Anno quarto

Georgii III. Regis.

CAP. XXXIII.

An Act for preventing Inconveniencies arising in Cases of Merchants, and such other Persons as are within the Description of the Statutes relating to Bankrupts, being intitled to Privilege of Parliament, and becoming insolvent.

WHEREAS Merchants, Bankers, Brokers, Factors, Scriveners, and Traders, within the Description of the Statutes relating to Bankrupts, having Privilege of Parliament, are not compellable to pay their just Debts, or to become Bankrupts, by reason of the Freedom of their Persons from Arrests upon Civil Process; and some Doubts have also arisen, whether, in Cases of Bankruptcy, a Commission can be sued out during the Continuance of such Privilege: To remedy Preamble.

which Inconveniencies, and to ſupport the Honour and Dignity of Parliament, and good Faith and Credit in Commerical Dealings, which require, that in ſuch Caſes, the Laws ſhould have their due Courſe, and that no ſuch Merchants, Bankers, Brokers, Factors, Scriveners, or Traders, in caſe of actual Inſolvency, ſhould, by any Privilege whatever, be exempted from doing equal Juſtice to all their Creditors; be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and it is hereby enacted by the Authority of the ſame, That from and after the Eleventh Day of May, One thouſand ſeven hundred and ſixty four, it ſhall be lawful for any ſingle Creditor, or Two or more Creditors, being Partners, whoſe Debt or Debts ſhall amount to One hundred Pounds or upwards, and for any Two Creditors whoſe Debts ſhall amount to One hundred and fifty Pounds or upwards, or any Three or more Creditors whoſe Debts ſhall amount to Two hundred Pounds or upwards, of any Perſon or Perſons deemed a Merchant, Banker, Broker, Factor, Scrivener, or Trader or Traders, within the Deſcription of the Acts of Parliament relating to Bankrupts, having Privilege of Parliament, at any Time, upon Affidavit or Affidavits being made and filed on Record in any of his Majeſty's Courts at Weſtminſter by ſuch Creditor or Creditors, that ſuch Debt or Debts is or are juſtly due to him or them reſpectively, and that every ſuch Debtor, as he or they verily believe, is a Merchant, Banker, Broker, Factor, Scrivener, or Trader, within the Deſcription of the Statutes relating to Bankrupts, to ſue out of the ſame Court Summons, or an Original Bill and Summons, againſt ſuch Merchant, Banker, Broker, Factor,

From and after 11 *May*, 1764, Creditors, to a certain Value, of any Merchant, &c. within the Deſcription of the Laws relating to Bankrupts, having Privilege of Parliament,

may, upon Affidavit made of the Debt, and filed in any of the Courts at *Weſtminſter*,

ſue out a Summons, or Original Bill, &c. againſt ſuch Debtor:

tor, Scrivener, or Trader, and serve him with a Copy thereof; and if such Merchant, Banker, Broker, Factor, Scrivener, or Trader, shall not within Two Months after personal Service of such Summons (Affidavits of the Debt or Debts having been duly made and filed as aforesaid) pay, secure, or compound for, such Debt or Debts, to the Satisfaction of such Creditor or Creditors, or enter into a Bond in such Sum, and with Two such sufficient Sureties, as any of the Judges of that Court out of which such Summons shall issue shall approve of, to pay such Sum as shall be recovered in such Action or Actions, together with such Costs as shall be given in the same, he shall be accounted and adjudged a Bankrupt from the Time of the Service of such Summons; and any Creditor or Creditors may sue out a Commission against any such Person, and proceed thereon in like Manner as against other Bankrupts.

And if he shall not, within 2 Months, pay, secure, or compound for the Debt, he shall be adjudged a Bankrupt; and a Commission may be accordingly sued out against him.

Provided always, and it is hereby declared, That this Act shall not extend, or be deemed or construed to extend, to any such Debt or Debts as aforesaid contracted before the Eighth Day of March, One thousand seven hundred and sixty four; any thing herein before contained to the contrary thereof in any wise notwithstanding.

But this Act is not to extend to such Debts as were contracted before 8 *March*, 1764.

And be it further enacted by the Authority aforesaid, That if any Merchant, Banker, Broker, Factor, Scrivener, or Trader, shall, after the last Day of this Session of Parliament, commit any Act of Bankruptcy, that then, and in such Case, any Creditor or Creditors as aforesaid may sue out a Commission of Bankrupt against such Merchant, Banker, Broker, Scrivener, or Trader; and the Commissioners in such Commission, and other Persons, may proceed thereon in like Manner as against other Bankrupts; any Privilege of Parliament to the contrary notwithstanding.

But any Merchant, &c. committing an Act of Bankruptcy after the last Day of this Session, the Creditors may sue out a Commission against him, and the Commissioners proceed therein, as against other Bankrupts, notwithstanding his Privilege.

Persons intitled to Privilege not subject to Arrest, &c.

Provided nevertheless, and be it enacted, That nothing in this Act shall subject any Person intitled to Privilege of Parliament to be arrested, or imprisoned, during the Time of such Privilege, except in Cases made Felony by the Acts relating to Bankrupts, or any of them. 8

except in Cases made Felony.

FINIS.