ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

CAP. CXXIII.

An Act for the Diſcharge of Debtors in Execution for Small Debts, from Impriſonment in certain Caſes.

[30th *June* 1808.]

WHEREAS it might tend greatly to the Relief of certain Debtors in Execution for Small Debts, and at the ſame Time occaſion no material Prejudice to Trade and publick Credit if ſuch Debtors ſhould, after a limited Period of Impriſonment, be allowed the Benefit of a Diſcharge therefrom, the Creditors at whoſe Suit they were ſo in Execution being at the ſame Time authorized to take out other Writs of Execution againſt the Land and Goods of ſuch Debtors, or to uſe other Remedy for the Satisfaction of their Debts; as if the Perſons of ſuch Debtors had never been taken in Execution; 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 Perſons in Execution upon any Judgement in whatſoever Court the ſame may have been obtained, and whether ſuch Court be or be not a Court of Record, for any Debt or Damages not exceeding the Sum of Twenty Pounds, excluſive of the Coſts recovered by ſuch Judgement, and who ſhall have lain in Priſon thereupon for the Space of Twelve ſucceſſive Calendar Months next before the Time of their Application to be diſcharged as herein-after mentioned, ſhall and may, upon his, her, or their Application for that Purpoſe in Term-time made to ſome One of His Majeſty's ſuperior Courts of Record at *Weſtminſter*, to the Satisfaction of ſuch Court, be forthwith diſcharged out of Cuſtody, as to ſuch Execution by the Rule or Order of ſuch Court: Provided always, that in the Caſe of any ſuch Application being made to be diſcharged out of Execution upon a Judgement obtained in any of His Majeſty's ſuperior Courts of Record at *Weſtminſter*, ſuch Application ſhall be made to ſuch One of thoſe Courts only, wherein ſuch Judgement ſhall have

Perſons in Execution on Judgement in whatever Court obtained for any Debt or Damages not exceeding 20l. excluſive of Coſts recovered by ſuch Judgement, and who ſhall have lain in Priſon 12 Calendar Months ſhall on Application be diſcharged.

have been obtained, and that whether the Perſon ſo in Execution ſhall then be actually detained in the Gaol or Priſon of the ſame Court, or ſhall then ſtand committed on Habeas Corpus to the Gaol or Priſon of another Court: Provided always, that if it ſhall happen that any ſuch Diſcharge ſhall have been unduly or fraudulently obtained upon any falſe Allegation of Circumſtances, which if true might have entitled the Priſoner to be diſcharged by virtue of this Act, ſuch Priſoner ſhall, upon the ſame being made appear to the Satisfaction of the Court by whoſe Rule or Order the ſaid Priſoner had been ſo diſcharged, be liable to be again taken in Execution and remanded to his former Cuſtody by the Rule or Order of the ſame Court: Provided alſo, that no Sheriff, Gaoler, or other Perſon whatſoever ſhall be liable as for the Eſcape of any ſuch Priſoner in reſpect of his Enlargement during ſuch Time as he ſhall have been at large, by means of ſuch his undue Diſcharge as aforeſaid: Provided always, that for and notwithſtanding the Diſcharge of any Debtor or Debtors by virtue of this Act, the Judgement whereupon any ſuch Debtor or Debtors was or were taken or charged in Execution, ſhall nevertheleſs continue and remain in full force to all Intents and Purpoſes, except as to the taking in Execution the Perſon or Perſons of ſuch Debtor or Debtors thereupon, as is herein-after provided, and that it ſhall and may be lawful for the Creditor or Creditors, at whoſe Suit ſuch Debtor or Debtors had been, was or were ſo taken or charged in Execution, to take out all ſuch Execution or Executions on every ſuch Judgement againſt the Lands, Tenements, Hereditaments, Goods and Chattels of any ſuch Debtor or Debtors (other than and except the neceſſary Wearing Apparel and Bedding of and for him, her, or them, and for his, her, or their Family, and the neceſſary Tools for his, her, or their Trade or Occupation, not exceeding the Value of Ten Pounds in the Whole) or to bring any ſuch Action or Actions on any ſuch Judgement againſt ſuch Debtor or Debtors reſpectively, or to bring any ſuch Action or uſe any ſuch Remedy for the Recovery and Satisfaction of his, her, or their Demand, againſt any other Perſon or Perſons liable to ſatisfy the ſame, in ſuch and the ſame Manner, but in ſuch and the ſame Manner only as ſuch Creditor or Creditors otherwiſe could or might have done in caſe ſuch Debtor or Debtors had never been taken or charged in Execution upon ſuch Judgement: Provided always, that no Debtor or Debtors who ſhall be duly diſcharged in purſuance of this Act, ſhall at any Time afterwards be taken or charged in Execution upon any Judgement herein ſo as before declared to continue and remain in full force, nor be arreſted in any Action to be brought on any ſuch Judgement, and that no Proceeding whatſoever by Scire Facias, Action, or otherwiſe, ſhall be maintained or had againſt the Bail in any Action upon the Judgement, wherein the Defendant or Defendants ſhall have been charged in Execution, and afterwards diſcharged by virtue of the Proviſions of this Act.

Perſons fraudulently obtaining Diſcharge liable to be taken in Execution, &c.

Eſtate of the Debtors liable notwithſtanding the Diſcharge.

Debtors duly diſcharged not liable afterwards to be arreſted in any Action to be brought on ſuch Judgement, &c.

II. And be it further enacted by the Authority aforeſaid, That this Act ſhall not extend or be conſtrued to extend to thoſe Parts of the United Kingdom of *Great Britain* and *Ireland*, which are commonly called *Ireland* and *Scotland*.

Act not to extend to Ireland or Scotland.

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