

4. Upon a contract for the sale of lands or any interest therein or in any mining areas or rights.

5. Upon an agreement that is not to be performed within one year from the making thereof, unless the promise, contract or agreement upon which such action is brought or some memorandum or note thereof, is in writing and signed by the party to be charged therewith, or by some person thereunto by him lawfully authorized.

No contract for the sale of goods, wares or merchandise for the price of \$40 or more shall be good or valid unless the purchaser accepts and receives part of the goods so sold or gives something in earnest to bind the bargain, or in part payment, or, unless some note or memorandum in writing of the bargain is made and signed by the party to be charged thereby or by some person thereunto by him lawfully authorized.

INDIGENT DEBTORS.—Any person imprisoned upon any writ of mesne, process, execution or attachment for non-payment of money, may exhibit a petition to a Judge of the Court from which the execution, &c., issued, or to two commissioners for the relief of indigent debtors accompanied by schedule of his assets and liabilities praying for his discharge from custody, when a summons shall be issued, calling upon the creditor at whose suit the debtor is imprisoned to show cause, on a day therein named, why the debtor should not be discharged. On that day the debtor is examined, and, if not proved guilty of fraud, will be discharged upon making an assignment of all property which he may have, except what is exempt by law, to the creditor in trust to pay the debt. If fraud is proved the debtor can be sentenced to imprisonment for any period not exceeding twelve months.