

ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

CAP. CXV.

An Act for the Relief of certain Insolvent Debtors in *England*. [19th *June* 1809.]

WHEREAS it may be convenient in the present crowded State of the Prisons and Gaols in *England* and *Wales*, that some of the Prisoners confined therein, truly surrendering their Effects to their Creditors, should be liberated, and enabled to pursue their different Professions and Occupations: 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 *England* or *Wales*, shall and 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 *February* One thousand eight hundred and nine, was or were or have since continued to be under the Terms and Conditions herein mentioned, and at 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 Non-payment 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

Requiring Gaolers to make out Lists of Prisoners in their Custody, on Feb. 1, 1809.

Names of the Perſon or Perſons at whoſe Suit or Proſecution ſuch Priſoner or Priſoners is or are detained, together with the Amount of ſuch Debts as the ſaid Priſoner or Priſoners are detained for; 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.

Keepers of Priſons to take an Oath when they deliver 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 *England* or *Wales*, 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 of the Peace, or Adjournment thereof, to the Effect following; (that is to ſay)

'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 *February* One thouſand eight hundred and nine, really and truly Priſoners in actual Cuſtody in the Priſon of [*inſert the Name of the Priſon*] at the Suit or Suits of the 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 *February* One thouſand eight hundred and nine been committed or ſurrendered to the ſaid Priſon of [*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 or were, to the beſt of my Knowledge and Belief, really and truly Priſoners in actual Cuſtody on the ſaid Firſt Day of *February* One thouſand eight hundred and nine, 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.

Which the ſaid Juſtices, at their Firſt or Second General Quarter Seſſion or General Seſſion of the Peace 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 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, 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.

Liſts to be kept by Clerk of the Peace, and examined gratis.

III. And be it further enacted, That all and every the 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, City, 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 or 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.

Copy of Lists to be fixed up in Prisons, before Delivery to the Sessions.

IV. And be it further enacted, That all and every Person and Persons who on the First Day of *February* One thousand eight hundred and nine, were charged in any Prison or Gaol for the Non-payment of any Debt or Debts, Sum or Sums of Money, which did not in the Whole amount to a greater Sum than Two thousand 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 who 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 for Debt not exceeding 2,000 l. to be discharged.

V. And whereas many honest but unfortunate Persons whose Debts exceed the Sum of Two thousand Pounds, although willing to surrender their Effects for the Benefit of their Creditors, have been confined in Gaol many Years, and but for the Interposition of the Legislature will be doomed to perpetual Imprisonment; be it therefore enacted, That all and every Person or Persons who on the said First Day of *February* last was or were charged in Execution with any Debt or Debts not exceeding in the Whole the Sum of Three thousand Pounds, and who shall have been confined in any Gaol of the United Kingdom of *Great Britain* and *Ireland* for the Space of Five Years last past, for such or any other Debt or Debts, reckoning from the Date of the passing of this Act; and all and every Person or Persons who on the said First Day of *February* last was or were charged in Execution with any Debt or Debts to any Amount, and who shall have been confined in any Gaol of the United Kingdom of *Great Britain* and *Ireland* for such or any other Debt or Debts for the Space of Ten Years last past, reckoning as aforesaid, shall, on taking the Oath hereby directed to be taken by other Debtors claiming their Discharge under this Act, and in all other Respects performing on his or her Part what is required to be done by him or her by this Act, be respectively discharged, released, and exonerated, as to his Person and Effects, to such Extent and in such Manner as is herein-after provided, and not otherwise.

Further Extension of Relief in Cases where the Prisoners have been in Custody Five or Ten Years.

VI. And be it further enacted, That it shall and may be lawful for any Justice or Justices of the Peace of any County, City, Town, Place, or Liberty within *England* and *Wales*, 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

Justices may, on Prisoners delivering Schedules, issue Warrants to bring them to the Quarter Sessions.

Juſtices 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, (and at the Foot of which ſaid Schedule the Gaoler or other proper Officer ſhall ſet forth and ſign the Amount of the Debt or Debts with which ſuch Priſoner was charged on the ſaid Firſt Day of *February*) 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, 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 Detainers, 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 proper Officer or 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 ſuch Juſtice or Juſtices, every ſuch Sheriff and Sheriffs, Keeper or Gaoler is and are hereby commanded to obey.

For holding a Special Seſſion.

VII. 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, That it ſhall and may be lawful for any Two or more of the Juſtices of the Peace for any County, 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.

Schedules to remain with Clerk of the Peace.

VIII. 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, 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.

Debtors intending to apply for Diſcharge, to give Notice in the Gazette, &c.

IX. 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* and *Wales*, who ſhall intend to apply to be diſcharged and exonerated under this Act, ſhall firſt cauſe public Notice to be inſerted in Three ſeveral *London Gazettes*, previous to ſuch General or Quarter Seſſion or General Seſſion of the Peace or 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, or ſhall have moved himſelf by *Habeas Corpus* from one Gaol to another, then alſo in ſome Newſ-

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paper 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 or have been 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; and for the inſerting each of the ſaid Notices in the *London 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 to deliver Schedules to the Gaoler, previous to the firſt Notice.

X. 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, where 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 Name 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 or Refuſal, 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 or 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 Thirty 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 be puniſhed.

XI. 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 of Notice.

'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 *February* One thousand eight hundred and nine, with any Debt or Debts, Sum or Sums of Money, exceeding in the Whole the Sum of [*as the Case may be*] [*and if claiming to be discharged on account of the Length of Time of Imprisonment, then to set forth the Time*] do hereby give this [First, Second, *or* Third] Public Notice, that I intend to take the Benefit of an Act, passed in the Forty-ninth 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 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.

Debtors proving that Notices have been given, shall in open Court deliver in certain Schedules and take an Oath.

XII. And be it further enacted, That every such Debtor as aforesaid, not being charged as aforesaid on the said First Day of *February* One thousand eight hundred and nine with any Debt or Debts, Sum or Sums of Money, in the Whole to a greater Amount than the Sum of Two thousand 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 Adjournment thereof, that such Notices were inserted in the *London 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 said First Day of *February* One thousand eight hundred and nine, 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 or 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 unto, 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,

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; 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,)

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 *February* One thouſand eight hundred and nine, 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, as the Caſe 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 Commitment 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 who can prove ſuch Debts or Contracts (if any ſuch there be); and that neither I, nor any Perſon or Perſons in Truſt for me, or for 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 the neceſſary Implements for my Occupation and Calling, together with a Sum of Money not exceeding Ten Pounds, and theſe in the Whole not exceeding the Value of Forty 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 any wiſe howſoever.' So help me GOD.'

Schedule and Oath to be ſubſcribed by the Debtors.

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,

Clerk, or other Officer acting as Clerk of the Peace for the County, City, Liberty, Town or Place where the ſame ſhall be ſubſcribed and taken, for the better Information of all the Creditors of ſuch Debtors 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 the Creditors, may examine Gaolers on Oath.

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

Eſtates and Effects of Debtors diſcharged, veſted in the Clerk of the Peace, who is to aſſign the ſame to ſuch Creditors as the Court ſhall direct, in truſt.

XIV. 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 Debtors 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 written 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 which the Debtor had therein; and every ſuch

Aſſignment

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 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 obtaining 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 them 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 Public 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 printed and publiſhed in *London*, if the Debtor before his or her going to Priſon reſided in *London* or within the Bills of Mortality, and if elſewhere, then in ſome printed Newſpaper which ſhall be publiſhed in or near the County, Riding, Diviſion, City, Town, Liberty, or Place in which ſuch Debtor reſided 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 the 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 *bonâ 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 herein-before 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, Town, Liberty, or Place in which ſuch Debtor

Aſſignees to get in Debtors Effects;

and to make Dividends.

Notice of making Dividends to be given.

ſhall have been adjudged to have been entitled to the Benefit of this Act at the next General or Quarter Seſſion, or at ſome Adjournment thereof.

Creditors for Annuities payable at any future Time, to receive Dividends as under a Commiſſion of Bankruptcy.

XV. 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 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.

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

XVI. 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 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, not entitled to any Benefit.

XVII. 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.

XVIII. 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 Law or Equity without Conſent

XIX. Provided further, and be it alſo enacted, That no Suit in Law or 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

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. of the Majority of the Creditors.

XX. And be it further enacted, 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 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; and that a true Copy 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 written on stamped Paper, shall at all Times be admitted in all Courts whatever 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, or shall refuse to make and deliver a Copy of any such Schedule on being requested as aforesaid so to make the same, shall for every such Offence pay the Sum of Twenty Pounds to any Person who shall recover and sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt: Provided also, that nothing herein contained shall extend to prejudice or affect any Estate, 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 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. Schedules to be produced by the Clerk of the Peace to Creditors. The Debtor's Right alone to be affected by this Act.

XXI. Provided also, and be it further enacted, 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 comprised 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 Estates 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 Mortgages to take place of Debts of an inferior Nature.

aforesaid, the Personal Estate of any 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 Judgment respectively, in like Manner as such Mortgagees and Persons having such Charges or Liens, and Creditors by Statute, Recognizance, or Judgement respectively would have been preferred to others, Creditors of an inferior Nature, against the Real or Personal Estate of such Debtor or Debtors respectively, if this Act had not been made; any Thing herein-before contained to the contrary notwithstanding.

Power of leasing Lands, &c. vested in Assignees.

XXII. 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 Debtor; 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.

Gaoler, on Request of Creditor, to be sworn.

XXIII. And be it further enacted, That the Justices at any General or Quarter Session or adjourned Session of the Peace 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 to the 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 Effect following; (that is to say,)

Oath.

'I do swear, That I 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 *February* One thousand eight hundred and nine, 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, to the best of my Knowledge and Belief.

'So help me GOD.'

If the Person delivering in List was not Gaoler on the

And if any Person who was a Keeper or Gaoler, or deputed Keeper or Gaoler of any such Prison or Gaol, on the said First Day of *February* One thousand eight hundred and nine, or since, shall not happen to be the Keeper or

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 adjourned Session may and are hereby required to administer to the respective Person or Persons who shall be Keeper or Gaoler of any such Prison or Gaol, or deputed Keeper thereof, and deliver in such List as aforesaid at any such General or Quarter Session or Adjourned Session, an Oath touching the Commitments or Books of Commitment of any such Prison or Gaol, to the Effect following; (that is to say), First Day of February he shall take the following Oath.

'I do swear, That I have examined the Commitments or Books of or concerning the Commitments of Prisoners to the Prison of [*in the County, City, Riding, Division, City Town, Place or Liberty,*] 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, that was on the First Day of *February* One thousand eight hundred and nine, 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 or Belief. Oath.

'So help me GOD.'

XXIV. And in order to discover any fraudulent Entries or Commitments of Prisoners in any Prison or Gaol Books, be it further enacted, That the Justices at any General or Quarter Session or adjourned Session 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 *February* One thousand eight hundred and nine, or at any Time since, and 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 adjourned Session shall think fit; and if any Sheriff, Gaoler or Keeper, or deputed Gaoler or Keeper, 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 adjourned Session, he, she, or they so offending in the Premises shall for every such Offence pay the Sum of Ten Pounds to any Person who shall sue for and recover the same in any of His Majesty's Courts of Record in *Westminster*, by Action of Debt. At the Request of Creditors, Gaolers may be examined on Oath at the Sessions touching Commitments. Penalty on Sheriffs, &c. disobeying Orders of Justices.

XXV. And be it further enacted, 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 or adjourned Session of the Peace within their respective Jurisdictions, refuse or delay to bring any such Prisoner or Prisoners as aforesaid to any such General Penalty on Gaoler and Printer of Gazette or Newspaper not complying with the

Regulations of this Act.

General Quarter Seſſion or General Seſſion or adjourned Seſſion of the Peace, 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 *February* One thouſand eight hundred and nine, 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 detain any ſuch Priſoner after he or ſhe ſhall be diſcharged as aforeſaid; or if the Printer of the *London Gazette* 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 made to him for that Purpoſe; every ſuch Keeper and Gaoler of ſuch Priſon and 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 ſaid Courts of Record at *Weſtminſter*, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed.

Puniſhing Gaolers for Perjury.

XXVI. And be it further enacted, 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 ſhall (over and above the Penalties to be inflicted on Perſons convicted of Perjury) upon every ſuch Conviction, forfeit, and pay the Sum of Five hundred Pounds, with full Coſts, by Bill, Plaint, or Information, or Action of Debt, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed, by and in the Name of ſuch Perſon or Perſons, his and their Executors and Adminiſtrators, to whom an 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 Creditor or Creditors.

Penalty on Clerk of the Peace not giving Copies of Adjudication of Diſcharge.

XXVII. 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 ſuch Adjudication, on the Payment of Two Shillings, or ſhall take more than 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 at 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

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General or Quarter Seſſion, 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 falſely ſwearing ſhall ſuffer as for wilful Perjury.

XXVIII. And be it further enacted, That if any Debtor as aforeſaid, who ſhall come or be brought up to ſuch General or Quarter Seſſion, or Adjournment thereof, under the Proviſions 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.

Debtors diſcharged not liable to be impriſoned for Debts prior to the Firſt Day of February.

XXIX. And be it further enacted, 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 *February* One thouſand eight hundred and nine, 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 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 which 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 on every ſuch Action or Suit.

Priſoners not diſcharged of Debts ſubſequent to the Firſt Day of February.

XXX. 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, That no Priſoner or Priſoners ſhall be diſcharged of any Debts incurred ſubſequent to the Firſt Day of *February* One thouſand eight hundred and nine; 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 *February* One thouſand eight hundred and nine, 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 *February* One thouſand eight hundred and nine, 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 which he or ſhe ſtands charged with in his Cuſtody, incurred ſubſequent to the ſaid Firſt Day of *February* One thouſand eight hundred and nine.

Act may be pleaded to any Action of Eſcape, &c.

XXXI. And be it further enacted, That if any Action of Eſcape, or any Suit or Action be brought againſt any Juſtice or Juſtices of the Peace, Sheriff,

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 nonſuited or diſcontinue his Action, or Verdict paſs againſt him, or Judgement upon Demurrer, the Defendant ſhall have Treble Coſts.

Act may be pleaded generally by Priſoners.

XXXII. And be it further enacted, 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 *February* One thouſand eight hundred and nine, with reſpect to Priſoners in actual Cuſtody on the ſaid Firſt Day of *February* One thouſand eight hundred and nine, 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 *February* One thouſand eight hundred and nine, 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, Liberty, City, Town or Place (according to his, her, or their Caſe) 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 *February* One thouſand eight hundred and nine, to plead in Diſcharge of his or her Perſon from Execution, (over and above ſuch Matters as aforeſaid) that ſuch Debt or Sum of Money (as the Caſe may be) was contracted or due before the ſaid Firſt Day of *February* One thouſand eight hundred and nine, 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 or Demurrer, the Defendant to have Treble Coſts.

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

XXXIII. 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 *February* One thouſand eight hundred and nine, 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 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 ſuch weekly or 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 *February* One thouſand eight hundred and nine, and before the Day whereon he or ſhe might otherwiſe have applied to take the Benefit of this Act, every ſuch Priſoner ſhall be

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.

Act not to extend to Attornies or Servants embezzling Money, except where they have been confined 10 Years;

XXXIV. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to releaſe or diſcharge any Attorney at Law, 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 or received by him or them for the Uſe of any Perſon or Perſons, Bodies Corporate or Politick, and by any Attorney, Solicitor, or any 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; except where ſuch Perſon ſhall have been confined in Priſon for the Space of Ten Years laſt paſt.

Nor to Perſons obtaining Money or Goods under falſe Pretences or fictitious Names, except where they have been confined 10 Years:

XXXV. And whereas many evil diſpoſed Perſons, to ſupport their profligate Way of Life, by various ſubtle Stratagems, Threats, and Devices, and under aſſumed and fictitious Name or Names for the Purpoſe of obtaining Credit, have fraudulently obtained divers Sums of Money, or Securities for Money, Goods, and Merchandizes, to the great Injury of Trade and Credit; be it enacted, That no Priſoner, who knowingly and deſignedly, by falſe Pretence or Pretences, or under any fictitious Name or Names aſſumed for the Purpoſe of obtaining Credit, ſhall have obtained from any Perſon or Perſons Money, Goods, Wares, Merchandize, 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 on due Proof of ſuch fraudulent Conduct as aforeſaid, the Juſtices ſhall remand ſuch Priſoner to the Cuſtody of the Gaoler or Keeper of the Priſon from which he or ſhe ſhall have been brought up to take the Benefit of this Act; any Thing herein contained to the contrary notwithſtanding; except where ſuch Perſon ſhall have been confined in Priſon for the Space of Ten Years laſt paſt.

Nor to Priſoners remanded to Priſon under any Inſolvent Act, for fraudulently obtaining Money, &c.

XXXVI. Provided always, and be it further enacted, That the Truth of each of the Objections and Exceptions aforeſaid againſt the obtaining the Benefit of this Act, ſhall be proved by the Teſtimony upon Oath of One or more credible Witneſs or Witneſſes, beſides the Teſtimony upon Oath of the Perſon or Perſons making ſuch Objections, or other legal Proof or Evidence admiſſible in a Court of Law: 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 or fraudulently removed Stock, Cattle, or other Effects, which were ſubject or liable to be detained for Rent, or who ſhall have loſt or forfeited

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 his Creditor or Creditors, or who shall have fraudulently obtained a Discharge under such former Act, or shall have taken a false Oath under such Act, shall have or receive any Benefit or Discharge under this Act, but shall be remanded to Prison as aforesaid by the Justices before whom he or she shall be brought up to take the Benefit of this Act: Provided always, that such Objections or Exceptions were supported by such Proof or Evidence as is herein-before provided and directed to be made under this present Act, and not otherwise; and that no Person shall be permitted to make the Objections in this Act mentioned against any Prisoner, except a detaining Creditor, or such Person or Persons as have commenced their Action or Actions against such Prisoner previous to the First Day of *February* last past, grounded on the Matters in the said Exceptions mentioned: 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 Action for seducing or carnally knowing the Daughter or Female Servant of the Plaintiff, or in any Action for a malicious Prosecution, or in any Action for any other malicious Injury, 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 his Decease; except where such Person shall have been confined in Prison for the Space of Ten Years last past.

Nor to Persons charged in Execution for Damages recovered in any Action for criminal Conversation, &c. except where they have been confined 10 Years:

Nor to Persons removing Effects of the Value of 30 l. liable to be distrained for Rent, except where they have been confined 10 Years:

XXXVII. And whereas many Debtors for Rents of Lands, Messuages, Houses, and 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 or liable to be distrained for the Satisfaction of the said Rents; be it therefore enacted, That no Prisoner or Prisoners who in a secret, clandestine or fraudulent Manner, shall have removed or caused to be removed within Six Years, any such Stock, Cattle, Furniture, Goods or Effects of the Value of Thirty Pounds or upwards, which were subject or liable to be distrained by their respective Landlord or 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 be remanded in Manner herein-before mentioned; provided such Proof shall be made thereof as shall be satisfactory to the Justices before whom such Prisoner shall be brought up to take the Benefit of this Act, except where such Person shall have been confined in Prison for the Space of Ten Years last past.

Nor to Persons selling or assigning Effects to defraud Creditors, except where they have been confined 10 Years.

XXXVIII. And whereas many Debtors have, with a View to defraud their Creditors, sold, transferred, conveyed, or assigned their Estate or Effects to some Person or Persons, subsequent to their being in Custody of Law or imprisoned under some Process of Debt: And whereas such Sale, Transfer, Conveyance, or Assignment hath been fraudulently made, to the Injury of his Creditor or Creditors, though it hath been difficult 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, 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,

priſonment, without juſt Cauſe for ſo doing, to be determined by the Juſtices before whom ſuch Priſoner ſhall be brought up to take the Benefit of this Act, every ſuch Debtor ſhall loſe all the Benefits and Advantages that he might have otherwiſe claimed under the Authority of this Act, and ſhall be remanded in Manner herein-before mentioned; and every ſuch Sale, Transfer, Conveyance, or Aſſignment is hereby declared null and void, except where ſuch Perſon ſhall have been confined in Priſon for the Space of Ten Years laſt paſt.

Nor to Perſons loſing Money at Play, except where they have been confined 10 Years:

XXXIX. And whereas many Priſoners ſquander and expend great Part of their remaining Property by playing at Cards, Dice, or other unlawful Games, to the great Injury of their Creditors; be it enacted, That nothing in this Act ſhall extend or be conſtrued to extend to diſcharge or releaſe any Priſoner who hath or ſhall have loſt, in any one Day ſince the Date of his Commitment to Priſon for any Debt with which he ſtood charged on the Firſt Day of *February* laſt, the Sum or Value of Twenty Pounds, or in the Whole ſince ſuch Commitment as aforeſaid, the Sum of One hundred Pounds in playing at or with Cards, Dice, Tables, Tennis, Bowls, Billiards, or other Game or Games whatſoever, or in or by bearing a Share or Part in the Stakes, Wagers, or Adventures, or in or by betting on the Sides or Hands of ſuch as do play as aforeſaid; but on due Proof thereof, to the Satisfaction of the Juſtices aſſembled at ſuch Quarter Seſſion or Adjourned Seſſion before which ſuch Priſoner ſhall be brought, it ſhall be lawful for ſuch Juſtices, and they are hereby required to remand ſuch Priſoner to Gaol, any Thing herein-before contained to the contrary notwithſtanding, except where ſuch Perſon ſhall have been confined in Priſon for the Space of Ten Years laſt paſt.

Penalty on Gaolers not permitting Priſoners to be ſpoken with, or Entry in the Books of the Priſon to be ſeen.

XL. And be it further enacted, That every Gaoler or Keeper of any Priſon ſhall and is hereby required to ſuffer any Perſon or Perſons deſiring the ſame to ſee and ſpeak with in the Day-time, either in the Lodge or other convenient Room in the ſaid Priſon, any Priſoner or Priſoners whoſe Names are inſerted in the before-mentioned Liſt or Liſts, or the *London Gazette* or other Newſpapers, in Manner aforeſaid, 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 Keeper or Gaoler 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*, wherein no Eſſoign, Protection, Wager of Law, or more than One Imparlance, ſhall be allowed, by and in the Name or Names of the Perſon ſo refuſed and aggrieved.

Penalty on Gaoler making falſe Entries.

XLI. 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

of any Perſon or Perſons who was or were not in actual Cuſtody as aforeſaid (except as in the Oath of any 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*, wherein no Eſſoign, Protection, Wager of Law, or more that One Imparlance ſhall be allowed.

Debtors refuſing to diſcover the Trade and Abode of the Perſon at whoſe Suit detained, excluded the Benefit of this Act.

XLII. And be it further enacted, That if any Debtor, being thereunto required by any Creditor or Creditors, ſhall refuſe to come to the Lodge of the Priſon in which any ſuch Priſoner ſhall be confined, or when come to ſuch Lodge ſhall refuſe to diſcover and declare the Trade or Occupation and the laſt Place of Abode or Habitation, to the beſt of his or her Knowledge or Belief, of the Perſon or Perſons at whoſe Suit he or ſhe was detained or charged in Cuſtody, without ſome reaſonable Cauſe being ſhewn for ſuch Refuſal, every ſuch Debtor, on 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.

Juſtices for Surrey may adjourn to the Seſſion Houſe in Horſemonger Lane.

XLIII. And whereas the next General Quarter Seſſion of the Peace for the County of *Surrey*, which ſhall happen after the paſſing of this Act, may be in the fartheſt Part of the County, and upwards of Twenty Miles from the Priſons where Debtors are confined; 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 Seſſion to the Seſſion Houſe in *Horſemonger-lane*, in the Pariſh of *Newington*, in the ſaid County of *Surrey*, for the 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; and it ſhall not be lawful for any Juſtice or Juſtices of the Peace for the ſaid County of *Surrey*, to iſſue his or their Warrant or Warrants for the bringing up of any Priſoner or Priſoners in order to his, her, or their Diſcharge under the Proviſions of this Act, at any Quarter Seſſion or adjourned Seſſion of the Peace, other than ſuch as ſhall be holden at the Seſſion Houſe in *Horſemonger-lane*, in the Pariſh of *Newington* aforeſaid.

Juſtices for York and Lincoln may hold a Seſſion near to the County Gaol.

XLIV. 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 or may be lawful

ful 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 any other Gaol or Gaols within the ſaid Counties, 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 for the Diſtrict of Holland may hold an adjourned Seſſion.

XLV. 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 to 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 Seſſion 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.

Priſoners in Cuſtody for Priſon Fees, to be diſcharged.

XLVI. And be it further enacted, That all Debtors and others, who were in Priſon on or before the ſaid Firſt Day of *February* One thouſand eight hundred and nine, in any of the Gaols of *England* and *Wales*, and now remain, for not paying their Fees, Rent, 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 of the Crown or ſuch Offenders, unleſs the Treaſury conſent.

XLVII. Provided always, and it is hereby further enacted, That this Act ſhall not extend or be conſtrued to extend to diſcharge any Priſoner 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 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 ſaid Juſtices at their ſaid Seſſion or Adjournment thereof, for the Diſcharge of ſuch Priſoner as aforeſaid.

Determination of Juſtices to be final unleſs the Debtor gets rid of the Objections to his Diſcharge.

XLVIII. 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 this 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 and refuſed a Diſcharge, gave freſh Notices for each ſubſequent Seſſion and Adjournment of their intended Application to be diſcharged, with the ſole View of haraſſing and ſubjecting to Inconvenience their Creditors; 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 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 ſome one ſubſequent Seſſion within the Space of Twelve Calendar Months after he ſhall have been ſo remanded, upon Application of the Priſoner, and due Proof on Oath or otherwiſe to the Satisfaction of the Juſtices in Seſſion or Adjournment, of ſuch Objection or Objections being removed, and on Proof of Notice ſerved at leaſt Twenty Days previous to ſuch Application on the Creditor or Creditors who before oppoſed his Diſcharge, and of Notice likewiſe inſerted in the *London Gazette* in Manner before directed by this Act, to order ſuch Priſoner to be brought before them, and if they ſhall then be of Opinion that the ſaid Debtor is entitled to the Benefit of this Act, to adjudge him or her to be entitled thereto, 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 their Creditors.

XLIX. 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 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 whereby the ſaid Freehold Lands, Tenements, and Hereditaments of ſuch Perſon or Perſons 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 further enacted, 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, and thereby had become ſeiſed in Fee; any Law or Conſtruction of Law to the contrary thereof in anywiſe notwithſtanding.

Aſſignees may apply for further Examination of Debtors to Two Juſtices.

L. 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, 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, 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 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 or 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, allowed by ſuch Juſtices, or being come before them ſhall refuſe to be ſworn or to anſwer 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, of 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.

Fraudulent Diſcharges void.

LI. 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 that 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 a Majority in Value of Creditors may compound the Debts, and ſubmit Diſputes to Arbitration.

LII. And be it further enacted, That it ſhall and may be lawful at all Times hereafter, for any Aſſignee or Aſſignees of the Eſtate or Effects of any Debtor or Debtors, who ſhall be choſen 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, to make Compoſitions with any Perſon or Perſons or Accountants to ſuch Debtor or Debtors, where the

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 of any Matter, Cauſe, or Thing relating to the Eſtate or Effects 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 on Perſons concealing Debtor's Eſtates.

LIII. 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 and 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 or 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*, 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.

LIV. 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 at the Time of his or their Death or Deaths, and whoſe Heir or Heirs, Executors, Adminiſtrators, and Aſſigns refuſe 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, 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 or Aſſignees, and Refuſal of his or their Heirs, Executors, Adminiſtrators, and 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, 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 like Powers and Authorities as are given by this Act; and the ſaid Juſtices ſhall have Power in a ſummary Way to oblige their Heirs, Executors, Adminiſtrators, and Aſſigns of ſuch Aſſignee or Aſſignees to account for and deliver up all

ſuch

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.

LV. 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 the Courts of Great Seſſions in *Wales*, and the Counties Palatine of *Cheſter*, *Lancaſter*, and *Durham* reſpectively, 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, or Miſconduct 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 of ſuch Aſſignee or Aſſignees, and appointing any new Aſſignee or Aſſignees in the Place of ſuch Aſſignee or Aſſignees ſo to be removed, 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 of any Aſſignee or Aſſignees, and the appointing of any new Aſſignee or Aſſignees, the Eſtate and Effects of ſuch Debtor or Debtors ſhall from thenceforth be diveſted out of the Aſſignee or Aſſignees ſo removed, 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 before veſted in the Aſſignee or Aſſignees firſt choſen; any Thing in this Act contained to the contrary notwithſtanding.

In Caſes of mutual Credit Balance to be ſtated.

LVI. Provided always, and be it further enacted, 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 Politic, 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.

Perſons for not paying Monies awarded, Coſts &c. entitled to the Benefit of this Act.

LVII. And whereas many Perſons are often committed by the Courts of Law and Equity, for Contempts in 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

ceſs for or grounded on the Non-payment of Money, Coſts, or Expences in ſome Cauſe or Proceeding in ſome Eccleſiaſtical Court, or for Contempt of 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.

Perſons imprisoned by Courts of Conſcience entitled to the Benefit of this Act, and Liſts to be returned of them to the Seſſion.

LVIII. 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, and they conform to the Directions herein-before preſcribed, touching other Priſoners who ſhall be diſcharged by virtue of this Act; and the Keeper or Keepers, Gaoler or Gaolers, of all and every Gaol, Priſon, or other Place of Confinement, in which any Perſon or Perſons are confined, or charged in Execution with Debts under Proceſs or Proceſſes iſſuing out of or from ſuch Courts of Conſcience, are hereby required to make out and deliver to the Juſtices aſſembled at the next Quarter Seſſion or adjourned Seſſion of the Peace, a true Liſt or Liſts of the Priſoners in their Cuſtody ſo confined or charged in Execution, in like Manner as the Gaolers or Keepers of other Priſons are directed by this Act.

Affirmation of Quakers to be taken.

LIX. And be it further enacted, 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.

Juſtices may amend Notices and Schedules in Matters of Form.

LX. And whereas Debtors are frequently, to the Injury of themſelves and their Creditors, remanded back to Priſon on account of mere Errors or Omiſſions in point of Form relating to their Notices or the making out of their Schedules, or other Proceedings directed by this Act; it is hereby enacted and declared, That it ſhall and may be lawful to and for the Juſtices aſſembled at ſuch Quarter Seſſion or Adjournment thereof as aforeſaid, to amend ſuch Matters of Form or to ſupply ſuch Omiſſions, or to correct ſuch Errors in the ſaid Notices, Schedules, or other Proceedings directed by this Act, as ſhall appear to the ſaid Juſtices to have ariſen from Ignorance or Miſtake of the Parties, without remanding back the ſaid Priſoner or Priſoners; any Thing herein-before contained to the contrary notwithſtanding.

The Inſolvent, on releaſing his Intereſt, a good Witneſs.

LXI. And be it further enacted, That in all Caſes whatſoever the Inſolvent, upon his releaſing any Intereſt he or ſhe may have in the Reſiduum of his or her Eſtate, ſhall and may be admitted as a good and ſufficient Witneſs in any Action or Cauſe to be inſtituted by his or her Aſſignee or Aſſignees for the Recovery of any Debts due to the ſaid Inſolvent, in the ſame Manner as a Bankrupt may after obtaining his Certificate.

Future Eſtates of Debtors

LXII. And be it further enacted, That nothing herein contained ſhall be deemed or taken to diſcharge the future Eſtate or Effects, Real or Perſonal, of any Perſon or Perſons diſcharged under this Act, whether ſuch

Perſon or Perſons ſhall or ſhall not have been charged in Execution of or from the Payment of any Debts, Damages, Coſts, Sum or Sums of Money due, owing, or demandable from any ſuch Perſon or Perſons, or in reſpect of which any ſuch Perſon or Perſons was or were in Cuſtody; and all and every Perſon or Perſons entitled to receive or be paid any ſuch Debt, Damages, Coſts, Sum or Sums of Money, ſhall have all ſuch and the like Remedies in Law or Equity againſt ſuch future Eſtate and Effects, other than and except the neceſſary Apparel and Bedding of ſuch Perſon or Perſons and their Family, and the neceſſary Tools for his, her, or their Trade and Occupation, not exceeding the Value of Forty Pounds, but not againſt the Perſon of the Party for Payment thereof, as he, ſhe, or they might have have had if this Act had not been made; and in any Caſe in which the Payment or Recovery of ſuch Demands or Sums of Money could, before the paſſing of this Act, have been enforced only by Commitment, either on the Ground of Contempt or otherwiſe, of the Perſons liable thereto, the Party intereſted therein ſhall be and is hereby enabled to ſue the Perſon or Perſons who ought to have paid the ſame for what ſhall remain unſatisfied thereof, in like Manner as if the Sum remaining unſatisfied had been Money lent and advanced by or Money had and received for the Uſe of the Perſon having ſuch Demand, but ſhall be entitled to recover or have Execution out of or againſt ſuch future Eſtate and Effects only, and ſhall not be entitled to arreſt or take in Execution the Party againſt whom ſuch Demand ſhall be enforced.

diſcharged under this Act to be liable for their Debts.

LXIII. 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.

Perſons having taken the Benefit of an Inſolvent Act within Five Years, not entitled to Relief.

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