

ANNO QUADRAGESIMO PRIMO

GEORGII III. REGIS.

CAP. LXX.

An Act for the Relief of certain Insolvent Debtors. [27th *June* 1801.]

Preamble.

WHEREAS, notwithstanding the great Prejudice and Detriment which occasional Acts of Insolvency may 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 *March* One thousand eight hundred and one, was or were, or at any Time since have been, under the Terms and Conditions herein mentioned, and at the

Gaolers to make out Lists of Prisoners who, on *March* 1, 1801, or since, and at the Time of making them out, were in Custody for Debt, &c.

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 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.

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

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, in this Kingdom, 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),

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 *March* One thouſand eight hundred and one, 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 *March* One thouſand eight hundred and one, 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 *March*, 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

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 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.

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

III. And be it further enacted by the Authority aforeſaid, That all and every Keeper or Gaoler, Keepers or Gaolers, of any ſuch 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 to 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.

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

IV. And be it further enacted, That all and every Perſon and Perſons who, on the Firſt Day of *March* One thouſand eight hundred and one, 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 five 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, as to his Perſon and Effects reſpectively, be for ever releaſed, diſcharged, and exonerated, to ſuch Extent and in ſuch Manner as is herein-after provided, and no otherwiſe.

Priſoners, on *March* 1, 1801, for Debts not exceeding 1,500 *l.* conforming to this Act, to be diſcharged.

V. Provided alſo, and be it further enacted, That it ſhall be lawful for any Perſon or Perſons, who, on the ſaid Firſt Day of *March* One thouſand eight hundred and one, was or were charged in any Priſon or Gaol, or in Cuſtody of any Keeper or Gaoler of any Priſon or Gaol, for the Nonpayment of any Debt or Debts, or Sums of Money, not exceeding the Sum herein-before mentioned, and who ſhall have been diſcharged by any Creditor or Creditors, without the Conſent of ſuch Debtor, after the ſaid Firſt Day of *March*, and before the paſſing of this Act, nevertheleſs to take the Benefit thereof, and he, ſhe, or they, ſhall be entitled to all the Benefits of this Act, in like Manner as if he, ſhe, or they were in Cuſtody at the Time of the paſſing of this Act: Provided, That any ſuch Perſon ſhall preſent a Petition for that Purpoſe to the Juſtices of the Peace at any next General or Quarter Seſſions, or any Special or Adjourned Seſſion of the Peace, and ſurrender himſelf or herſelf at ſuch Seſſions, and ſhall give Notice of ſuch Surrender in the *London* or *Dublin Gazette*, as the Caſe may require, in like Manner and Form as is preſcribed by

Perſons diſcharged from Priſon after *March* 1, 1801, and before the paſſing of this Act, without their Conſent, entitled to the Benefit of this Act, on ſurrendering themſelves at Seſſions.

this Act for Notices by Perſons intending to take the Benefit of this Act, as far as the Form in the ſaid Act contained is applicable to ſuch Perſon.

Perſons impriſoned before the paſſing of this Act for any Debt for which they ſhall have been impriſoned, at the Suit of the ſame Plaintiff, before *March* 1, 1801, entitled to the Benefit of this Act.

VI. Provided always, and be it further enacted, That if any Perſon ſhall have been or ſhall be committed to any Gaol or Priſon, or to the Cuſtody of any Keeper or Keepers, or Gaoler or Gaolers of any Gaol or Priſon reſpectively, at any Time before the paſſing of this Act, for any Debt or Debts, or Sum or Sums of Money for which he or ſhe ſhall have been impriſoned at any Time before the ſaid Firſt Day of *March* One thouſand eight hundred and one, and at the Suit of the ſame Plaintiff, then and in ſuch Caſe every ſuch Perſon ſhall be entitled to all the Benefits of this Act, and be deemed and conſtrued to be within all and every the Proviſions thereof, in like Manner in every Reſpect as if he or ſhe had been charged in any Priſon or Gaol, and was actually impriſoned or in Cuſtody on the ſaid Firſt Day of *March* One thouſand eight hundred and one; any Thing herein contained to the contrary thereof notwithſtanding.

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

VII. 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 ſuch 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.

Two Juſtices may, upon Petition from Debtors, aſſemble their Courts as ſoon as may be

VIII. And whereas conſiderable Time may intervene between the paſſing of this Act and the next General Quarter Seſſion or General Seſſion of the Peace, which would be the Means of detaining in Priſon a Number of Perſons who, with their Families, are in the greateſt Diſtreſs; be it further enacted,

enacted, That it ſhall and may be lawful for any Two or more of the Juſtices of the Peace for any County, Riding, Diviſion, City, Town, Place, or Liberty, upon Petition, from Debtors as aforeſaid, to aſſemble their reſpective Courts as ſoon as may be after paſſing this Act, for the Purpoſe of adminiſtering the Oaths, and other the Matters required by this Act, and to appoint ſuch Day or Days for the Diſcharge of Priſoners as they ſhall ſee proper.

after paſſing this Act, for the Purpoſes thereof, and appoint Days for the Diſcharge of Priſoners.

IX. 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.

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

X. And be it further enacted, That all and every Debtor and Debtors confined in any Gaol of that Part of the United Kingdom called *England* or *Wales*, 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 ſuch 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; and in like Manner all and every Debtor and Debtors confined in any Gaol of that Part of the United Kingdom called *Ireland*, who ſhall intend to apply to be diſcharged and exonerated under this Act, ſhall firſt cauſe publick Notice to be inſerted in Three ſeveral *Dublin 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 *Dublin*, or the County of *Dublin*, then alſo in ſome Newſpaper in or near the County, City, Town, or Liberty, 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 reſpectively, 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* or *Dublin 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 *Gazettes* reſpectively, 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 intending to apply for their Diſcharge, to give previous Notice Thrice in the *London* or *Dublin Gazette*, &c.

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

XI. 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, 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* or *Dublin* respectively, as the Case may be, 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.*

Notices to be given in the following

XII. 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),

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 *March* One thousand eight hundred and one, with any Debt or Debts, Sum or Sums of Money, exceeding in the Whole the Sum of One thousand five 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 Forty-first 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

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.

XIII. And be it further enacted, That every such Debtor as aforesaid, not being charged as aforesaid, on the said First Day of *March* One thousand eight hundred and one, with any Debt or Debts, Sum or Sums of Money, in the Whole to a greater Amount than the Sum of One thousand five 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 respectively before mentioned, to the said Justices at any such Session, or the Adjournment thereof, that such Notices were inserted in the *London* and *Dublin Gazettes*, and other Newspapers respectively, as were 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 *March* One thousand eight hundred and one, 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, and 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 of any other Nature and Kind whatsoever, 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, her, or their Possession, Custody, or Power, or which he, she, or they, or such Person or Persons had any Power of disposing of or charging for his, her, or their Benefit or Advantage, 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 following Effect; according to the Special Circumstances so far as the same shall be consistent with the Provisions herein after contained; (that is to say), Debtors applying at the Session proving Notices were duly inserted, shall, in open Court, deliver in signed Schedules, containing certain Particulars, and take the following 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 *March* One thousand eight hundred and one, 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* Oath.

'*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,
' and of every other Nature and Kind whatſoever, which I, or any Perſon
' in Truſt for me, or for my Benefit or Advantage, are ſeiſed or poſſeſſed of,
' intereſted in, or entitled to, or was or were in my Poſſeſſion, Cuſtody,
' or Power, or in the Poſſeſſion, Cuſtody, or Power of any ſuch Perſon as
' aforeſaid, or which I or ſuch Perſon had any Power of diſpoſing of or
' charging for my Benefit or Advantage, 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 Expectancy, or of any Nature
' or Kind ſoever, or Power of diſpoſing of, or charging for my Benefit or
' Advantage, 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, toge-
' ther 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, Securities,
' 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

XIV. And be it further enacted, That the Juſtices of the Peace within their reſpective Juriſdictions, at any ſuch General Quarter Seſſion or General Seſſion,

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 Seſſion 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.

examine Gaolers on Oath.

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

XV. 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, all the Real Eſtate, as well Freehold and Copyhold as 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

Eſtate and Effects of diſcharged. 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.

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, or if in *Dublin*, or the County of *Dublin*, in the *Dublin Gazette*, or in ſome Daily Paper printed and publiſhed at *Dublin*, 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 Hand, 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 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 hereinbefore 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

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

Aſſignees to make Dividend within Three Months, firſt 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.

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.

Surplus of Effects to be paid the Debtor.

XVI. 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.

XVII. 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, 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.

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

XVIII. 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

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

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.

XIX. 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 *bonâ fide* and for good or valuable Conſideration.

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

XX. 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.

XXI. 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,

XXII. 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 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

and ſigned Copies to be Evidence.

of

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.

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

Application of the Penalty.

XXIII. 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, 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.

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

XXIV. 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 what-

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

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.

Act not to prevent Mortgages, &c. taking place of Claims of an inferior Nature.

XXV. 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, or Perſonal Eſtate or Effects, 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 or over Real or Perſonal Eſtate, veſted in Aſſignees.

XXVI. 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; or have Powers over Real or Perſonal Eſtate, which ſuch Debtors could execute for their own Advantage, and 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, and all other ſuch Powers as aforeſaid over Real or Perſonal Eſtate, 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 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.

XXVII. 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.

XXVIII. And be it enacted by the Authority aforeſaid, That the Juſtices, at any General or Quarter Seſſions of the Peace, or Adjournment thereof, to which any ſuch 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 *March* One thouſand eight hundred and one; 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 *March* 1, 1801, he ſhall take the following

And if any Perſon who was Keeper or Gaoler, or deputed Keeper of Gaoler, of any ſuch Priſon or Gaol, on the ſaid Firſt Day of *March* One thouſand eight hundred and one, 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 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

'appear that was on the First Day of *March* One 'thouſand eight hundred and one, 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.

XXIX. 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 *March* One thouſand eight hundred and one, 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* or *Dublin* as the Caſe may be, together with Treble Coſts of Suit.

Penalty on Sheriffs, *etc.* diſobeying Orders of Juſtices, and on Gaolers refuſing to anſwer.

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

XXX. 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 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 *March* One thouſand eight hundred and one, 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

count 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 *Dublin Gazette* reſpectively, 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* or *Dublin*, as the Caſe may be, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed.

Penalty on Gaolers for Perjury.

XXXI. 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* or *Dublin* reſpectively, as the Caſe may be, 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.

XXXII. 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.

XXXIII. 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 *March* 1, 1801.

XXXIV. 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 Non-payment of Money, Coſts, Sum or Sums of Money contracted, incurred, occaſioned, owing, or growing due, before the ſaid Firſt Day of *March* One thouſand eight hundred and one, 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 *March* 1, 1801.

XXXV. 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 *March* One thouſand eight hundred and one; 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 *March* One thouſand eight hundred and one, 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 *March* One thouſand eight hundred and one, 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 *March* One thouſand eight hundred and one.

XXXVI. And

XXXVI. 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 *March* One thouſand eight hundred and one, 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 *March* One thouſand eight hundred and one, 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.

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

XXXVII. 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 non-ſuited, or diſcontinue his Action, or Verdict paſs againſt him, or Judgement upon Demurrer, the Defendant ſhall have Treble Coſts.

Act may be pleaded to any Action of Eſcape.

XXXVIII. 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 *March* One thouſand eight hundred and one, with reſpect to Priſoners in actual Cuſtody, on the ſaid Firſt Day of *March* One thouſand eight hundred and one, 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 *March* One thouſand eight hundred and one, 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; 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 *March* One thouſand eight hundred and one, to plead in Diſcharge of his or her Perſon from Execution, (over and above ſuch Matters as aforeſaid), that ſuch Debt or Sum

Act may be pleaded generally by Priſoners, &c.

of

of Money (as the Caſe ſhall happen) was contracted or due before the ſaid Firſt Day of *March* One thouſand eight hundred and one, 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;

XXXIX. 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 entruſted 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;

XL. 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 Priſoners 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.

Priſoners remanded to Priſon under any Inſolvent Act for fraudulently obtaining Mo-

XLI. Provided always, That no Priſoner who ſhall have been remanded to Priſon under any Act heretofore paſſed for the Relief of Inſolvent Debtors, for having fraudulently obtained Money, Goods, or Securities for Money on falſe Pretences, or for having ſecretly and fraudulently removed Stock, Cattle, or other Effects, which were ſubject

or liable to be detained for Rent, or who ſhall have loſt or forfeited the Benefit of any ſuch former Act by having made any fraudulent Sale, Transfer, Conveyance, or Aſſignment, ſince his or her Impriſonment, to the Prejudice of the fair and honeſt Creditor, or who ſhall have obtained a Diſcharge under any ſuch former Act fraudulently, or ſhall have taken an Oath under ſuch Act, any Part of which was not true, ſhall have or receive any Benefit or Diſcharge by or under this Act; but the Juſtices at any General or other 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 which he or ſhe ſhall have been brought, any Thing herein contained to the contrary notwithſtanding: Provided alſo, That no Perſon charged in Execution for Damages recovered in any Action for criminal Converſation with the Wife of the Plaintiff in ſuch Action, or in any Action for ſeducing and carnally knowing the Daughter or Female Servant of the Plaintiff, or in any Action for a malicious Proſecution, ſhall have any Benefit under this Act; except only in Caſes where the Plaintiff in ſuch Actions reſpectively ſhall be dead, and no Perſon ſhall have obtained Probate of the Will, or Letters of Adminiſtration of the Effects of ſuch Plaintiff within Twelve Months after the Deceaſe of ſuch Plaintiff.

ney, *etc.* ſhall not receive any Benefit under this Act;

nor Perſons charged in Execution for Damages recovered in any Action for Criminal Converſation, *etc.*;

XLII. 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 Perſons removing Effects of the Value of 50*l.* liable to be diſtrained for Rent;

XLIII. 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

nor Perſons ſelling or aſſigning Effects to defraud Creditors.

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.

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

XLIV. 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 beforementioned Liſt or Liſts, or the *London* or *Dublin 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* or *Dublin*, as the Caſe may be, wherein no Eſſoin, Protection, Wager of Law, or more than 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, *etc.* to forfeit 500 *l.*

XLV. 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* or *Dublin* as the Caſe may be, 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, or

XLVI. 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, ſhall refuſe to come, 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.

Refuſing to come to the Lodge, ſhall be excluded the Benefit of this Act.

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

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

XLVIII. 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 the Diſtrict of *Holland* may adjourn to or near the County Gaol, and Two Juſtices acting for either of the Diviſions of the County, may hold the adjourned Seſſions for diſcharging Priſoners.

XLIX. 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

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

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. claimed by Gaolers, or other Officers of the Priſon ſhall be diſcharged.

L. 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 *March* One thouſand eight hundred and one, 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 Offenders againſt Revenue Laws, unleſs the Treaſury certify their Conſent.

LI. 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.

LII. 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 haraſs 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 ſuch 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 *London* or *Dublin Gazette*, in Manner before directed by this Act, to order ſuch Priſoner

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.

LIII. 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 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.

LIV. 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

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

or Debtors, by ſuch Warrant, Summons, Ways, or Means, as they ſhall think fit; and upon ſuch Debtor's 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.

Reward of 20*l. per Cent.* for diſcovering any Part of Debtor's Eſtate not comprized in Schedule.

LV. 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 compriſed in ſuch Schedule as aforeſaid, before 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.

LVI. 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.

LVII. 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; and if in Cuſtody at *Dublin*, or in the County of *Dublin*, in the *Dublin Gazette*, and if in any

other Place in that Part of the United Kingdom called *Ireland*, 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.

LVIII. 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 Debtor's 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 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* or *Dublin*, as the Caſe may be, 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, *etc.*

LIX. 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

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, *etc.*

LX. 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 *Dublin*, and the Courts of Great Seſſions in *Wales*, and the Counties Palatine of *Cheſter*, *Lancaſter*, and *Durham* reſpectively, and the Courts of limited Juriſdiction in that Part of the United Kingdom called *Ireland*, 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

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.

LXI. 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, *etc.* entitled to the Benefit of this Act;

LXII. And whereas many Perſons are often committed by the Courts of Law and Equity for Contempts, for not paying Money 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.

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

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

LXIV. 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 Five 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.

LXV. 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 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.

Certain Perſons not entitled to the Benefit of this Act.

LXVI. And be it enacted, That *Joſeph Henry Kiernan*, *James Plunket*, *Edward Graham*, *Hugh Reilly*, and *Edward Brabazon*, confined Debtors, named and deſcribed in an Act paſſed in the Parliament of *Ireland* in the Fortieth Year of the Reign of His preſent Majeſty, intituled, *An Act for the Relief of confined Debtors who may be inſolvent*, be not entitled to the Benefit of this Act, notwithſtanding their Situations reſpectively come within the Proviſions of the ſame.

Act not to extend to *Scotland*.

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

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