ANNO QUADRAGESIMO PRIMO

GEORGII III. REGIS.

CAP. LXIV.

An Act for the further Relief of Debtors, with respect to the Impriſonment of their Perſons.

[23d *June* 1801.]

Preamble.

WHEREAS it might tend to the Diſcharge from Impriſonment of many Priſoners in Execution for Debt, if their Creditors were enabled to diſcharge ſuch Debtors without loſing the whole Benefit of the Judgements obtained againſt ſuch Debtors; 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, it ſhall be lawful for any Creditor or Creditors, at whoſe Suit any Debtor or Debtors is or are or ſhall be in Priſon, and taken or charged in Execution for any Sum of Money, by Writing ſigned by ſuch Creditor or Creditors, or by One of them, for and on the Behalf of himſelf or herſelf, and the others of them, (being Complainants in the ſame Action), to ſignify or declare his, her, or their Conſent to the Diſcharge of ſuch Debtor or Debtors from the Gaol or Priſon in which he, ſhe, or they is or are or ſhall be confined in Execution at the Suit of ſuch Creditor or Creditors, without loſing the Benefit of the Judgement upon which the Execution againſt ſuch Debtor or Debtors iſſued, except as herein-after provided; and that for and notwithſtanding the Diſcharge of any Debtor or Debtors in purſuance of ſuch Conſent as aforeſaid, the Judgement upon which ſuch Debtor or Debtors was or were taken or charged in Execution, ſhall continue and remain in full Force to all Intents and Purpoſes except as herein-after provided; and it ſhall be lawful for ſuch Creditor or Creditors at any Time to take out Execution on every ſuch Judgement againſt the Lands, Tenements, Hereditaments, Goods, and Chattels of ſuch Debtor or Debtors, or any of them, (other than and except the neceſſary Apparel and Bedding of him, her, or them, or his, her, or their Family, and the neceſſary

Any Creditor, at whoſe Suit a Debtor is charged in Execution, may conſent to his Diſcharge, without loſing the Benefit of the Judgement upon which the Execution iſſued, except as herein provided.

neceſſary Tools for his, her, or their Trade or Occupation, not exceeding the Value of Ten Pounds in the Whole), or to bring any Action or Actions on every ſuch Judgement, or to bring any Action or uſe any Remedy for the Recovery of his or their Demand, againſt any other Perſon or Perſons liable to ſatisfy the ſame, in ſuch and the ſame Manner as ſuch Creditor or Creditors could or might have had or done in caſe ſuch Debtor or Debtors had never been taken or charged in Execution upon ſuch Judgement: Provided always, That no Debtor or Debtors, who ſhall be diſcharged in purſuance of this Act, ſhall at any Time afterwards be taken or charged in Execution, or arreſted upon any Judgement herein-before declared to continue and remain in full Force, or in any Action which may be brought in any ſuch Judgement, and that no Proceeding by *Scire Facias*, Action, or otherwiſe, ſhall be had againſt any Bail in the Action in which ſuch Judgement was obtained.

Executors may conſent to the Diſcharge of Debtors, as the Creditors, if living, could do.

II. And be it further enacted by the Authority aforeſaid, That the Executors and Adminiſtrators of any ſuch Creditor as aforeſaid ſhall and may conſent to the Diſcharge of any Debtor or Debtors to their Teſtator or Inteſtate, in ſuch and the ſame Manner, and with the ſame Advantages and Conſequences, in all Reſpects, as ſuch Creditor, if living, might or could have done in purſuance of this Act; and ſuch Executors or Adminiſtrators reſpectively ſhall not, by Reaſon of any ſuch Diſcharge in purſuance of this Act, be deemed guilty of a *Devaſtavit*, or chargeable with the Debt due from the Perſon or Perſons ſo diſcharged.

Sheriffs, &c. within 24 Hours after the Conſent of a Creditor is produced, ſhall diſcharge the Debtor, if detained only at his Suit.

III. And be it further enacted by the Authority aforeſaid, That every Sheriff, Gaoler, or Keeper, in whoſe Priſon, Gaol, or Cuſtody any Debtor or Debtors is or are or ſhall be confined or detained in Execution, ſhall, and every of them is hereby required, within Twenty-four Hours next after ſuch Conſent in Writing of any Creditor or Creditors as herein-before mentioned ſhall have been produced to and left with ſuch Sheriff, Gaoler, or Keeper, or his Deputy or Agent at ſuch Priſon or Gaol, (the Hand Writing or Mark of ſuch Creditor or Creditors to ſuch Conſent in Writing being duly proved by an Affidavit of ſome credible Perſon, to be thereto annexed, and to be ſworn before One of the Judges of the Court out of which the Execution againſt ſuch Debtor or Debtors iſſued, or a Commiſſioner duly authorized to take Affidavits in ſuch Court), to diſcharge and ſet at Liberty the Debtor or Debtors to whoſe Diſcharge ſuch Conſent ſhall be ſignified or declared as aforeſaid, if he, ſhe, or they ſhall be kept or detained in Cuſtody only upon the Execution iſſued at the Suit of the Creditor or Creditors ſignifying or declaring ſuch Conſent.

Act not to extend to *Scotland*.

IV. And be it further enacted by the Authority aforeſaid, That this Act ſhall not extend, or be conſtrued to extend, to that Part of *Great Britain* called *Scotland*.

Continuance of Act.

V. And be it further enacted, That this Act ſhall continue and be in force for Three Years, and from thence to the End of the then next Seſſion of Parliament, and no longer.

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