ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. LXXXVIII.

An Act to remedy certain Omiſſions in an Act, paſſed in the laſt Seſſion of Parliament, intituled, *An Act for the Diſcharge of certain Inſolvent Debtors.* [22d *June* 1795.]

WHEREAS an Act, paſſed in the laſt Seſſion of Parliament, intituled, *An Act for the Diſcharge of certain Inſolvent Debtors*, did not extend to the Relief of all the Perſons to whom it was meant to extend, owing to the Circumſtance of ſeveral Priſoners, who were in Cuſtody on the Twelfth Day of *February* One thouſand ſeven hundred and ninety-four, and had continued in Cuſtody from that Time, having, during the Time of their Impriſonment, been removed by Writ of *Habeas Corpus*, or by other Means, from one Priſon to another, after the ſaid Twelfth Day of *February* One thouſand ſeven hundred and ninety-four: Be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and

Preamble. 34 *Geo.* III, Cap. 69 recited.

Gaolers to make out Lists of Prisoners who, on *Feb.* 12, 1794, and at the Time of making out, were in Custody.

and by the Authority of the same, That, from and after the passing of this Act, all and every Gaoler or Keeper of any Prison within this Kingdom shall and is hereby required to make a true, exact, and perfect List, alphabetically, of the Name or Names of all and every Person and Persons described in the said Act, who, upon the said Twelfth Day of *February* One thousand seven hundred and ninety-four, was or were in the Custody of any Gaoler or Gaolers, Keeper or Keepers of any Prison, and at the Time of making out every such List shall be really an actual Prisoner or Prisoners in the Custody of the Gaoler or Gaolers, Keeper or Keepers, of any Prison, making and delivering such List, which List shall be delivered and dealt with in like Manner as is directed by the said Act with respect to the Lists therein mentioned.

Warden of the *Fleet*, &c. on delivering in Lists, to take the following

II. And be it further enacted, That the Warden of His Majesty's Prison of the *Fleet*, and the Marshal of the *King's Bench* Prison, and every other Gaoler and Keeper of any other Prison, shall severally, on the delivering in of such List of Prisoners in their respective Custody, take an Oath in the open Court of General Quarter Session of the Peace, or at some Adjournment thereof, to the following Effect:

Oath.

'I *A. B.* upon my Corporal Oath, in the Presence of Almighty God, 'do solemnly swear, profess, and declare, That all and every Per-'son and Persons, whose Name or Names is or are inserted in 'the List by me now delivered in and subscribed, have been, to the 'best of my Knowledge and Belief, really and truly Prisoners in my 'actual Custody ever since the respective Days and Times in such List 'mentioned; and that it appears by the several Returns and Affidavits 'of the several Gaoler or Gaolers, Keeper or Keepers, in whose 'Custody the said several Persons have been, previous to their being 'committed into my Custody, that they were really and truly Prison-'ers in actual Custody on the Twelfth Day of *February* One thousand 'seven hundred and ninety-four, at the Suit or Suits of the several Per-'son or Persons therein respectively mentioned.'

Oath, &c. to be dealt with as directed by recited Act.

Which said Oath, and the Words thereof, Lists, and Copies of Lists, shall be entered, kept, and dealt with in Manner in the said Act directed respecting the Oath, Lists, and Copies of Lists, therein mentioned.

Prisoners to take the following

III. And be it further enacted by the Authority aforesaid, That, instead of the Oath by the said Act directed to be taken by such Prisoners as in the said Act are described, an Oath to the following Effect shall be taken by them respectively:

Oath.

'I *A. B.* upon my Corporal Oath, in the Presence of Almighty God, 'do solemnly swear, protest, and declare, That, on the Twelfth Day 'of *February* One thousand seven hundred and ninety-four, I was 'really and truly a Prisoner in actual Custody of the Keeper of some 'Gaol or Prison at the Suit of without any Fraud 'or Collusion whatever, and that I have ever since my Commitment

'continued a Priſoner in actual Cuſtody, at the Suit of
'and without any Fraud or Colluſion whatever; and that the Schedule
'now delivered by me, and ſubſcribed, doth contain, to the beſt of my
'Knowledge, Remembrance, and Belief, a full, juſt, true, and perfect
'Account and Diſcovery of all the Goods, Effects, and Eſtates, Real
'and Perſonal, in Poſſeſſion, Reverſion, Remainder, or Expectancy,
'which I, or any Perſon in Truſt for me or for my Benefit or Advan-
'tage, am or is ſeiſed or poſſeſſed of, intereſted in, or entitled to, or
'which was or were in my Poſſeſſion at any Time ſince my Commit-
'ment to Priſon, and of all Debts which are to me owing, or to any
'Perſon or Perſons in Truſt for me, and of all the Securities and Con-
'tracts whereby any Money now is, or will or may hereafter become pay-
'able, or any Benefit or Advantage may accrue to me, or to my Uſe, or to
'any Perſon or Perſons in Truſt for me, and the Names and Places of
'Abode of the ſeveral Perſons from whom ſuch Debts are due and
'owing, and of the Witneſſes that can prove ſuch Debts or Contracts
'(if any ſuch there be); and that neither I, nor any other Perſon or
'Perſons in Truſt for me or for my Uſe, have any Lands, Money,
'Stock, or any Eſtate, Real or Perſonal, in Poſſeſſion, Reverſion, or
'Remainder, or Expectancy, other than what are in the ſaid Schedule
'contained, except Wearing Apparel and Bedding for myſelf and Fa-
'mily, Working Tools, and neceſſary Implements for my Occupation
'and Calling, together with a Sum of Money not exceeding Five
'Pounds, and theſe in the Whole not exceeding the Value of Thirty
'Pounds; and that I have not, nor any Body for me hath, directly or
'indirectly, ſold, leſſened, or otherwiſe conveyed, diſpoſed of in Truſt,
'or concealed, all or any Part of my Lands, Money, Goods, Chattels,
'Stock, Debts, Securities, Contracts, or Eſtate, Real or Perſonal,
'whereby to ſecure the ſame, or to receive or expect any Profit or Ad-
'vantage thereof, or with Intent to defraud or deceive any Creditor or
'Creditors to whom I am or was indebted in anywiſe howſoever.

'So help me GOD.'

IV. And be it further enacted, That inſtead of the Oath directed by the ſaid Act to be taken (if required as therein mentioned) by the Gaoler, or Perſon who acts as Gaoler or Keeper of any ſuch Priſon, at the Time of bringing up any ſuch Priſoner in order to be diſcharged, an Oath to the following Effect (if ſo required) ſhall be adminiſtered and taken: Gaolers on bringing up Priſoners to be diſcharged to take the following Oath.

'I *A. B.* do ſwear, That was, as I verily believe,
'a Priſoner in Cuſtody at and upon the Twelfth Day of *February* One
'thouſand ſeven hundred and ninety-four, and that the Copy or Copies,
'Account or Accounts of the Cauſe or Cauſes of his [*or* her] Commit-
'ment or Detainer, now by me brought with the Body of the ſaid
' and produced to this Court, is or are a true Copy or
'Copies, Account or Accounts, of the Cauſe or Cauſes of ſuch Detainer
'or Commitment, without any Fraud or Deceit by me or any other
'Perſon whatſoever, to the beſt of my Knowledge and Belief.

'So help me GOD.'

V. And be it further enacted by the Authority aforeſaid, That all and every the Clauſes, Powers, Proviſions, Penalties, Regulations, and Directions Recited Act to extend to Priſoners

meant to be discharged under this Act.

Directions in the said Act contained, shall apply to the Cases of the Prisoners meant to be discharged under this Act, in the same Manner as if the said Clauses, Powers, Provisions, Penalties, Regulations, and Directions, were herein inserted and enacted.

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F I N I S.