ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. LXXXV.

An Act to amend ſo much of an Act, made in the Thirty-ſecond Year of the Reign of King *George* the Second, intituled, *An Act for the Relief of Debtors, with reſpect to the Impriſonment of their Perſons; and to oblige Debtors, who ſhall continue in Execution in Priſon beyond a certain Time, and for Sums not exceeding what are mentioned in the Act, to make Diſcovery of, and deliver upon Oath, their Eſtates, for their Creditors Benefit*, as relates to the weekly Sums thereby directed to be paid to Priſoners in Execution for Debt, in the Caſes therein mentioned. [19th *June* 1797.]

Preamble.

WHEREAS by an Act, paſſed in the Second Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the Relief of Debtors with reſpect to the Impriſonment of their Perſons*, it was, among other Things, enacted, that Priſoners charged in Execution for any Debt or Debts under the Sum therein mentioned, who ſhould make an Aſſignment of their Eſtate and Effects for the Benefit of their Creditors, in the Manner therein ſpecified, ſhould be entitled to be diſcharged, or to have an Allowance, not exceeding the Sum of Two

2 *Geo.* II, Cap. 22, and

Shillings and Four-pence *per* Week, to be made to them by ſuch of their Creditors charging them in Execution, as ſhould inſiſt on their being detained in Priſon; which Act was by ſeveral ſubſequent Acts amended and continued until the Firſt Day of *June* One thouſand ſeven hundred and fifty-nine: And whereas, by an Act, paſſed in the Thirty-ſecond Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the Relief of Debtors with reſpect to the Impriſonment of their Perſons; and to oblige Debtors who ſhall continue in Execution in Priſon beyond a certain Time, and for Sums not exceeding what are mentioned in the Act, to make Diſcovery of, and deliver upon Oath, their Eſtates, for their Creditors Benefit*; it is, amongſt other Things, enacted, that, from and after the Fifteenth Day of *June* One thouſand ſeven hundred and fifty-nine, if any Perſon or Perſons ſhould be charged in Execution for any Sum or Sums of Money not exceeding, in the Whole, the Sum of One hundred Pounds, or on which Execution or Executions there ſhould remain due a Sum or Sums of Money not amounting to above the ſaid Sum of One hundred Pounds, and ſhould be minded to deliver up to his or their Creditor or Creditors, who ſhould ſo charge him, her, or them, in Execution, all his, her, or their Eſtate and Effects, for or towards the Satisfaction of the Debt or Debts wherewith he, ſhe, or they ſhould ſo ſtand charged, it ſhould and might be lawful to and for any ſuch Priſoner or Priſoners to exhibit ſuch Petition to ſuch Court of Law, and to carry on ſuch Proceedings thereon as in the ſaid laſt mentioned Act are particularly ſpecified and ſet forth; and that the ſeveral Requiſites contained in the ſaid Act, having been complied with on the Part of ſuch Priſoner or Priſoners as therein mentioned, it ſhould and might be lawful for ſuch Court, by Rule or Order thereof, immediately to cauſe ſuch Priſoner or Priſoners to be diſcharged, upon his, her, or their executing ſuch Aſſignment and Conveyance of his, her, or their Eſtate and Effects in the Manner therein mentioned, unleſs ſuch Creditor or Creditors who ſhould have charged any ſuch Priſoner or Priſoners in Execution, his, her, or their Executors or Adminiſtrators, ſhould agree, by Writing, in the Manner therein mentioned, to pay and allow weekly a Sum not exceeding Two Shillings and Four-pence, as any ſuch Court ſhould think fit, unto ſuch Priſoner, to be paid ſo long as any ſuch Priſoner ſhould continue in Priſon, in Execution at the Suit of any ſuch Creditor or Creditors, with ſuch Remedy, in caſe of any Failure in the Payment of ſuch weekly Sum, as in the ſaid Act is particularly mentioned: And whereas it is alſo by the ſaid Act further enacted, that where more Creditors than One ſhould charge any Priſoner or Priſoners in Execution, and ſhould deſire to have ſuch Priſoner or Priſoners detained in Priſon, each and every ſuch Creditor and Creditors ſhould only reſpectively pay ſuch weekly Sum of Money, not exceeding One Shilling and Sixpence a Week, as therein mentioned: And whereas ſuch Allowance is now inſufficient for the Purpoſe for which it was intended; 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 Fifth Day of *July* One thouſand ſeven hundred and ninety-ſeven, ſo much of the ſaid laſt recited Act, as relates to the Amount of the ſeveral and reſpective Sums, not exceeding Two Shillings and Four-pence, and One Shilling and Sixpence, to be paid and allowed as aforeſaid, ſhall be and the ſame is hereby repealed.

32 *Geo.* II, Cap. 28, recited.

From *July* 5, 1797, ſo much of laſt recited Act as relates to weekly Allowances, repealed.

Priſoners entitled to ſuch Allowance, may apply to the Court to have it encreaſed, &c.

II. And be it further enacted, That it ſhall and may be lawful for all and every ſuch Priſoner and Priſoners in Execution for Debt, on the ſaid Fifth Day of *July* One thouſand ſeven hundred and ninety-ſeven, who ſhall be by virtue of any Rule or Order of any Court entitled to receive from any Creditor or Creditors any Sum not exceeding the ſaid Sum of Two Shillings and Four-pence, to make an Application by Petition to the Court in the Priſon whereof ſuch Priſoner or Priſoners ſhall remain and be charged in Cuſtody, praying that ſuch Weekly Allowance be ordered to be increaſed by virtue of this Act; and that upon due Notice being given to ſuch Creditor or Creditors of ſuch Petition, it ſhall and may be lawful for ſuch Court to hear the Matter thereof, and by Rule or Order of ſuch Court immediately to cauſe ſuch Priſoner or Priſoners to be diſcharged, unleſs ſuch Creditor or Creditors, his, her, or their Executors, Adminiſtrators, or Aſſigns, doth or do inſiſt upon ſuch Priſoner or Priſoners being detained in Priſon, and ſhall agree in the Manner mentioned in the ſaid laſt-mentioned Act, with reſpect to the Allowance not exceeding Two Shillings and Four-pence *per* Week, to pay and allow weekly a Sum not exceeding Three Shillings and Six-pence, as any ſuch Court ſhall think fit, unto ſuch Priſoner, to be paid at and for ſuch Time or Times, and under and ſubject to the like Regulations as in the ſaid Act are expreſſed with reſpect to the ſaid Allowance not exceeding Two Shillings and Four-pence *per* Week.

Debtors entitled to their Diſcharge under laſt recited Act if not paid Weekly Allowance, may be diſcharged, unleſs Creditors agree to pay them not exceeding 3*s.* 6*d.* weekly.

III. And be it further enacted, That in all Caſes where any Perſon or Perſons, charged in Execution for Debt at any Time or Times from and after the ſaid Fifth Day of *July* One thouſand ſeven hundred and ninety-ſeven, would have been entitled to be diſcharged under the Proviſions of the ſaid Act laſt-mentioned, unleſs their Creditor or Creditors would agree as therein mentioned to pay and allow a Weekly Sum not exceeding Two Shillings and Four-pence to ſuch Priſoner, as any ſuch Court as is therein mentioned ſhould think fit, it ſhall and may be lawful for ſuch Court, by Rule or Order thereof, immediately to cauſe the ſaid Priſoner or Priſoners to be diſcharged, upon ſuch Priſoner or Priſoners executing ſuch Aſſignment and Conveyance of his or her Eſtate and Effects as is therein mentioned, unleſs the Creditor or Creditors doth or do inſiſt upon ſuch Priſoner or Priſoners being detained in Priſon, and ſhall agree, by Writing ſigned in the Manner in the ſaid laſt-mentioned Act, to pay and allow weekly a Sum not exceeding Three Shillings and Sixpence, as any ſuch Court ſhall think fit, unto the ſaid Priſoner or Priſoners, to be paid at ſuch Time and Times, and in ſuch Manner, and upon the ſame Terms and Conditions, and under the ſame Rules and Regulations in every reſpect, as in and by the ſaid Act is provided with reſpect to the Allowance thereby directed to be made.

Where more Creditors than One inſiſt on a Debtor's Detention, they are each to pay him not exceeding 2*s.* weekly.

IV. Provided always, and be it enacted, That where more Creditors than One ſhall have already charged, or ſhall at any Time or Times hereafter, from and after the ſaid Fifth Day of *July* One thouſand ſeven hundred and ninety-ſeven, charge, under and by virtue of the ſaid laſt recited Act, any Perſon or Perſons in Execution, and ſhall deſire to have ſuch Priſoner or Priſoners detained in Priſon, each and every ſuch Creditor and Creditors ſhall reſpectively pay ſuch weekly Sum of Money only, not exceeding Two Shillings, on every *Monday* in every Week, to or for ſuch Priſoner or Priſoners reſpectively, as the Court before whom

any ſuch Priſoner or Priſoners ſhall be brought up to be diſcharged, under the Powers, Authorities, and Directions, contained in the ſaid laſt recited Act, ſhall, at the Time of his, her, or their being remanded, on ſuch Note for the Payment of the weekly Sum ordered to be paid, as in the ſaid laſt recited Act is required and provided being given, direct or appoint.

FINIS.