

Stay Law ^[1]

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by David A. Norris, 2006

The Stay Law is a piece of legislation that gives debtors extra time to pay their creditors before their property is seized for payment. Several states passed such a law, beginning in the years of economic upheaval after the [American Revolution](#) ^[2] and continuing through much of the nineteenth century. North Carolina passed a stay law as early as 1794, and it remained in effect for more than 20 years. This statute called for debtors to have extensions of from 20 days to 6 months to pay their debts after a judgment of a justice of the peace. A stay law in 1809 gave similar extensions for debt payment until 1 Apr. 1810.

To protect debtors racked by economic hard times caused by the [War of 1812](#) ^[3], the [General Assembly](#) ^[4] passed another stay law on 16 Dec. 1812. That statute, also known as the "suspension act," was to remain in effect until 1 Feb. 1814, but it was overturned as unconstitutional by the [North Carolina Supreme Court](#) ^[5] in the case of [Jones v. Crittenden](#) ^[6]. A stay law of the early [Reconstruction](#) ^[7] era was also struck down as unconstitutional in 1869.

Additional Resources:

Taylor, John Louis. "[Jones v. Crittenden](#)." North Carolina Reports Volume 4: *Embracing Carolina Law Repository Vols. I and II January Term, 1811, to July Term, 1816, and North Carolina Term Reports July Term, 1816, to January Term, 1818, Inclusive*. Raleigh, N.C.: Mitchell Printing Company. 1921. p.44-54. <http://books.google.com/books?id=vdwzAQAAMAAJ&pg=PA44#v=onepage&q&f=false> ^[6]

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From:

[Encyclopedia of North Carolina, University of North Carolina Press.](#) ^[11]

1 January 2006 | Norris, David A.

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