ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. CXII.

An Act for the Relief of certain Insolvent Debtors. [19th *July* 1797.]



Preamble.

WHEREAS, notwithstanding the great Prejudice and Detriment which Acts of Insolvency produce to Trade and Credit, it may be convenient, in the present Condition of the Prisons and Gaols in this Kingdom, that some of the Prisoners who are now confined therein should be set at Liberty: Be it therefore 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 by the Authority of the same, That, from and after the passing of this Act, all and every Keeper or Gaoler of any Prison, in any County, Riding, Division, City, Town, Place, or Liberty, within this Kingdom, shall, is, and are hereby required to make a true, exact, and perfect List, alphabetically, of the Name or Names of all and every Person or Persons, who, upon the First Day of *January* One thousand seven hundred and ninety-seven, was or were, or at any Time since have been, under the Terms and Conditions herein mentioned, and at the Time of making out every such List shall be, really an actual Prisoner or Prisoners, in the Custody of any Keeper or Keepers, Gaoler or Gaolers, of any Prison respectively, upon any Process whatsoever, for or by reason of any Debt, Damage, Costs, Sum

Gaolers to make out Lists of Prisoners who, on *Jan.* 1, 1797, or since, and at the Time of making them out, were in Custody for Debt.

or Sums of Money, or Contempt for Nonpayment of Money; and an Account of the Time when such Prisoner or Prisoners was or were respectively charged in Custody, or received in Prison, together with the Name or Names of the Person or Persons at whose Suit or Prosecution such Prisoner or Prisoners is or are detained; and shall deliver the same to the Justices of the Peace, at their First or Second General Quarter Session, or General Session of the Peace, to be held after the passing of this Act, or at some Adjournment thereof, for such County, Riding, City, Division, Town, Place, or Liberty respectively.

Lists to be delivered to the Quarter Session.

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

Warden of the Fleet, &c. to take an Oath on delivering in Lists.

Oath.

'I *A. B.* upon my corporal Oath, in the Presence of Almighty God, do solemnly swear, profess, and declare, That all and every Person and Persons, whose Name or Names is or are inserted and contained in the First Part of the List by me now delivered in and subscribed, was or were, to the best of my Knowledge and Belief, upon the First Day of *January* One thousand seven hundred and ninety-seven, really and truly Prisoners in actual Custody, in the Prison of [*insert the Name of the Prison*], at the Suit or Suits of the several Person or Persons therein respectively mentioned; and also that all and every Person and Persons whose Name or Names is or are inserted or contained in the Second Part of the said List now by me delivered in and subscribed as aforesaid, have, since the said First Day of *January* One thousand seven hundred and ninety-seven, been committed or surrendered to the said Prison [*insert the Name of the Prison*] at the Suit or Suits of the several Person or Persons therein respectively mentioned; and that the Person or Persons whose Name or Names is or are therein contained, was and were, to the best of my Knowledge and Belief, really and truly Prisoners in actual Custody on the said First Day of *January*, as appears by the Returns made to me on his and their respective Commitments. 'So help me GOD.'

Oath to be administered in open Court, and entered at the End of the List.

Which the said Justices, at their First or Second General Quarter Session or General Session aforesaid, or at some Adjournment thereof, within their respective Jurisdictions, are hereby empowered and required to administer in open Court; and the Words of the said Oath, herein-before directed to be taken by the said Warden and Marshal respectively, and other Keeper or Gaoler of any Prison respectively, shall be entered or written at the End or Bottom of the List which shall be delivered in by them respectively, and shall be subscribed and sworn to by them respectively in open Court; and every such List which shall be so delivered in, subscribed, and sworn to, in pursuance of this Act, shall be kept by the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace of every such County, Riding, Division, City, Town, Place, or Liberty respectively, in which any such List as aforesaid shall be sworn to, for the better Satisfaction of the said Justices, and Information of all or any Prisoner

List to be kept by the Clerk of the Peace, and may be examined *gratis*.

Priſoner or Priſoners therein named, and ſo as the ſame may, from Time to Time, be ſeen and examined by any Creditor or Creditors, or Priſoner or Priſoners, without Fee or Reward.

Three Copies of Liſts to be fixed up in each Priſon Ten Days before the Seſſion.

III. And be it further enacted by the Authority aforeſaid, That all and every Keeper or Gaoler, Keepers or Gaolers, of any Priſon or Gaol, is and are hereby required, Ten Days at leaſt before the Firſt or Second General Quarter Seſſion or General Seſſion of the Peace ſhall be held after the paſſing of this Act for the County, Riding, City, Diviſion, Town, Place, or Liberty, in which any Priſon or Gaol ſhall be, or which the ſame ſhall belong, to fix up, in ſome conſpicuous Place or Places in every ſuch Priſon or Gaol, and at the moſt frequented and uſual Gate, Door, or Entrance, into every ſuch Priſon or Gaol, Three or more true Copies of the Liſt or Liſts propoſed or intended to be delivered in by any ſuch Keeper or Gaoler at the ſaid General Quarter Seſſions, or at ſome Adjournment thereof.

Priſoners, on *Jan.* 1, 1797, for Debts not exceeding 1,200*l.* conforming to this Act, to be diſcharged.

IV. And be it further enacted, That all and every Perſon and Perſons who, on the Firſt Day of *January* One thouſand ſeven hundred and ninety-ſeven, were charged in any Priſon or Gaol for the Nonpayment of any Debt or Debts, Sum or Sums of Money, which did not in the Whole amount to a greater Sum than One thouſand two hundred Pounds, and whoſe Name or Names ſhall be inſerted in any ſuch Liſt to be delivered in as aforeſaid, taking the Oaths hereby directed to be taken, and ſhall perform, on his or her Part, what is required to be done by him or her by this Act, ſhall be for ever releaſed, diſcharged, and exonerated, in ſuch Manner as is herein-after provided.

Juſtices, on Petitions of Priſoners, delivering Schedules of their Eſtates, may iſſue Warrants for bringing them to the Quarter Seſſion, *&c.*

V. And be it further enacted, That it ſhall and may be lawful for any Juſtice or Juſtices of the Peace of any County, Riding, Diviſion, City, Town, Place, or Liberty, within this Kingdom, upon the Petition of any ſuch Priſoner or Priſoners to any Juſtice or Juſtices of the Peace, within his or their reſpective Juriſdictions, upon every ſuch Priſoner or Priſoners ſo petitioning, and, at the Time of his or her ſo petitioning, leaving with the Juſtice or Juſtices of the Peace ſo petitioned, a true Copy of the Schedule, containing his or her intended Diſcovery of his or her Real and Perſonal Eſtate, to be ſworn to at the Firſt or Second General Quarter Seſſion next enſuing after every ſuch Petition, or ſome Adjournment thereof, by Warrant under his Hand and Seal, or under their Hands and Seals, to require the Sheriff or Sheriffs, Keepers or Gaolers of any ſuch Priſon, within the Juriſdiction of any ſuch Juſtice or Juſtices, to bring before the Juſtices at the Firſt or Second next General Quarter Seſſion or General Seſſion of the Peace, or any Adjournment thereof, to be held, as the Caſe ſhall happen to be, next after the Expiration of Ten Days from the Date of ſuch Warrant, for ſuch reſpective County, Riding, Diviſion, City, Town, Place, or Liberty, the Body of any Perſon being in the ſaid Priſon as aforeſaid, with the Warrant or Warrants of his or her Detainer, together with a Copy or Copies of the Cauſe or Cauſes which he, ſhe, or they is or are charged with in any Priſon or Gaol as aforeſaid, at the Time aforeſaid; for which Copy or Copies of Cauſe or Cauſes, ſuch Priſoner ſhall apply to the ſaid Keeper or Gaoler of ſuch Priſon, or to the Clerk of the Papers, or other Perſon who ſhall make out and tranſcribe the ſame, at leaſt Six Days before the

Time of his or her Appearance, which Warrant of every Juſtice or Juſtices, every ſuch Sheriff and Sheriffs, Keeper or Gaoler, is and are hereby commanded to obey.

Schedules to remain with the Clerk of the Peace for Inſpection.

VI. And be it further enacted, That the Copy of every ſuch Schedule which ſhall be left or delivered in as aforeſaid, ſhall be and remain with the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace for the County, Riding, Diviſion, City, Town, Place, or Liberty, in which the ſame ſhall have been ſo left, there to remain and be inſpected, from Time to Time, as Occaſion ſhall require, by any Creditor of any ſuch Priſoner who ſhall deſire to inſpect the ſame.

Debtors intending to apply for their Diſcharge, to give previous Notice Thrice in the Gazette, &c.

VII. And be it further enacted, That all and every Debtor and Debtors who ſhall intend to apply to be diſcharged and exonerated under this Act as aforeſaid, ſhall firſt cauſe publick Notice to be inſerted in Three ſeveral *London Gazettes*, previous to ſuch General or Quarter Seſſion or General Seſſion, or the Adjournment thereof, at which ſuch Application ſhall be made; and if ſuch Debtor ſhall be in Cuſtody in any Gaol out of *London*, or the Weekly Bills of Mortality, then alſo in ſome Newſpaper which ſhall be publiſhed in or near the County, Riding, Diviſion, City, Town, Liberty, or Place, in the Gaol whereof he or ſhe ſhall be ſo in Cuſtody, containing the Name, Trade, Occupation, and Deſcription, and the Two laſt Places of Abode, if ſo many, of every ſuch Debtor and Debtors, and the Priſon wherein he, ſhe, or they is or are confined, and of his, her, or their Intention to take the Benefit of this Act, and mentioning ſuch Notice in ſuch *Gazette* or Newſpaper to be the Firſt, Second, or Third Notice, according to the Time of publiſhing each of ſuch Notices; for the inſerting each of the ſaid Notices in the *London Gazette*, or in any other Newſpaper, there ſhall be paid each Time, by every Priſoner the Sum of Four-pence and no more, the Firſt of which ſaid Notices ſhall be ſo inſerted in the ſaid Gazette and in the ſaid other Newſpapers, as the Caſe may require, Twenty one Days at the leaſt, and the laſt of the ſaid Notices Six Days at the leaſt, before any ſuch Firſt or Second General Quarter Seſſion or General Seſſion, or Adjournment thereof, ſhall be held as aforeſaid, ſo that as well all the Creditors who have not charged the ſaid Debtor or Debtors in Cuſtody, as thoſe Creditors who have charged ſuch Debtor or Debtors in Execution, or on Meſne Proceſs, or otherwiſe, may have ſufficient Notice thereof.

Debtors to deliver Schedules to the Gaoler previous to the Firſt Notice,

VIII. And, to the Intent that all Creditors may have full and ſufficient Time to conſider the Matters and Things contained in the Schedule or Schedules intended to be delivered in by any Debtor or Debtors; be it further enacted, That every ſuch Debtor, when he or ſhe ſhall (according to the Directions of this Act) publiſh the Firſt Notice of an Intention to take the Benefit of this Act, he or ſhe ſhall in ſuch Notice, declare that the Schedule containing his or her intended Diſcovery of his or her Real and Perſonal Eſtate (to be ſworn to in Manner as by this Act is directed) is lodged in the Hands of the Keeper or Gaoler, or the Deputy of ſuch Keeper or Gaoler, of the Priſon wherein any ſuch Debtor ſhall be confined, and every ſuch Debtor is hereby directed and required to deliver ſuch Schedule to ſuch Keeper or Gaoler, or Deputy, as the Caſe may be, before he ſhall publiſh ſuch Firſt Notice as aforeſaid, ſigned with his or her own Chriſtian and Surname, to be atteſted by any ſuch Keeper,

Keeper, Gaoler, or Deputy; and in case any Debtor shall neglect or refuse to deliver One such Schedule to such Keeper, Gaoler, or Deputy, prior to such his First Notice to be given as aforesaid, he or she, upon due Proof made of such Neglect, to the Satisfaction of the Court to which such Debtor shall make Application, shall be remanded back to Prison, there to remain until he or she shall have complied with the Directions aforesaid; and every such Keeper, Gaoler, or Deputy, is hereby directed and required to attest the Signature of the Debtor's Name to such Schedule, and to receive the same into his Custody and Charge, giving a Duplicate thereof to every such Debtor, with an Acknowledgement of his having received the Original; and he is hereby further required to deliver a true Copy of any such Schedule, signed by himself, upon Request made to him by any Creditor for that Purpose, in Writing, such Copy to be delivered to the Creditor himself, or to such Person as he shall appoint to receive the same, within Three Days after Demand made; and if any such Keeper, Gaoler, or Deputy, shall neglect or refuse to conform to the Directions hereby given him respecting such Schedule, every such Keeper, Gaoler, or Deputy, so offending, shall pay the Sum of Twenty Pounds to any Person who shall sue for and recover the same, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt.

and for Neglect, to be remanded to Prison.

Gaoler to attest Signatures to Schedules, and to give Copies to Debtors, and also to Creditors, demanding them, on Penalty of 20*l.*

IX. And be it further enacted, That the Notices to be given by every Debtor, in Manner directed by this Act, shall be to the Effect following; that is to say,

Notices to be given in the following Form,

'I [*insert the Name, Trade, Occupation, and Description, and the Two last Places of Abode, if so many*] now confined in [*insert the Name of the Prison and County*], and not being charged in Custody, on the First Day of *January* One thousand seven hundred and ninety-seven, with any Debt or Debts, Sum or Sums of Money, exceeding in the Whole the Sum of One thousand two hundred Pounds, do hereby give this [*First, Second, or Third*] publick Notice, that I intend to take the Benefit of an Act, passed in the Thirty-seventh Year of His present Majesty's Reign, intituled, [*here set forth the Title of this Act, and if it be the First Notice, then add*], and I do hereby give Notice, that a true and perfect Schedule, containing a Discovery of all my Real and Personal Estate, hereafter to be sworn to, is now ready to be delivered to any Creditor applying for the same to the Keeper or Gaoler, or his Deputy, of the said Prison.'

And every such Notice shall be signed by the Debtor, and countersigned by the Keeper or Gaoler, or Deputy of such Keeper or Gaoler, of such Prison.

and signed by the Debtor and Gaoler.

X. And be it further enacted, That every such Debtor as aforesaid, not being charged as aforesaid, on the said First Day of *January* One thousand seven hundred and ninety-seven, with any Debt or Debts, Sum or Sums of Money, in the Whole to a greater Amount than the Sum of One thousand two hundred Pounds, who shall apply to the General or Quarter Session, or any Adjournment thereof, shall, in case it shall be proved upon Oath, or by producing the said Three *Gazettes* and Newspapers before mentioned, to the said Justices at any such Session, of the Ad-

Debtors applying at the Session, proving Notices were duly inserted, shall, in open Court, deliver in signed Schedules, and take the following Oath.

Adjournment thereof, that such Notices were inserted in the *London Gazette*, and other Newspapers where required in Manner aforesaid, and that the Person or Persons so applying was or were actually a Prisoner or Prisoners on the First Day of *January* One thousand seven hundred and ninety-seven, in the Prison or Gaol in which his, her, or their Name or Names is or are specified in the List delivered in at such First or Second Session, or any Adjournment thereof, or in some other Prison or Gaol, as aforesaid, in pursuance of this Act, shall, in open Court, at the said General Quarter Session or General Session, or any Adjournment thereof, subscribe and deliver in a true Schedule or Account of all his or her Real Estate, in Possession, Reversion, Remainder, or Expectancy, and also the Whole of his or her Personal Estate, which he or she, or any Person or Persons in Trust for him or her, or for his or her Use, Benefit, or Advantage, is or are seised of, interested in, or entitled to, or was or were in his or her Possession at any Time since his or her Commitment to Prison, with the Names of his or her several Debtors, and where they respectively live, or may be met with; and the several Sums of Money from them respectively owing, and how the same respectively became due, and are secured, and if by Mortgage, Specialty, Contract, Note, or other Writing, then the Name and Names, and Places of Abode, of the several Witnesses who can prove such Debts or Contracts, (if there be any such), and shall also make Oath and swear to the Effect following; (that is to say),

Oath.

'I *A. B.* upon my corporal Oath, in the Presence of Almighty God, 'do solemnly swear, protest, and declare, That on the First Day of '*January* One thousand seven hundred and ninety-seven, I was really 'and truly a Prisoner, in the actual Custody of in 'the Prison or Gaol of at the Suit of 'without any Fraud or Collusion whatsoever; and that I have, ever 'since my Commitment, continued a Prisoner within the Prison of 'in the actual Custody of the Keeper or Gaoler of the said 'Prison of [*or mentioning some other Prison or Prisons, as the 'Case may be*], or within the Liberties thereof, at the Suit of 'and without any Fraud or Collusion whatsoever; 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 Bene'fit or Advantage, are seised or possessed of, interested in, or entitled 'to, or was or were in my Possession at any Time since my Commit'ment to Prison, and of all Debts to me owing, or to any Person or 'Persons in Trust for me, and of all the Securities and Contracts 'whereby any Money now is, or will or may hereafter become payable, '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 my Use, have any Lands, Money, Stock, or any 'Estate, Real or Personal, in Possession, Reversion, Remainder, or Ex'pectancy, other than what are in the said Schedule contained, except

'Wearing Apparel and Bedding for myſelf and Family, 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 Perſon 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, Securi-'ties Contracts, or Eſtates, Real or Perſonal, whereby to ſecure the 'ſame, or to receive or expect any Profit or Advantage therefrom, or 'with an Intent to defraud or deceive any Creditor or Creditors to whom 'I am or was indebted in anywiſe howſoever.

'So help me GOD.'

Schedule and Oath to be ſubſcribed by the Debtor, and to remain with the Clerk of the Peace for Peruſal of Creditors.

And the ſaid Schedule and Oath ſhall be, by every ſuch Debtor, ſubſcribed in the Preſence of the Juſtices in open Seſſion of the Peace, as hereby directed, and ſhall be kept by, and remain with the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, for the County, City, Liberty, Diviſion, Town, or Place, where the ſame ſhall be ſubſcribed and taken, for the better Information of all the Creditors of ſuch Debtor who ſhall deſire or may have Occaſion to reſort thereto, and every ſuch Creditor ſhall be at Liberty, at ſeaſonable Times in the Day Time, to peruſe and examine the ſame.

Court, at the Requeſt of a Creditor, may examine Gaolers on Oath.

Debtor's Oath not being diſproved, the Court to order his Diſcharge.

XI. And be it further enacted, That the Juſtices of the Peace within their reſpective Juriſdictions, at any ſuch General Quarter Seſſion or General Seſſion, or Adjournment thereof, at the Requeſt of any Creditor or Creditors of any ſuch Debtor, are hereby authorized to cauſe the Deputy Warden and Marſhal of the *Fleet* and King's Bench Priſon, or any other Under Officer, Tipſtaff, and Turnkey of any Priſon or Gaol, and any other Perſon, within their reſpective Juriſdictions, to come before them, and to examine them reſpectively on Oath touching any of the Matters contained in any of the Oaths preſcribed by this Act to be taken, and the Truth thereof; and if the Oath which ſhall have been taken in open Court by any Debtor or Debtors ſhall not be diſproved by good Teſtimony of any credible Perſon or Perſons on Oath, and ſuch Juſtices, or the major Part of them preſent at any ſuch General Quarter Seſſion or General Seſſion, or any Adjournment thereof, ſhall be ſatisfied with the Truth of the Oath taken by ſuch reſpective Debtor, then ſuch Juſtices ſhall, in ſuch Seſſion, or ſome Adjournment thereof, adjudge ſuch Debtor or Debtors to be entitled to the Benefit of this Act; and ſhall order the ſaid Sheriff or Sheriffs, Keeper or Keepers, Gaoler or Gaolers, of ſuch Priſon or Priſons, forthwith to ſet at Liberty ſuch Priſoner or Priſoners, without having or taking any Fee or Reward, other than One Shilling for the Trouble of his Attendance with every ſuch Priſoner at the ſaid Seſſions for his ſaid Diſcharge; and every ſuch Order ſhall be a ſufficient Diſcharge to the Sheriff or Sheriffs, Keeper or Keepers, Gaoler or Gaolers, of ſuch Priſon or Priſons, and ſhall indemnify him or them againſt any Eſcape or Eſcapes, Action or Actions whatſoever for Eſcape, which ſhall or may be brought, commenced, or proſecuted, againſt him or them.

Eſtate and Effects of diſcharged

XII. And be it further enacted by the Authority aforeſaid, That all the Eſtate, Right, Title, Intereſt, and Truſt, of ſuch Debtor of, in, and unto,

Debtors veſted in the Clerk of the Peace, who is to aſſign the ſame to ſuch Creditors as the Court ſhall direct, in Truſt for the Whole.

unto, all the Real Eſtate, as well Freehold and Copyhold or Cuſtomary, and to all the Perſonal Eſtate, Debts, and Effects, of every ſuch Debtor, ſhall, immediately after ſuch Adjudication, be, and the ſame is hereby veſted in the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, of and for the County, Riding, City, Town Corporate, Diviſion, Liberty, or Place, where any Debtor ſhall be reſpectively diſcharged; and every ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, is hereby directed and required to make an Aſſignment and Conveyance of every ſuch Debtor's Eſtate and Effects, veſted in ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace as aforeſaid, to ſuch Creditor or Creditors of the ſaid Debtor as the Juſtices, at any General or Quarter Seſſion of the Peace, or at any Adjournment thereof, which ſhall be held by them within their reſpective Juriſdictions, ſhall order and direct, which Aſſignment and Conveyance ſhall be good and effectual in the Law, to all Intents and Purpoſes whatſoever, without being wrote on Parchment or Paper ſtamped, to veſt the Eſtates thereby aſſigned and conveyed in the Party or Parties to whom the ſame ſhall be ſo aſſigned and conveyed, his, her, and their Heirs, Executors, Adminiſtrators, and Aſſigns, according to the Eſtate and Intereſt the Debtor had therein; and every ſuch Aſſignment and Conveyance ſhall be in Truſt for the Benefit of the Creditor or Creditors of every ſuch Debtor to whom the ſame ſhall be made, and the reſt of the Creditors of every ſuch Debtor, in reſpect of or in Proportion to their reſpective Debts; and every Perſon or Perſons to whom any ſuch Aſſignment and Conveyance as aforeſaid ſhall be made, is and are hereby fully empowered to ſue, from Time to Time, as there may be Occaſion, in his, her, or their own Name or Names, for the Recovery and attaining any Eſtate or Effects of any ſuch Debtor, and alſo to execute any Truſt or Power veſted in, or created for the Uſe or Benefit of any ſuch Debtor, but in Truſt for the Benefit of him or themſelves, and the Reſt of the Creditors of every ſuch Debtor, and to give ſuch Diſcharge and Diſcharges to any Perſon or Perſons who ſhall reſpectively be indebted to ſuch Debtor as may be requiſite; and every ſuch Aſſignee or Aſſignees ſhall, with all convenient Speed after his or their accepting ſuch Aſſignment or Conveyance, uſe his and their beſt Endeavours to receive and get in the Eſtate and Effects of every ſuch Debtor, and ſhall, with all convenient Speed, make Sale of all the Eſtates of ſuch Debtor veſted in ſuch Aſſignee or Aſſignees; and if ſuch Debtor ſhall be intereſted in or entitled to any Real Eſtate, either in Poſſeſſion, Reverſion, or Expectancy, the ſame, within the Space of Two Months after ſuch Aſſignment and Conveyance, ſhall be ſold by publick Auction, in ſuch Manner, and at ſuch Place, as the major Part of the Creditors of any ſuch Debtor, who ſhall aſſemble together on any Notice in Writing, publiſhed in the *London Gazette*, or in ſome Daily Paper, if the Debtor before his going to Priſon reſided in *London* or in the Weekly Bills of Mortality, and if elſewhere, then in ſome Newſpaper which ſhall be publiſhed in or near the County, Riding, Diviſion, City, Town, Liberty, or Place, in which ſuch Debtor dwelled before he or ſhe was committed to Priſon, Thirty Days before any ſuch Sale ſhall be made, ſhall, under his Hands, or their Hands, agree on; and every ſuch Aſſignee or Aſſignees, at the End of Three Months at fartheſt from the Time of his or their accepting any ſuch Aſſignment or Conveyance as aforeſaid, ſhall make a fair and juſt Dividend of all ſuch Debtor's Eſtate

Aſſignees to get in Effects, and ſell them, &c.

Aſſignees to make Dividend within Three Months, firſt

Eſtate and Effects, which ſhall have been then recovered, amongſt his or her Creditors, in Proportion and in regard to each Creditor's reſpective Debt; but before any ſuch Dividend ſhall be made, ſuch Aſſignee or Aſſignees ſhall make up an Account of ſuch Debtor's Eſtate, and make Oath in Writing, before One or more Juſtice or Juſtices of the Peace of the County, Riding, or Diviſion, Town, Liberty, or Place, in which any ſuch Debtor ſhall have been diſcharged, that every ſuch Account contains a fair and juſt Account of the Eſtate and Effects of every ſuch Debtor got in by or for ſuch Aſſignee or Aſſignees, and of all Payments made in reſpect thereof, and that all Payments in every ſuch Account charged were truly and *bona fide* made and paid; and Notice of the making of every ſuch Dividend ſhall be publiſhed in like Manner as a Meeting of the Creditors is herein-before directed to be publiſhed, Thirty Days at leaſt before the ſame ſhall be made; and no Creditor ſhall be allowed to receive any Share of ſuch Dividend, until he ſhall have made out the Juſtneſs and Identity of his Debt by Oath, or due Proof, in Writing, before ſome ſuch Juſtice or Juſtices; and if any Creditor of ſuch Debtor ſhall be diſſatisfied with the Reality or Fairneſs of any Debt claimed by any other Creditor, then the ſame, at the Requeſt of any ſuch Creditor or Creditors ſo diſſatisfied, ſhall be examined into by the Juſtices of the County, Riding, Diviſion, City, Liberty, or Place, in which ſuch Debtor ſhall have been adjudged to have been entitled to the Benefit of this Act, at their next General or Quarter Seſſion, or ſome Adjournment thereof, and what they ſhall there determine in the Premiſes ſhall be concluſive to all Parties; and if, after Payment of all ſuch Debtor's Creditors, there ſhall any of his Eſtate and Effects remain, after Payment of all reaſonable Charges, the ſame ſhall be paid to ſuch Debtor, his Executors, or Adminiſtrators.

verifying their Accounts on Oath.

Thirty Days Notice of making Dividends to be given.

No Creditor to ſhare till he has proved his Debt.

Reality of Debts may be inquired into at the Seſſion.

Surplus of Effects to be paid the Debtor.

XIII. Provided always, and be it further enacted, That all and every Creditor and Creditors of any Debtor who ſhall be diſcharged by virtue of this Act, for any Sum or Sums of Money payable by way of Annuity, or otherwiſe, at any future Time or Times, by virtue of any Bond, Covenants, or other Securities of any Nature whatever, may be and ſhall be entitled to be admitted a Creditor or Creditors, and may and ſhall be entitled to receive a Dividend or Dividends of the Eſtate of ſuch Debtor, in ſuch Manner, and upon ſuch Terms and Conditions, as ſuch Creditor or Creditors would have been entitled unto by the Laws now in Force if ſuch Debtor had become Bankrupt, and without Prejudice in future to their reſpective Securities, otherwiſe than as the ſame would have been affected by a Proof made in reſpect thereof by the Creditor under a Commiſſion of Bankrupt, and a Certificate obtained by the Bankrupt under ſuch Commiſſion.

Creditors for Annuities or Money payable at any future Time, to receive Dividends as under a Commiſſion of Bankrupt.

XIV. And, for obviating any Doubts which may otherwiſe ariſe how far the ſeveral Powers and Authorities, by this Act veſted in or given to Clerks of the Peace, may be lawfully done, exerciſed, or performed, by the Deputy or Deputies of the Clerk of the Peace for the County Palatine of *Lancaſter*, (the ſaid Office of Clerk of the Peace for the ſaid County of *Lancaſter* being held by Letters Patent from His Majeſty, with the Power of executing the ſame by Deputy or Deputies); be it further enacted and declared, That all Conveyances and Aſſignments of the Eſtate and Effects of any Debtor or Debtors, and all other Acts, Deeds, Matters,

Powers of Clerk of the Peace for the County of *Lancaſter*, to extend to his Deputies.

ters, and Things, which ſhall be done, exerciſed, or performed, in the Execution of this Act, by any Deputy or Deputies of the Clerk of the Peace for the ſaid County Palatine of *Lancaſter*, or by the Perſon or Perſons who, for the Time being, ſhall exerciſe and perform the Truſts and Duties of the ſaid Office within and for the ſaid County Palatine, ſhall be of the ſame Force, Validity, and Effect, in the Law, to all Intents and Purpoſes, as if the ſame had been done, executed, and performed, by the Clerk of the Peace for the ſaid County Palatine of *Lancaſter* for the Time being.

Eſtates of Debtors, not inſerted in Schedules, to be veſted in the Clerk of the Peace.

XV. And, to the Intent that no Loſs may ariſe to any Creditor or Creditors from any Neglect or Omiſſion in the Schedule not containing the Whole of the Eſtate, Real or Perſonal, belonging to any Debtor who ſhall apply for his or her Diſcharge under the Authority of this Act; be it enacted, That all the Eſtate, whether Real or Perſonal, which ſhall belong to any Debtor or Debtors, and of which he, ſhe, or they, ſhall be actually poſſeſſed or entitled unto at the Time of making ſuch Schedule, ſhall be deemed and taken to be Part of the Eſtate contained in ſuch Schedule, though not inſerted therein, and ſhall in like Manner become veſted in the Clerk of the Peace, Town Clerk, or other Officer acting as ſuch, to all Intents and Purpoſes, as if the ſame had been contained in ſuch Schedule, and had been delivered into the Court according to the Directions of this Act.

Holders of Securities, without Conſideration given, not entitled to any Benefit.

XVI. Provided always, and be it enacted, That no Perſon holding any Security whatſoever, for which ſuch Debtor never received any valuable Conſideration, ſhall be entitled to receive any Benefit from the Eſtate of ſuch Debtor, unleſs the Perſon holding ſuch Security ſhall make it appear, to the Satisfaction of the Juſtices at ſome General or Quarter Seſſion, or Adjournment thereof, that he or ſhe became poſſeſſed of the ſame *bona fide* and for good or valuable Conſideration.

Eſtates to veſt in the Clerk of the Peace for the Time being.

XVII. Provided always, and be it enacted, That in caſe of the Death or Removal of any Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace as aforeſaid, in whom the Eſtate, Right, Title, Intereſt, or Truſt, of any Debtor or Debtors ſhall have veſted by the Authority of this Act, every ſuch Eſtate, Right, Title, Intereſt, and Truſt, ſhall become veſted in the Succeſſor or Succeſſors to every ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace as aforeſaid reſpectively, as the Caſe may be, to all Intents and Purpoſes whatſoever, under the Proviſions of this Act.

No Suit in Equity to be commenced without Conſent of the Majority in Value of Creditors.

XVIII. Provided further, and be it alſo enacted, That no Suit in Equity ſhall be commenced by any Aſſignee or Aſſignees of any ſuch Debtor's Eſtate and Effects, without the Conſent of the major Part in Value of the Creditors of ſuch Debtor, who ſhall meet together purſuant to a Notice to be given, at leaſt Ten Days before ſuch Meeting, in the *London Gazette*, or other Newſpaper which ſhall be publiſhed in the Neighbourhood of the laſt Reſidence of ſuch Debtor or Debtors, for that Purpoſe.

Schedules to be produced by Clerks of the Peace to Creditors,

XIX. And be it further enacted by the Authority aforeſaid, That the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, for every reſpective County, City, and County Town, and County

County Riding, Diviſion, Cinque Port, Liberty, and Place, with whom any Schedule of the Eſtates of any Inſolvent Debtor or Debtors ſhall be left, and his Succeſſors, Clerks of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace as aforeſaid, ſhall, on the reaſonable Requeſt of any Creditor or Creditors of ſuch Inſolvent Debtor or Debtors, or his or their Attorney, produce and ſhew to ſuch Creditor or Creditors, or his or their Attorney, in the Day Time, the Schedule of the Eſtate of any ſuch Inſolvent Debtor or Debtors, which ſhall be left with any ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, or his Predeceſſor in that Office, the Perſon ſo requiring to ſee and peruſe any ſuch Schedule paying or tendering to the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, in whoſe Cuſtody any ſuch Schedule ſhall be, or his Deputy, the Sum of One Shilling for his Trouble in ſearching for and looking out ſuch Schedule, and attending whilſt the ſame ſhall be peruſed by the Party requiring to have the ſame looked out, and to peruſe the ſame; and that a true Copy of every ſuch Schedule, ſigned by the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, in whoſe Cuſtody the ſame ſhall be, or his Deputy, purporting the ſame to be a true Copy of ſuch Schedule, without being wrote on Stamped Paper, and for which Copy no more ſhall be paid than Sixpence by the Sheet, each Sheet containing Seventy-two Words, and ſo in Proportion for a leſs Number of Words, ſhall, at all Times, be admitted in all Courts whatſoever as legal Evidence of the ſame; and if any Clerk of the Peace, or his Deputy, Town Clerk, or other Officer acting as Clerk of the Peace, ſhall, on reaſonable Requeſt as aforeſaid, neglect or refuſe to produce to any ſuch Creditor or Creditors as aforeſaid, or his or their Attorney, any ſuch Schedule as aforeſaid, and to permit the ſame to be inſpected as aforeſaid in the Day Time, on ſuch Payment or Tender as aforeſaid being made to him, or ſhall aſk or take more than after the Rate of Sixpence by the Sheet, each Sheet to contain Seventy-two Words, and ſo in Proportion for leſs than Seventy-two Words in a Sheet, or ſhall refuſe to make and deliver a Copy of any ſuch Schedule on being requeſted as aforeſaid ſo to make the ſame, and having the Money tendered to him for Payment of ſuch Copy after the Rate aforeſaid, ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Pounds, which ſhall and may be ſued for and recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, together with Treble Coſts of Suit, in the Name of any Perſon who ſhall proſecute for the ſame, and One Moiety of which Sum forfeited ſhall, when recovered, go to the Party who proſecuted for the ſame, and the other Moiety thereof to the Poor of the Pariſh in which the Offence ſhall be committed.

and ſigned Copies to be Evidence.

Clerk of the Peace refuſing to produce Schedules, *etc.* to forfeit 10*l.* with Treble Coſts.

Application of the Penalty.

XX. Provided always, and be it enacted, That before ſuch Time as any Aſſignee or Aſſignees as aforeſaid ſhall enter on, or take any Profit from, any Copyhold or Cuſtomary Eſtate as aforeſaid, he or they ſhall agree and compound with the Lord or Lords of the Manor or Manors of whom the ſame ſhall be holden, for the Payment of ſuch Fine or Income as, upon any Surrender and Admiſſion thereto, hath heretofore been moſt uſually accuſtomed to be paid; and that upon every ſuch Agreement or Compoſition made, the ſaid Lord or Lords for the Time being, at the next Court, or ſome ſubſequent Court, which ſhall be holden for the ſaid Manor or Manors, ſhall admit ſuch Aſſignee or Aſſignees,

Aſſignees to compound with Lords of Manors for Copyhold or Cuſtomary Eſtates.

Tenant or Tenants to ſuch Copyhold or Cuſtomary Eſtate, according to the Cuſtom of the ſaid Manor or Manors of which the ſame ſhall be holden, and for and during ſuch Eſtate and Intereſt as the ſaid Debtor had therein at the Time of his or her being diſcharged as aforeſaid, reſerving the Rents, Duties, Heriots, Cuſtoms, and Services, payable and to be rendered in reſpect of the ſaid Copyhold or Cuſtomary Eſtate.

The Debtor's Right only to be affected by this Act.

XXI. Provided alſo, That nothing herein contained ſhall extend to prejudice or affect any Eſtate or Intereſt, or Right whatſoever, of any Perſon or Perſons, other than the ſaid Debtor, which may be expectant upon or ſubject unto the Eſtate or Intereſt of the ſaid Debtor, hereby veſted in the ſaid Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace; but that the Eſtate, Intereſt, and Right whatſoever, of every other Perſon or Perſons, ſhall remain, continue, and be ſaved, to them, in the ſame Manner as if this Act had not been made.

Mortgages, *etc.* to take place of Claims of an inferior Nature.

XXII. Provided alſo, and be it enacted by the Authority aforeſaid, That nothing in this Act ſhall extend, or be conſtrued to hinder or prevent any Mortgage or Mortgages, Charges or Liens, upon the Eſtate of ſuch Debtor or Debtors, or any Part thereof, to take place upon the Lands, Tenements, or Hereditaments, comprized in, or charged or affected by, ſuch Mortgage or Mortgages, Charges or Liens reſpectively, nor to prevent any Statute Staple, Statute Merchant, Recognizance, or Judgement, acknowledged by or obtained againſt any ſuch Debtor or Debtors, to take place upon the Lands, Tenements, or Real Eſtate of ſuch Debtor or Debtors; and alſo where any Inquiſition ſhall have been taken upon any ſuch Statute or Recognizance, or any Writ or Execution ſhall have been taken out and delivered to the Sheriff or proper Officer upon any ſuch Judgement, before ſuch Diſcharge ſhall be given in open Seſſion to any ſuch Debtor as aforeſaid, the Perſonal Eſtate of every ſuch Debtor reſpectively ſhall be ſubject thereto, in the Firſt Place, for ſo much as ſhall remain due upon ſuch Mortgage, Charge, Lien, Statute, Recognizance, or Judgement reſpectively, in like Manner as ſuch Mortgagees and Perſons having ſuch Charges or Liens, and Creditors by Statute, Recognizance, or Judgement, would have been preferred to other Creditors of an inferior Nature, againſt the Real or Perſonal Eſtate of ſuch Debtor and Debtors reſpectively, if this Act had not been made; any Thing herein-before contained to the contrary thereof in anywiſe notwithſtanding.

Power of leaſing Lands veſted in Aſſignees.

XXIII. And whereas many Perſons who may be entitled to and claim the Benefit of this Act are ſeiſed and poſſeſſed of Lands, Tenements, and Hereditaments, to hold to ſuch Debtors for the Term of their natural Lives, with Power of granting Leaſes, and taking Fines, reſerving ſmall Rents on ſuch Eſtates for One, Two, or Three Lives, in Poſſeſſion or Reverſion, or for ſome Number of Years determinable upon Lives; which ſaid Powers ought to be executed for the Benefit of the Creditors of ſuch Debtors: Be it therefore enacted by the Authority aforeſaid, That in every ſuch Caſe, all and every the Powers of leaſing ſuch Lands, Tenements, and Hereditaments, which are or ſhall be veſted in any ſuch Priſoner or Priſoners as aforeſaid, ſhall be, and are hereby veſted in the Aſſignee or Aſſignees of the Real and Perſonal Eſtate of ſuch

ſuch Priſoner, by virtue of this Act, to be by ſuch Aſſignee or Aſſignees executed for the Benefit of all and every the Creditors of ſuch Priſoners as aforeſaid.

The acting Gaoler at the Time of delivering Liſts to take the Oath.

XXIV. And whereas, in ſome Priſons or Gaols in this Kingdom, the Office of Keeper or Gaoler is held in Fee for Life, or otherwiſe, by Perſons who never act as Keepers or Gaolers themſelves, or know any Thing of the Priſoners therein, but depute or employ ſome Perſon or Perſons under them as Keepers or Gaolers of ſuch Priſons or Gaols; be it therefore enacted, That in every ſuch Caſe, the Perſon who ſhall have been actually employed and acted as Deputy Keeper or Gaoler of any ſuch Priſon or Gaol at the Time of the delivering in of the Liſts hereby directed to be delivered in, of Priſoners in any ſuch Priſon or Gaol, at any General or Quarter Seſſions of the Peace, or ſome Adjournment thereof, and not the principal Keeper or Gaoler, (unleſs where ſuch principal Keeper or Gaoler ſhall act as Keeper or Gaoler himſelf), ſhall take the Oath herein-before appointed to be taken by the Keeper or Gaoler of every ſuch Priſon or Gaol.

At the Seſſion, on Requeſt of Creditors, Gaolers to be ſworn.

XXV. And be it enacted by the Authority aforeſaid, That the Juſtices at any General or Quarter Seſſion of the Peace, or Adjournment thereof, to which any Priſoner ſhall be brought in purſuance of this Act, ſhall, if required by any Creditor or Creditors of any ſuch Priſoner or Priſoners, who ſhall oppoſe his or her Diſcharge, adminiſter and give to the Keeper or Gaoler, or the Perſon who acts as Keeper or Gaoler, of any ſuch Priſon or Gaol, at the Time of bringing up any ſuch Priſoner, in order to be diſcharged under this Act, an Oath to the following Effect; (that is to ſay),

Oath.

'I *A. B.* do ſwear, That was really and truly a Priſoner in my Cuſtody, in the Priſon of [*or*, in Cuſtody in ſome other Priſon, *as the Caſe may be*] to the beſt of my Knowledge and Belief, at or upon the Firſt Day of *January* One thouſand ſeven hundred and ninety-ſeven; and that the Copy or Copies of the Cauſe or Cauſes of his [*or* her] Commitment or Detainer, now by me brought with the Body of the ſaid and produced to the ſaid Court, is or are a true Copy or Copies of the Cauſe or Cauſes of ſuch Commitment or Detainer, without any Fraud or Deceit by me, or any other Perſon whatſoever, to the beſt of my Knowledge and Belief.

'So help me GOD.'

If the Perſon delivering in Liſt was not Gaoler on *Jan.* 1, 1797, he ſhall take the following

And if any Perſon who was Keeper or Gaoler, or deputed Keeper or Gaoler, of any ſuch Priſon or Gaol, on the ſaid Firſt Day of *January* One thouſand ſeven hundred and ninety-ſeven, or ſince, ſhall not happen to be the Keeper or Gaoler, or deputed Keeper or Gaoler, of any ſuch Priſon or Gaol, at the Time any ſuch Liſt as aforeſaid is hereby required to be delivered in, then the Juſtices, at any ſuch Seſſion, or at any Adjournment thereof, may and are hereby required to adminiſter and give to the reſpective Perſon or Perſons who ſhall be Keeper or Gaoler, or deputed Keeper or Gaoler, of any ſuch Priſon or Gaol, and deliver in any ſuch Liſt as aforeſaid at any ſuch General or Quarter Seſſion, or any Adjournment thereof, an Oath, touching the Commitments, or Books of

of Commitment, of any ſuch Priſon or Gaol, to the Effect following; (that is to ſay),

Oath.

'I *A. B.* do ſwear, That I have examined the Commitments, or Books kept of or concerning the Commitment of Priſoners to the Priſon of in the [County, Riding, Diviſion, City, Town, Place, or Liberty of *as the Caſe ſhall be*], and that I do verily believe that the ſaid Commitments, or Books of Commitment, are really true, and not fictitious, nor calculated for this Purpoſe; and by them it doth appear that was, on the Firſt Day of *January* One thouſand ſeven hundred and ninety-ſeven, really and truly a Priſoner in the actual Cuſtody of the then Keeper or Gaoler, or Deputy Keeper or Gaoler, of the ſaid Priſon or Gaol, [*or* other Priſon, *as the Caſe may be*], without Fraud or Deceit by me, or any other Perſon or Perſons, to my Knowledge and Belief.

'So help me GOD.'

At Requeſt of Creditors, Gaolers may be examined on Oath at the Seſſions touching Commitments.

XXVI. And, in order to diſcover any fraudulent Entries or Commitments of Priſoners in any Priſon or Gaol Books; be it further enacted by the Authority aforeſaid, That the Juſtices, at any General or Quarter Seſſion of the Peace, or any Adjournment thereof, are hereby authorized, at the Requeſt of any Creditor or Creditors of any Priſoner, to convene before them, at ſome certain Time to be appointed by them, any Perſon or Perſons who was or were Keeper or Gaoler, or deputed Keeper or Gaoler, of any Priſon or Gaol within their reſpective Juriſdictions, on the ſaid Firſt Day of *January* One thouſand ſeven hundred and ninety-ſeven, or at any Time ſince; and to examine every ſuch Keeper or Gaoler, or deputed Keeper or Gaoler, on Oath, touching the Commitment and Continuance in Cuſtody of any ſuch Priſoner, as the Juſtices, at any ſuch General or Quarter Seſſion, or Adjournment thereof, ſhall think fit; and if any Sheriff, Keeper or Gaoler, or deputed Keeper or Gaoler, ſhall neglect or refuſe to bring before any ſuch Juſtices, at any Seſſion of the Peace, or Adjournment thereof, any ſuch Priſoner as ſhall be directed and required by Warrant of any Juſtice or Juſtices as aforeſaid, or to attend on being ſummoned for that Purpoſe, he ſhall on Conviction ſuffer Six Months Impriſonment, or if any Keeper or Gaoler attending, ſhall refuſe to make Anſwer and Diſcovery in the Premiſes, as ſhall be reaſonably required at ſuch General or Quarter Seſſion, or any Adjournment thereof, he, ſhe, or they, ſo offending in the Premiſes, ſhall, for every ſuch Offence, forfeit and pay the Sum of One hundred Pounds, to be recovered by and in the Name, and for the Uſe of the Party injured, by Action of Debt, to be brought in his or her Name, in any of His Majeſty's Courts of Record at *Weſtminſter*, together with Treble Coſts of Suit.

Penalty on Sheriffs, *etc.* diſobeying Orders of Juſtices, *etc.*

Penalty on Gaolers, and the Printer of the *Gazette*, *&c.* for not complying with the Regulations of this Act.

XXVII. And be it further enacted by the Authority aforeſaid, That if any Keeper or Gaoler of any Priſon, or his Deputy or Deputies, ſhall, without juſt Cauſe, to be approved of by the Juſtices at ſome General Quarter Seſſion, or General Seſſion of the Peace, or Adjournment thereof, within their reſpective Juriſdictions, refuſe or delay to bring any ſuch Priſoner or Priſoners as aforeſaid to any ſuch General Quarter Seſſion, or General Seſſion, or Adjournment thereof, in order to his or her Diſcharge; or ſhall neglect, refuſe, or deſignedly omit to inſert, in any ſuch

ſuch Liſt, the Name or Names of any ſuch Priſoner or Priſoners who was or were actually in Cuſtody in his or their reſpective Priſon or Gaol, on the ſaid Firſt Day of *January* One thouſand ſeven hundred and ninety ſeven, or ſince, or ſhall neglect or refuſe to make out, fix up, or deliver, ſuch Liſts as aforeſaid; or if any Keeper or Gaoler, or deputed Keeper or Gaoler, ſhall neglect or refuſe to take any of the ſaid Oaths before mentioned, and hereby required to be taken by him, or ſhall, upon any Account or Pretence whatſoever, take or receive more than the ſaid Sum of One Shilling herein-before allowed for his or her Attendance in order to be diſcharged of ſuch Priſoner or Priſoners as aforeſaid, or ſhall detain any ſuch Priſoner after he or ſhe ſhall be diſcharged as aforeſaid; or if the Printer of *The London Gazette*, or other Newſpaper as aforeſaid, ſhall wilfully refuſe or neglect to inſert therein the Notice by this Act directed to be given, on reaſonable Requeſt to him made for that Purpoſe, and Tender of the Money hereby directed to be paid, or ſhall take or receive any Fee or Gratuity more than Four-pence as aforeſaid for doing thereof, every ſuch Keeper and Gaoler of ſuch Priſon or Priſons, his Deputy or Deputies, and every ſuch Printer as aforeſaid, ſhall reſpectively forfeit and pay to each Priſoner, in every ſuch Caſe injured, the Sum of One hundred Pounds; which ſhall and may be recovered, with Treble Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of the Courts of Record at *Weſtminſter*, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed.

Penalty on Gaolers for Perjury.

XXVIII. And be it further enacted by the Authority aforeſaid, That if any Keeper or Keepers, Gaoler or Gaolers, or any Deputy Keeper or Gaoler of any Priſon, ſhall, in taking of the afore-mentioned Oaths, forſwear and perjure themſelves, and ſhall thereof be lawfully convicted, ſuch Keeper or Gaoler, or deputed Keeper or Gaoler, of ſuch Priſon or Priſons, (over and above the Penalties to be inflicted on Perſons convicted of Perjury), ſhall, upon every ſuch Conviction, forfeit and pay the Sum of Five hundred Pounds, to be recovered with full Coſts, by Bill, Plaint, or Information, or Action of Debt, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoin, Protection, or Wager of Law, ſhall be allowed, by and in the Name of ſuch Perſon or Perſons, his and their Executors and Adminiſtrators, to whom any Aſſignment or Conveyance, in purſuance of this Act, ſhall be made, of the Eſtate and Effects of ſuch Priſoner or Priſoners, and if no ſuch Aſſignee or Aſſignees ſhall be living, then in the Name or Names of any other Creditor or Creditors, who ſhall ſue for the ſaid Penalties, to be applied, One Moiety to the Informer or Informers, and the other Moiety towards Satisfaction of the Debts of ſuch his Creditor or Creditors.

Penalty on Clerks of the Peace refuſing to give Copies of Adjudications of Diſcharges, &c.

XXIX. And be it further enacted, That if any Clerk of the Peace, or his Deputy, or Town Clerk, or other Officer acting as Clerk of the Peace, ſhall delay or refuſe to give every or any ſuch Priſoner, adjudged to be entitled to his Diſcharge as aforeſaid, within Fourteen Days after ſuch Adjudication, a Copy of the Order of Adjudication, on the Payment of Two Shillings and Sixpence, or ſhall take more than the Sum of Two Shillings and Sixpence for ſuch Copy, or ſhall take more than One Shilling for an Aſſignment or Conveyance of ſuch Priſoner's Eſtate and Effects, every ſuch Clerk of the Peace, or his Deputy, or Town

Clerk, or other Officer acting as Clerk of the Peace, who ſhall ſo offend, and who ſhall be convicted at any ſuch General or Quarter Seſſion of the Peace, or any Adjournment thereof, of any ſuch Offence, ſhall, for every ſuch Offence, forfeit and pay to every ſuch Priſoner, the Sum of Twenty Pounds, as the Juſtices of the Peace, at ſuch General or Quarter Seſſion of the Peace, or Adjournment thereof, ſhall order, and who are hereby empowered to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods of any ſuch Clerk of the Peace, or his Deputy, or Town Clerk, or other Officer acting as Clerk of the Peace ſo offending.

Debtors forſwearing, to be deemed guilty of Perjury.

XXX. And be it further enacted by the Authority aforeſaid, That if any Debtor as aforeſaid, who ſhall take the Benefit of this Act, ſhall wilfully forſwear and perjure himſelf, herſelf, or themſelves, in any Oath to be taken under this Act, and ſhall be lawfully convicted thereof, he, ſhe, or they, ſo offending, ſhall ſuffer ſuch Puniſhment as by Law may be inflicted on Perſons convicted of wilful and corrupt Perjury.

Perſons diſcharged not liable for Debts prior to *Jan.* 1, 1797.

XXXI. And be it further enacted by the Authority aforeſaid, That no Perſon entitled to the Benefit of this Act ſhall, at any Time hereafter, be impriſoned by reaſon of any Judgement or Decree obtained for Payment of Money only, or for any Debt, Bond, Damages, Contempts for Nonpayment of Money, Coſts, Sum or Sums of Money contracted, incurred, occaſioned, owing, or growing due, before the ſaid Firſt Day of *January* One thouſand ſeven hundred and ninety-ſeven, but that upon every Arreſt upon every Judgement, or ſuch Decree, or for ſuch Debts, Damages, Contempts, Coſts, Sum and Sums of Money, it ſhall and may be lawful for any Judge of the Court where the Proceſs iſſued, or for any Two Juſtices of the Peace, upon ſhewing the Copy of the Order of Adjudication as aforeſaid, to releaſe and diſcharge out of Cuſtody ſuch Priſoner or Priſoners as aforeſaid, and at the ſame Time to order the Plaintiff or Plaintiffs in ſuch Suit or Suits to pay ſuch Priſoner or Priſoners the Coſts he, ſhe, or they, ſhall have incurred on ſuch Occaſion, or ſo much thereof as to ſuch Judge or Juſtices ſhall ſeem juſt and reaſonable; and every ſuch Judge is hereby empowered ſo to do on ſuch Priſoner's cauſing a Common Appearance to be entered for him in every ſuch Action or Suit.

Priſoners not diſcharged of Debts ſubſequent to *Jan.* 1, 1797.

XXXII. And whereas, under former Acts of this Kind, Doubts have ariſen what was to be done with ſuch Priſoners who applied at any Seſſion to be diſcharged, who owed and ſtood charged with Debts, as well previous as ſubſequent to the Day limited by the reſpective Acts; to remedy which, be it therefore enacted by the Authority aforeſaid, That no Priſoner or Priſoners ſhall be diſcharged of any Debts incurred ſubſequent to the Firſt Day of *January* One thouſand ſeven hundred and ninety-ſeven; and if it ſhall appear to the Juſtices, at any Seſſion or Adjournment, that any Priſoner or Priſoners, then applying to them to be diſcharged, ſhall ſtand charged as well with Debts previous to as ſubſequent to the ſaid Firſt Day of *January* One thouſand ſeven hundred and ninety-ſeven, that, in ſuch Caſes, it ſhall and may be lawful to and for the Juſtices to diſcharge the Perſon of ſuch Priſoner on Account of all Debts incurred previous to the ſaid Firſt Day of *January* One thouſand ſeven hundred and ninety-ſeven, and to remand him or her back to the Cuſtody of the

Keeper of the Priſon from whence he or ſhe was brought, for all Debts with which he or ſhe ſtands charged with in his Cuſtody, incurred ſubſequent to the ſaid Firſt Day of *January* One thouſand ſeven hundred and ninety-ſeven.

Priſoners who, on Application as Inſolvent Debtors, have been remanded back, and ſince diſcharged, without their Conſent, entitled to the Benefit of this Act.

XXXIII. And be it further enacted by the Authority aforeſaid, That in caſe any Perſon, being a Priſoner, charged in Execution on the ſaid Firſt Day of *January* One thouſand ſeven hundred and ninety-ſeven, and having before or ſince that Day petitioned any Court to be diſcharged as an Inſolvent Debtor, and having conformed to the ſeveral Proviſions of the Laws in being for that Purpoſe, ſhall have been brought up, and by the Court, before which ſuch Priſoner was ſo brought up, remanded back to the Priſon or Gaol from which ſuch Priſoner was brought up, there to continue in Execution on the Undertaking of his or her Plaintiff or Plaintiffs to pay to him or her Two Shillings and Four-pence Weekly and every Week, or ſuch other Allowance as by Law is directed to be paid in ſuch Caſe, during ſuch Time as ſuch Priſoner ſhould remain in Execution at the Suit of ſuch Plaintiff or Plaintiffs, and ſuch Priſoner ſo continued in Execution ſhall have been or ſhall be diſcharged from ſuch Execution by his or her Plaintiff or Plaintiffs, without his or her own Privity or Conſent, ſubſequent to the ſaid Firſt Day of *January* One thouſand ſeven hundred and ninety-ſeven, and before the Day whereon he or ſhe might otherwiſe have applied to take the Benefit of this Act, every ſuch Priſoner ſhall be entitled, notwithſtanding ſuch Diſcharge, to the ſame Relief and Advantage, to all Intents and Purpoſes whatſoever, which he or ſhe might or could have otherwiſe obtained by virtue of this Act; any Thing herein contained to the contrary notwithſtanding.

Act may be pleaded to any Action of Eſcape.

XXXIV. And be it further enacted by the Authority aforeſaid, That if any Action of Eſcape, or any Suit or Action, be brought againſt any Juſtice or Juſtices of the Peace, Sheriff, Keeper, or Gaoler of any Priſon, for performing their Office, in purſuance of this Act, they may plead the General Iſſue, and give this Act in Evidence; and if the Plaintiff be nonſuited, or diſcontinue his Action, or Verdict paſs againſt him, or Judgement upon Demurrer, the Defendant ſhall have Treble Coſts.

Act may be pleaded generally by Priſoners, *etc.*

XXXV. And be it further enacted by the Authority aforeſaid, That if any *Scire Facias*, or Action of Debt or upon Judgement, ſhall be brought againſt any Priſoner, his or her Heirs, Executors, or Adminiſtrators, upon any Judgement obtained againſt any ſuch Priſoner, or on any Statute or Recognizance acknowledged by him or her, before the ſaid Firſt Day of *January* One thouſand ſeven hundred and ninety-ſeven, with reſpect to Priſoners in actual Cuſtody upon the ſaid Firſt Day of *January* One thouſand ſeven hundred and ninety-ſeven, it ſhall and may be lawful for any ſuch Priſoner, his or her Heirs, Executors, or Adminiſtrators, to plead generally that ſuch Priſoner was actually a Priſoner in ſuch Priſon, or in ſome other Priſon, at ſuch a Perſon's Suit on the ſaid Firſt Day of *January* One thouſand ſeven hundred and ninety-ſeven, and was or were duly diſcharged, according to this Act, at the General Quarter Seſſion, or General Seſſion, or Adjournment thereof, held at ſuch Time and Place for ſuch County, Riding, Diviſion, Liberty, City, Town, or Place, (as his, her, or their Caſe is), without pleading any Matter ſpecially;

cially; and in case any other Suit or Action shall be commenced against him, her, or them, for any other Debt, Sum or Sums of Money, due before the said First Day of *January* One thousand seven hundred and ninety-seven, to plead in Discharge of his or her Person from Execution, (over and above such Matters as aforesaid), that such Debt or Sum of Money (as the Case shall happen) was contracted or due before the said First Day of *January* One thousand seven hundred and ninety-seven, without pleading any other Matter specially; whereto the Plaintiff shall or may reply generally, and deny the Matters pleaded as aforesaid, or reply any other Matter or Thing which may shew the said Defendant not to be entitled to the Benefit of this Act, or not duly discharged according to it, in the same Manner as the Plaintiff might have replied in case the Defendant had pleaded this Act, and his Discharge, by virtue of this Act, specially; and if the Plaintiff be nonsuited, discontinue his Action, or Verdict pass against him, or Judgement on Demurrer, the Defendant to have Treble Costs.

Act not to extend to Attornies, or Servants embezzling Money;

XXXVI. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to release or discharge any Attorney at Law, or Solicitor, or any other Person or Persons acting, or pretending to act as such, with regard to any Debt with which he or they shall stand charged for any Money, or other Effects, recovered and received by him or them, for the Use of any Person or Persons, Bodies Corporate or Politick, and by any Attorney, Solicitor, or other Person or Persons acting as such, embezzled, concealed, or converted to his or their own Use; or to release or discharge any Servant or Agent, or any other Person or Persons employed or intrusted as such, with regard to any Debt or Demand with which he, she, or they shall stand charged for or on Account of any Money, Goods, or other Effects, received or possessed by him, her, or them, for the Use and on Account of his, her, or their Master or Masters, or Employers, and by such Servant or Agent embezzled, concealed, or converted, to his, her, or their own Use; any Thing herein contained to the contrary thereof in anywise notwithstanding.

nor to Persons obtaining Money, &c. on false Pretences;

XXXVII. And whereas many evil-disposed Persons, to support their profligate Way of Life, have, by various subtle Stratagems, Threats, and Devices, fraudulently obtained divers Sums of Money, Goods, Wares, Merchandizes, Bonds, Bills of Exchange, Promissory Notes, or other Securities for Money, to the great Injury of industrious Families, and to the manifest Prejudice of Trade and Credit; be it enacted, That no Prisoner, who knowingly and designedly, by false Pretence or Pretences, shall have obtained from any Person or Persons Money, Goods, Wares, Merchandizes, Bonds, Bills of Exchange, Promissory Notes, or other Securities for Money, shall have or receive any Benefit or Discharge by or under this Act; but the Justices at any General or Quarter Session of the Peace, or any Adjournment thereof, before whom any such Prisoner shall be brought, upon due Proof of the Matter, made to their Satisfaction, shall remand such Prisoner to the Custody of the Gaoler or Keeper of the Prison from whence he or she shall have been brought; any Thing herein contained to the contrary notwithstanding.

XXXVIII. And

XXXVIII. And whereas many Debtors, for Rents of Lands, Meſſuages, Houſes, or other Premiſes, have, with fraudulent Intent to diſappoint the Right of their reſpective Landlords, removed the Stock, Cattle, Furniture, Goods, or other Effects, which were ſubject and liable to be diſtrained for the Satisfaction of the ſaid Rents; be it enacted by the Authority aforeſaid, That no Priſoner or Priſoners, who, in a ſecret, clandeſtine, or fraudulent Manner, ſhall have removed, or cauſed to be removed, within Six Years before the paſſing of this Act, any ſuch Stock, Cattle, Furniture, Goods, or Effects, of the Value of Fifty Pounds or upwards, which were ſubject or liable to be diſtrained by their reſpective Landlords for or in Payment of ſuch Rent or Rents, whereby ſuch Landlord or Landlords ſhall have loſt all or ſome Part of the Rent or Rents due to him, her, or them, as aforeſaid, ſhall be diſcharged by or under this Act, but ſhall, on due Proof of the Matter as aforeſaid, be remanded in Manner herein-before mentioned; any Thing herein-before contained to the contrary notwithſtanding.

nor to Perſons removing Effects of the Value of 50 *l.* liable to be diſtrained for Rent;

XXXIX. And whereas many Debtors have, with a View to defraud their Creditors, ſold, transferred, conveyed, or aſſigned, their Eſtate and Effects to ſome Perſon or Perſons, ſubſequent to their being in Cuſtody of Law, or impriſoned under ſome Proceſs for Debt: And whereas ſuch Sale, Transfer, Conveyance, or Aſſignment, hath been fraudulently made, to the infinite Prejudice of the fair and honeſt Creditor, though ſufficient Proof could not be obtained to convict the Party of a fraudulent Deſign: Be it enacted, That whenever it ſhall be proved, by One or more credible Witneſs or Witneſſes, to the Satisfaction of the Court to which any Priſoner ſhall be brought up in order to obtain his or her Diſcharge, that ſuch Priſoner has ſold, transferred, conveyed, or aſſigned, to any Perſon or Perſons, all or any Part of his Eſtate or Effects, ſubſequent to the Time of his Impriſonment, without juſt Cauſe for ſo doing, to be allowed by the Juſtices preſiding in ſuch Court as aforeſaid, every ſuch Debtor ſhall loſe all the Benefits and Advantages that he might otherwiſe have claimed under the Authority of this Act, and ſhall not be entitled to his or her Diſcharge; and every ſuch Sale, Transfer, Conveyance, or Aſſignment, is hereby declared to be null and void.

nor to Perſons ſelling or aſſigning Effects to defraud Creditors.

XL. And be it further enacted by the Authority aforeſaid, That every Gaoler or Keeper of any Priſon ſhall, and is hereby required to ſuffer, in the Day-time, any Perſon or Perſons deſiring the ſame, to ſee and ſpeak, in the Lodge, or ſome convenient Room in the ſaid Priſon, with any Priſoner or Priſoners, whoſe Names are inſerted in the before-mentioned Liſt or Liſts, or the *London Gazette*, or other Newſpapers, or any of them, and alſo to ſee, in the true and genuine Books of the ſaid Priſon, the Entries made of the Name or Names of ſuch Priſoner or Priſoners, Debtor or Debtors, together with the Name or Names of the Perſon or Perſons at whoſe Suit or Suits he, ſhe, or they, are or were detained; and if any ſuch Gaoler or Keeper ſhall refuſe or neglect to comply with what is hereby above required, every ſuch Gaoler or Keeper who ſhall ſo offend in the Premiſes ſhall forfeit and pay to the Perſon ſo refuſed and aggrieved the Sum of Forty Pounds, to be recovered, with Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of the Courts at *Weſtminſter*, wherein no Eſſoin, Protection, Wager of Law, or more than

Gaolers to permit Priſoners to be ſpoken with, &c. on Penalty of 40 *l.*

One Imparlance, ſhall be allowed, by and in the Name or Names of the Perſon or Perſons ſo refuſed and aggrieved.

Gaolers making falſe Entries, &c. to forfeit 500 *l.*

XLI. And be it further enacted, That if any Gaoler or Keeper, or deputed Gaoler or Keeper, of any Priſon or Priſons, ſhall make or cauſe to be made any falſe Entries, in any Book or Books belonging to any Priſon or Gaol under his Care, or of which he is or was Gaoler, or ſhall prepare or keep, or cauſe to be prepared or kept, any falſe Book or Books, in order for any falſe or untrue Entry or Entries to be made therein, or ſhall inſert in any Liſt to be delivered in as aforeſaid, the Name or Names of any Perſon or Perſons who was not in actual Cuſtody as aforeſaid, (except as in the Oath of every ſuch Gaoler or Keeper, or deputed Gaoler or Keeper, ſhall be excepted), every ſuch Gaoler or Keeper, or deputed Gaoler or Keeper, ſhall, over and above the Penalties which he ſhall be liable to for every ſuch Fraud, forfeit and pay the Sum of Five hundred Pounds, to be recovered, with Treble Coſts of Suit, by and in the Name and for the Uſe of any Perſon or Perſons, who ſhall be prejudiced by any ſuch falſe Entry or Entries; which Penalties ſhall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Debtors refuſing to diſcover the Trade and Abode of the Perſon at whoſe Suit detained, &c. to be excluded the Benefit of this Act.

XLII. And be it further enacted, That if any Debtor, being thereunto required by any Creditor, ſhall refuſe to diſcover and declare the Trade or Occupation, and Habitation or laſt Place of Abode, of the Perſon or Perſons at whoſe Suit he or ſhe is or was detained or charged in Cuſtody, or if any Priſoner being called for and deſired by any Creditor or Creditors to come to the Lodge of the Priſon in which any ſuch Priſoner ſhall be confined, without ſome reaſonable Cauſe being made appear to the contrary, every ſuch Debtor, upon Proof being made thereof before the Juſtices at any General or Quarter Seſſion of the Peace, or any Adjournment thereof, to be held as aforeſaid, ſhall not have or receive any Benefit or Diſcharge by or under this Act; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Juſtices may hold a Seſſion at or near the County Gaol.

XLIII. And whereas there is but One Common or County Gaol for each of the reſpective Counties of *York* or *Lincoln*, which ſaid Counties are each of them divided into ſeveral Ridings or Diviſions, all of which have ſeveral Commiſſions of the Peace; and if the Gaoler of theſe Gaols be obliged to carry the Debtors, Priſoners therein, to the Quarter Seſſion of ſuch Riding or Diviſion, the ſame will be a very great Charge, not only to ſuch Gaoler, but alſo to the Priſoners, in theſe large Counties; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful for Two or more Juſtices of the Peace for any of the Ridings or Diviſions in the reſpective Counties, (or any other County or Counties where the Priſons are at a Diſtance from the Place where the Seſſions are held), at the Common or County Gaol thereof reſpectively, or at ſome convenient Place near thereto, and they are hereby required to aſſemble and meet, and to hold Seſſion there, by Adjournment from their reſpective Quarter Seſſion from Time to Time, for the Diſcharge of the reſpective

reſpective Priſoners therein, according to the Powers, Limitations, and Directions of this Act.

Juſtices for the Diſtrict of *Holland* may adjourn to or near the County Gaol, *etc.*

XLIV. And whereas the Diſtrict or Diviſion of *Holland*, in the ſaid County of *Lincoln*, is diſtant near Forty Miles from the ſaid County Gaol, and it is highly inconvenient and expenſive for the Juſtices of the Peace acting for the ſaid Diviſion to be obliged to travel to the ſaid Gaol for the ſole Purpoſe of diſcharging the Priſoners under the Powers by this Act given; be it therefore enacted, That for the ſeveral Purpoſes aforeſaid, the Juſtices for the ſaid Diviſion or Diſtrict of *Holland* may adjourn their original Seſſions to the County Gaol, or ſome Place near thereunto; and it ſhall and may be lawful for any Two Juſtices of the Peace, acting either for the Parts of *Lindſey*, *Keſteven*, or *Holland*, to hold ſuch adjourned Seſſions for the ſole Purpoſe of diſcharging ſuch Priſoners; Notice of the Adjournment of ſuch original Seſſions being given by the Clerk of Seſſions to ſuch Juſtices, and who ſhall attend there to regiſter the Proceedings of the ſaid Court, ſo far as the ſame relate to or affect the Diſcharge of any Priſoner detained for Debt in the Diviſion of *Holland*, and claiming the Benefit of this Act.

Juſtices for *Surrey* may adjourn to *Southwark*.

XLV. And whereas the next General Quarter Seſſions of the Peace for the County of *Surrey*, which ſhall happen after the paſſing of this Act, may be in the Country, and upwards of Twenty Miles from any of the ſaid Priſons; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful for ſuch Juſtices as ſhall be aſſembled at the General Quarter Seſſion of the Peace to be holden for the County of *Surrey*, next after the paſſing of this Act, and they are hereby required forthwith to adjourn the ſaid Seſſions to the Borough of *Southwark*, for the Purpoſe of adminiſtering the Oaths required to be taken and ſubſcribed by this Act, by the ſeveral Gaolers within the ſaid County, and for the Diſcharge of Priſoners or other Debtors, according to the Powers, Limitations, and Directions of this Act.

Priſoners in Cuſtody for Fees, *&c.* to be diſcharged.

XLVI. And be it further enacted by the Authority aforeſaid, That all Debtors and others, who were in Priſon on or before the ſaid Firſt Day of *January* One thouſand ſeven hundred and ninety-ſeven, in any of the Gaols of this Kingdom, and now remain there for not paying their Fees, Rents, or other Demands, due or claimed as due, to the Keeper or Keepers of any Priſon reſpectively, or to any other Officer of ſuch Priſon, and upon no other Account, ſhall be diſcharged therefrom, he, ſhe, or they taking the Oath by this Act required to be taken by Priſoners.

Act not to extend to Debtors to the Crown, or to the Revenue, unleſs the Treaſury certify their Conſent.

XLVII. Provided always, and it is hereby further enacted by the Authority aforeſaid, That this Act ſhall not extend, or be conſtrued to extend, to diſcharge any Perſon ſeeking the Benefit of this Act, with reſpect to any Debt or Penalty with which he or ſhe ſhall ſtand charged at the Suit of the Crown, or of any Perſon for any Offence committed againſt any Act or Acts of Parliament relative to His Majeſty's Revenues of Cuſtoms, Exciſe, Stamps, or Salt Duties, or any of them, or any other Branches of the Publick Revenue, or at the Suit of any Sheriff or other Publick Officer, upon any Bail Bond entered into for the Appearance of any Perſon proſecuted for any Offence committed againſt any Act or Acts of Parliament relative to His Majeſty's ſaid Revenues of Cuſtoms,

Exciſe, Stamps, or Salt Duties, or any other Branches of Publick Revenue, unleſs any Three of the Lords Commiſſioners of His Majeſty's Treaſury for the Time being, ſhall certify their Conſent under their Hands to the Juſtices at their ſaid Seſſions, or Adjournment thereof, for the Diſcharge of ſuch Priſoner as aforeſaid.

Determination of Juſtices to be final, unleſs the Priſoner get rid of the Objections to his Diſcharge, &c.

XLVIII. And whereas, under former Acts, Creditors have been put to great Expence and Trouble, in attending every Seſſion and Adjournment, during the whole Continuance of the Act, to oppoſe the Diſcharge of Debtors clearly excluded from any Benefit under the ſaid reſpective Acts, but who, after having been before One Seſſion heard, and refuſed a Diſcharge, to harraſs their Creditors, conſtantly gave freſh Notices for each ſubſequent Seſſion and Adjournment, of their intended Application to be diſcharged: To remedy which, be it further enacted by the Authority aforeſaid, That in all Caſes whatever, the Determination of the Juſtices in Seſſion or Adjournment ſhall be final to all Intents and Purpoſes, unleſs the Debtor ſhall, during the Continuance of this Act, get rid of the Objection or Objections for which they refuſed his Diſcharge; and that the ſame may be clear and certain, the Juſtices are hereby required to ſtate the Objections why ſuch Debtor's Diſcharge is refuſed by them; and in all Caſes whatever, it ſhall and may be lawful to and for the Juſtices, at any ſubſequent Seſſion or Adjournment, upon any Application from the Priſoner, upon due Proof on Oath made to them, by Two or more credible Witneſſes, (which Oath they are hereby empowered to adminiſter), of each Objection or Objections being removed, and on Proof of Notice ſerved, at leaſt Ten Days previous to ſuch Application, on the Creditor or Creditors who before oppoſed his Diſcharge, and of Notice likewiſe inſerted in the *Gazette*, in Manner before directed by this Act, to order ſuch Priſoner to be brought before them, and, if they ſhall then be of Opinion the ſaid Debtor is entitled to the Benefit of this Act, to adjudge him or her to be entitled to the Benefit of this Act; and if a Priſoner, to order him or her to be diſcharged, he or ſhe taking the Oath, and in all other Reſpects conforming to the Directions of this Act.

Eſtates, of which Priſoners are ſeiſed in Tail, to be delivered up to Creditors.

XLIX. And whereas it may happen that ſeveral Perſons who may claim and be entitled to the Benefit of this Act, are ſeiſed of an Eſtate Tail in ſome Freehold or Copyhold Lands, Tenements, or Hereditaments, which Entail, with the Remainders thereon expectant, they have by Law Power to defeat and bar, either by levying a Fine or Fines, ſuffering a Common Recovery or Common Recoveries, or by Surrender or Surrenders thereof, whereby ſuch Perſon or Perſons ſaid Freehold or Copyhold Lands, Tenements, and Hereditaments, would be liable to the Payment of their Debts, and be delivered up, according to the Terms of this Act, for the Benefit of their Creditors: Be it therefore enacted by the Authority aforeſaid, That in every ſuch Caſe ſuch Perſon or Perſons ſo ſeiſed as aforeſaid, and who ſhall be entitled to and claim the Benefit of this Act, ſhall, to all Intents and Purpoſes whatſoever in Law, be deemed and taken, and is and are hereby declared, to be ſeiſed of ſuch Lands, Tenements, and Hereditaments, in Fee, and the ſame ſhall be delivered up to ſuch Creditor or Creditors of every ſuch Priſoner, in the ſame Manner as if ſuch Perſon or Perſons had actually levied a Fine, ſuffered a Common Recovery or Recoveries, or made a Surrender or Surrenders

Surrenders thereof, and thereby had become ſeiſed in Fee; any Law or Conſtruction of Law to the contrary thereof in anywiſe notwithſtanding.

Aſſignees may apply for the further Examination of Debtors to Two Juſtices.

L. And whereas many Perſons who may be entitled to and claim the Benefit of this Act, have been great Dealers or otherwiſe engaged in large Tranſactions, whereby they may be entitled to ſundry and great Debts and Demands of various and intricate Natures, and they may be entitled to Equities of Redemption of Eſtates ſubject and liable to Mortgages, Judgements, or other Incumbrances, or to Reverſions, Remainders, or other contingent Eſtates, in Lands, Tenements, or Hereditaments, or to other Truſts or Intereſts in Eſtates, both Real and Perſonal, which may not be ſufficiently deſcribed or diſcovered in the Schedule or Inventory before directed to be delivered in upon Oath by the Priſoner to be diſcharged as aforeſaid, or which may want his Aid and Aſſiſtance to adjuſt, make out, recover, or manage, for the Benefit of his Creditors; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the reſpective Aſſignees of the Eſtate and Effects of ſuch Debtor or Debtors, who ſhall obtain his, her, or their Diſcharge in purſuance of this Act, or any other Perſon or Perſons duly authorized by them for that Purpoſe, from Time to Time, to apply to any Two or more of the Juſtices of the Peace for the County, Riding, Diviſion, City, Town, Place, or Liberty, where ſuch Debtor or Debtors ſhall be then reſiding, thereby deſiring that ſuch Debtor or Debtors may be further examined as to any Matters or Things relating to his, her, or their Eſtate or Effects, whereupon ſuch Juſtices ſhall ſend for or call before them ſuch Debtor or Debtors, by ſuch Warrant, Summons, Ways, or Means, as they ſhall think fit; and upon ſuch Debtors appearing ſhall examine him, her, or them, as well upon Oath as otherwiſe, as to ſuch Matters and Things as ſuch Aſſignee ſhall deſire, relating to the Eſtate and Effects of ſuch Debtor or Debtors; and if any Debtor or Debtors (on Payment, or Tender of Payment, of ſuch reaſonable Charges as ſuch Juſtices ſhall judge ſufficient) ſhall neglect or refuſe to come or appear, not having a lawful Excuſe, to be made known to ſuch Juſtices, and by them allowed, or being come before them, ſhall refuſe to be ſworn, or to anſwer to all ſuch Queſtions as by ſuch Juſtices ſhall be put to him, her, or them, relating to the Diſcovery of his, her, or their Eſtate or Effects ſo veſted, or intended to be veſted, in ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, or ſuch Aſſignees as aforeſaid, then it ſhall and may be lawful to and for ſuch Juſtices, by Warrant under their Hands and Seals, to apprehend ſuch Debtor or Debtors ſo offending as aforeſaid, and him, her, or them, to commit to the Common Gaol, there to remain, without Bail or Mainprize, until ſuch Time as he, ſhe, or they ſhall ſubmit him, her, or themſelves to ſuch Juſtices, and anſwer upon Oath to all ſuch lawful Queſtions as ſhall by ſuch Juſtices be put to him, her, or them, for the Purpoſes aforeſaid.

Juſtices to call before them Debtors, and if they refuſe to appear, &c. may commit them.

Reward of 10*l.* *per Cent.* for diſcovering any Part of Debtor's Eſtate not comprized in Schedule.

LI. And be it further enacted by the Authority aforeſaid, That all and every ſuch Perſon and Perſons who ſhall, within Ten Months after the Diſcharge of ſuch Priſoner or Priſoners, voluntarily come in and make a Diſcovery of any Part of ſuch Debtor or Debtors Real or Perſonal Eſtate as ſhall not be comprized in ſuch Schedule as aforeſaid, before

fore any ſuch Juſtices aforeſaid, ſhall be allowed after the Rate of Twenty Pounds *per Centum* out of the Net Produce of ſuch Debtor or Debtors Eſtate which ſhall be recovered on ſuch Diſcovery, and which ſhall be paid to ſuch Perſon or Perſons ſo diſcovering the ſame, by the Aſſignee or Aſſignees of ſuch Debtor's Eſtate and Effects.

Diſcharge of Priſoner fraudulently obtained, void.

LII. Provided always, and be it enacted, That notwithſtanding the Diſcharge of any Debtor or Debtors by virtue of this Act, if it ſhall hereafter appear the ſame was obtained fraudulently, or that any Part of the Oath taken by any ſuch Debtor was not true, then, and in every ſuch Caſe, every ſuch Diſcharge ſhall be void and of none Effect.

Aſſignees, with Conſent of Majority in Value of Creditors, may compound for Debts, and ſubmit Diſputes to Arbitration.

LIII. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful at all Times hereafter for any Aſſignee or Aſſignees of the Eſtate or Effects of any Debtor or Debtors, who ſhall be choſe in purſuance of this Act, by and with the Conſent of the major Part in Value of the Creditors of ſuch Debtor or Debtors, who ſhall be preſent at a Meeting to be had on Twenty-one Days Notice being previouſly given for the Purpoſe hereafter mentioned, in *The London Gazette*, if the Debtor was in Cuſtody in *London*, or within the Weekly Bills of Mortality, and if not, then alſo in ſome Newſpaper which ſhall be publiſhed in the County, City, or Place, in or near which ſuch Perſon or Perſons ſhall have been in Gaol, to make Compoſitions with any Perſon or Perſons, or Accountants to ſuch Debtor or Debtors, where the ſame ſhall appear neceſſary or reaſonable, and to take ſuch reaſonable Part of any ſuch Debt as can upon any ſuch Compoſition be gotten, in full Diſcharge of ſuch Debts and Accounts; and alſo to ſubmit any Difference or Diſpute between ſuch Aſſignee or Aſſignees, and any Perſon or Perſons, for or on Account or by Reaſon or Means of any Matter, Cauſe, or Thing, relating to the Eſtate or Effects of ſuch Debtor or Debtors, or to any Debt or Debts due, or claimed to be due, to or from ſuch Debtor or Debtors, to the final End and Determination of Arbitrators, to be choſen by the ſaid Aſſignee or Aſſignees, and the major Part in Value of ſuch Creditors, and the Party or Parties with whom they ſhall have ſuch Difference, and to perform the Award of ſuch Arbitrators, or of any Umpire to be choſen by them, or otherwiſe to ſettle and agree the Matters in Difference and Diſpute between them, in ſuch Manner as the ſaid Aſſignee or Aſſignees, with ſuch Conſent as aforeſaid, ſhall think fit and can agree, and the ſame ſhall be binding to all the Creditors of ſuch Debtor or Debtors; and every ſuch Aſſignee or Aſſignees is and are hereby indemnified for what they ſhall fairly do in the Premiſes in purſuance of this Act.

Penalty for concealing Eſtates of Debtors.

LIV. And, for the better Diſcovery of the Eſtate and Effects of any Debtor who ſhall be diſcharged by virtue of this Act, be it further enacted by the Authority aforeſaid, That any Perſon or Perſons who ſhall have accepted of any Truſt or Truſts, and ſhall wilfully conceal or protect any Eſtate, Real or Perſonal, of any ſuch Debtor from his Creditors, and ſhall not, within Thirty Days after any Aſſignee or Aſſignees ſhall, in purſuance of this Act, be choſen of any ſuch Debtors Eſtate, diſcover and diſcloſe to ſuch Aſſignee or Aſſignees ſuch Truſt and Eſtate, in Writing, and deliver up or make over the ſame to ſuch Aſſignee or Aſſignees, he, ſhe, or they, ſo offending, ſhall, for every ſuch Offence, forfeit

forfeit the Sum of One hundred Pounds, and alſo double the Value of the Eſtate, either Real or Perſonal, ſo concealed, to and for the Uſe of the Creditors of any ſuch Debtor, to be recovered by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*, in the Name or Names of the Aſſignee or Aſſignees of ſuch Debtor's Eſtate, together with Treble Coſts of Suit.

If Aſſignees die, others may be choſen, &c.

LV. And whereas Proviſion ought to be made as to what ſhould become of the Eſtate and Effects of any Debtor or Debtors not got in, obtained, or recovered, by any Aſſignee or Aſſignees choſe purſuant to the Directions of the ſeveral Acts at the Time of his or their Death or Deaths, and whoſe Heir or Heirs, Executors, Adminiſtrators, and Aſſigns, refuſed to act or meddle therein: To remedy which, be it enacted, That in all ſuch Caſes it ſhall and may be lawful to and for the Creditors of every ſuch Debtor or Debtors to chuſe a new Aſſignee or Aſſignees, in Manner and Form as herein-before is directed, and to obtain a new Aſſignment from the Clerk of the Peace, or his Deputy, Town Clerk, or other Officer acting as Clerk of the Peace, purſuant to the Order of the Juſtices, and which ſaid Order the ſaid Juſtices are hereby required and empowered to direct, (on due Proof on Oath being made to them of the Death of ſuch former Aſſignee or Aſſignees, and Refuſal of his or their Heirs, Executors, Adminiſtrators, or Aſſigns, to act or meddle therein); and the ſaid Clerk of the Peace, or his Deputy, Town Clerk, or other Officer acting as Clerk of the Peace, are hereby empowered to obey the ſame, and execute ſuch Aſſignment accordingly, in Manner and Form as if no former Aſſignment had ever been made, the ſaid Aſſignee or Aſſignees, Clerk of the Peace, or his Deputy, Town Clerk, or other Officer acting as Clerk of the Peace, hereby conforming to all Orders and Directions made by this Act relative to them, or any of them, and to be liable to all ſuch Pains and Penalties as are inflicted on them, or any of them, by this Act, for Diſobedience in any Part thereof, or Neglect of Duty whatever; and in caſe any ſuch Aſſignee or Aſſignees ſhall die, and his Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall refuſe to act, that then and in ſuch Caſe it ſhall be lawful for ſuch Juſtices of the Peace to appoint a new Aſſignee or Aſſignees, with the like Powers and Authorities as are given by this Act; and the ſaid Juſtices ſhall have Power, in a ſummary Way, to oblige the Heirs, Executors, Adminiſtrators, and Aſſigns, of ſuch Aſſignee or Aſſignees, to account and deliver up all ſuch Eſtate and Effects as ſhall remain in his or their Hands, to be applied for the Purpoſes of this Act.

Courts, on Complaint, may remove Aſſignees, &c.

LVI. And, to the Intent and Purpoſe that the Eſtate and Effects of ſuch Debtor or Debtors as ſhall be diſcharged by virtue of this Act may be duly and faithfully applied for the Benefit of his, her, or their real Creditors; be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the reſpective Courts at *Weſtminſter*, and the Courts of Great Seſſions in *Wales*, and the Counties Palatine of *Cheſter*, *Lancaſter*, and *Durham* reſpectively, from whence any Proceſs iſſued, upon which any ſuch Debtor or Debtors was or were committed, or where the Proceſs iſſued out of any other Court, to and for the Judges of the Court of King's Bench, Common Pleas, and Exchequer, or of Great Seſſions, or Counties Palatine aforeſaid, within their reſpective Juriſdictions, or any One of them, from Time to Time, upon the Petition of any ſuch

Debtor, or the Creditor or Creditors of such Debtor, complaining of any Insufficiency, Fraud, Mismanagement, or other Misbehaviour, of any Assignee or Assignees of the Estate or Effects of any such Debtor or Debtors, to summon all Parties concerned, and, upon hearing the Parties concerned therein, to make and give such Orders and Directions therein, either for the Removal or displacing such Assignee or Assignees, and appointing any new Assignee or Assignees in the Place or Stead of such Assignee or Assignees so to be removed or displaced, and for the prudent, just, and equitable Management or Distribution of the Estate and Effects of any such Debtor, for the Benefit of the respective Creditors, as the said Courts or Judges respectively shall think fit; and in case of the Removal or displacing of any Assignee or Assignees, and the appointing of any new Assignee or Assignees, the Estate or Effects of such Debtor or Debtors shall, from thenceforth, be divested out of the Assignee or Assignees so removed or displaced, and be vested in and delivered over to such new Assignee or Assignees, in the same Manner, and for the same Intents and Purposes, as the same were before vested in the Assignee or Assignees first chosen as aforesaid; any Thing in this Act contained to the contrary notwithstanding.

Where mutual Credit has been given, the Balance to be stated.

LVII. Provided always, and be it enacted by the Authority aforesaid, That in all Cases where mutual Credit hath been given between any Debtor who shall be discharged in pursuance of this Act, and any other Person or Persons, or Bodies Corporate or Politick, before the Delivery of such Schedule or Inventory of the Estate and Effects of such Debtor or Debtors, upon Oath as aforesaid, the respective Assignee or Assignees of such Debtor or Debtors is and are hereby authorized and required, on his and their Parts, to state and allow an Account between them and the other Party or Parties concerned; and nothing more shall be deemed to be vested in such Clerk of the Peace, or Town Clerk, or other Officer acting as Clerk of the Peace, or such Assignee or Assignees as aforesaid, as the Estate or Effects of such Debtor or Debtors, than what shall appear to be justly due to him, her, or them respectively, as and for the Balance of such Account, when truly stated.

Prisoners for not paying Monies awarded, Costs, &c. entitled to the Benefit of this Act;

LVIII. And whereas many Persons are often committed by the Courts of Law and Equity for Contempts, for not paying Monies ordered or awarded to be paid, and also for not paying of Costs duly and regularly taxed and allowed by the proper Officer, after proper Demands made for that Purpose, and also upon the Writ of *Excommunicato Capiendo*, or other Process for, or grounded on, the Nonpayment of Money, Costs, or Expences, in some Cause or Proceeding in some Ecclesiastical Court, or for Contempt to such Court relating thereto; it is hereby declared and enacted, That all such Persons are and shall be entitled to the Benefit of this Act, on and subject to the same Terms, Conditions, and Restrictions, as are herein expressed and declared with respect to Prisoners for Debt only.

and also Prisoners on Processes out of Courts of Conscience.

LIX. And whereas great Numbers of poor People have been and are now imprisoned for Debt, upon Processes issuing out of Courts of Conscience; it is hereby enacted and declared, That all such Prisoners shall be entitled to have the Benefit of this Act, and be discharged under the same, provided he, she, or they conform to the Directions herein-before

fore

fore preſcribed, touching other Priſoners who ſhall be diſcharged by virtue of this Act.

Act not to oblige certain Quakers, now Priſoners at *York* for Tithes, to deliver in Schedules.

LX. Provided always, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to *John Wormall*, *Henry Wormall*, *John Stansfield*, *Henry King*, *John Wilkinſon*, *William Hartley*, *Joſeph Brown*, and *James Walton*, being of the People called *Quakers*, now Priſoners in the Common Gaol of the County of *York*, at the Suit of the Reverend *George Markham* Vicar of *Carlton*, in the Weſt Riding of the ſaid County, for Tithes, or any or either of them, ſo as to oblige them, or any or either of them, to deliver in and ſubſcribe a Schedule of their reſpective Eſtates and Effects; but that it ſhall and may be lawful for the Juſtices of the Peace of the ſaid Weſt Riding of the County of *York*, aforeſaid, upon Application made by the ſaid *George Markham*, or by any Perſon or Perſons for or on the Behalf of the ſaid *John Wormall*, *Henry Wormall*, *John Stansfield*, *Henry King*, *John Wilkinſon*, *William Hartley*, *Joſeph Brown*, and *James Walton*, or any or either of them, to cauſe the ſaid Priſoners reſpectively to be brought before them at their next General Quarter Seſſions of the Peace, (or at any ſubſequent General Quarter Seſſions), together with a Copy or Copies of their Detainers, and to examine into the Value of the Eſtates and Effects of the ſaid Priſoners, and each and every of them, by the Oath of One or more Witneſs or Witneſſes, and to iſſue a Warrant under their Hands and Seals, or the Hands and Seals of any Two or more of them, thereby directing and requiring the reſpective Sums due from the ſaid Priſoners reſpectively to the ſaid *George Markham*, and for which they are reſpectively charged or detained in the ſaid Priſon, to be levied upon their reſpective Goods and Chattels; and if the Goods and Chattels of the ſaid Priſoners reſpectively ſhall not be found ſufficient, then the Real Eſtates of the ſaid Priſoners reſpectively (if any ſuch there be) ſhall, by the ſaid Juſtices, or any Two or more of them, be aſſigned over to the ſaid *George Markham* till ſuch Time as the ſaid Debts, with all Coſts and Charges, ſhall be reſpectively paid, and the ſaid Priſoners ſhall, upon their Appearance reſpectively before the ſaid Juſtices, be reſpectively diſcharged from their ſaid Impriſonment as to the ſaid Debt or Debts; and ſo ſoon as the ſaid Debt or Debts, with all Coſts and Charges, ſhall have been fully paid and ſatisfied, the Eſtates of the ſaid Priſoners ſo aſſigned to the ſaid *George Markham* as aforeſaid, ſhall be re-conveyed or aſſigned to them reſpectively according to the Right, Title, or Intereſt, which they reſpectively had therein or thereto at the Time of the paſſing of this Act.

Juſtices may cauſe them to be brought before the Seſſions, and direct the Money due to be levied on their Effects, &c.

No Perſons who have taken the Benefit of any Inſolvent Act within Ten Years, to be entitled to Relief under this.

LXI. Provided always, and be it further enacted, That no Perſon who ſhall have taken the Benefit of any Act heretofore paſſed for the Relief of Inſolvent Debtors within the Space of Ten Years laſt paſt, ſhall have or receive any Benefit or Advantage of or under this Act, nor be deemed to be within the Intent and Meaning thereof, ſo as to be diſcharged under the ſame; any Thing herein-before contained to the contrary thereof notwithſtanding.

Affirmation of Quakers to be taken.

LXII. And be it further enacted by the Authority aforeſaid, That in all Caſes wherein by this Act an Oath is required, the ſolemn Affirmation of any

any Perſon being a Quaker, ſhall and may be accepted and taken in lieu thereof; and every Perſon making ſuch Affirmation, who ſhall be convicted of wilful and falſe Affirmation, ſhall incur and ſuffer ſuch and the ſame Penalties as are inflicted and impoſed by this Act upon Perſons convicted of wilful and corrupt Perjury.

Act not to extend to *Scotland*.

LXIII. Provided alſo, and it is hereby enacted, That nothing in this Act contained ſhall extend to that Part of *Great Britain* called *Scotland*.

FINIS.