execution issues, praying for his discharge from arrest. The petition shall set forth the nature of the proceedings out of which the process, upon which the petitioner is held, issued, the amount of the judgment therein obtained, a schedule of all the assets of the petitioner, a list of the creditors of the petitioner with the amounts of their claims; the addresses of the creditors, and the nature of the debts owing to them; a statement as to why the petitioner is unable to pay the judgment, and shall be verified by the affidavit of the petitioner.

Section 2. The court to which the petition is presented shall grant a rule to show cause why the petitioner shall not be discharged from arrest, returnable at some convenient time, and shall discharge the petitioner, pending the hearing of the said rule, upon his entering such security for his appearance, surrender, and compliance with the decree of the court as the court shall deem requisite.

Section 3. Actual notice of the hearing of the rule shall be given to the plaintiff in the process, or his counsel of record, and to all the creditors whose addresses are known to the petitioner; and publication of the hearing of the said rule shall be made twice in a daily newspaper in the county, and once in the legal periodical, if any, designated by the court, and an affidavit of the service of the notices upon the creditors and of the publication shall be filed at or before the time fixed for the hearing of the rule.

Section 4. Upon the hearing of the rule the petitioner shall be required to answer all questions put to him, and shall produce all books and papers required to him; and if it shall appear to the court that the petitioner is without means or property with which to pay the judgment, and that he has not secreted or assigned any of his property so as to avoid the payment of the judgment, the court may discharge him from arrest and in said proceedings; but such discharge shall not in any way affect the judgment entered against him. Any person arrested or held in custody on or by virtue of, any process issued on a judgment obtained in any civil action in this Commonwealth shall be discharged at the expiration of sixty days from the date of the commitment, if compliance is had with all the requirements of this act and all other acts of Assembly relating to insolvency.