ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

***

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, City, 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 Marſhal of the Four Courts Marſhalſea, and every other Keeper and Gaoler of any other Priſon in any Place or Liberty in *Ireland*, ſhall ſeverally, on the delivering in of any ſuch Liſt of Priſoners in their reſpective Cuſtody, take an Oath in open Court of ſuch General Quarter Seſſion or General Seſſion of the Peace, or Adjournment thereof, to the Effect following; (that is to ſay)

Oath.

'I *A. B.* upon my Corporal Oath, in the Preſence of Almighty God, 'do ſolemnly ſwear, profeſs, and declare, That all and every Perſon 'and Perſons whoſe Name or Names is or are inſerted and contained in 'the firſt Part of the Liſt by me now delivered in and ſubſcribed, was or 'were to the beſt of my Knowledge and Belief, upon the Firſt Day of *Feb-* 'ruary 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 ſeveral Perſon or Perſons therein reſpectively men- 'tioned; 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 reſpec- 'tively mentioned; and that the Perſon or Perſons whoſe Name or Names is 'or are therein contained, was and were to the beſt of my Knowledge and 'Belief really and truly Priſoners in actual Cuſtody on the ſaid Firſt Day 'of *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 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 Marſhal 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 the Clerk of the Peace, and examined gratis.

Copies of Liſts to be fixed up in Priſons, be-

III. And be it further enacted, That all and every Keeper or Gaoler, Keepers or Gaolers of any ſuch Priſon or Gaol, is and are hereby required Ten Days at leaſt before the Firſt or Second General Quarter Seſſion or

General Seſſion of the Peace ſhall be held after the paſſing of this Act, for the County, 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. fore 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 One thouſand five hundred Pounds, and whoſe Name or Names ſhall be inſerted in any ſuch Liſt to be delivered in as aforeſaid, taking the Oaths hereby directed to be taken, and 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 what Sum to be diſcharged.

V. 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 this Kingdom, upon the Petition of any ſuch Priſoner or Priſoners, to any Juſtice or Juſtices of the Peace within his or their reſpective Juriſdictions, upon every ſuch Priſoner or Priſoners ſo petitioning, and at the Time of his or her ſo petitioning leaving with the Juſtice or Juſtices of the Peace ſo petitioned a true Copy of the Schedule, containing his or her intended Diſcovery of his or her Real and Perſonal Eſtate, to be ſworn to at the Firſt or Second General Quarter Seſſion next enſuing after every ſuch Petition or ſome Adjournment thereof, by Warrant under his Hand and Seal or under their Hands and Seals, to require the Sheriff or Sheriffs, Keepers or Gaolers of any ſuch Priſon within the Juriſdiction of any ſuch Juſtice or Juſtices, to bring before the Juſtices at the Firſt or Second next General Quarter Seſſion or General Seſſion of the Peace, or any Adjournment thereof, to be held as the Caſe ſhall happen to be next after the Expiration of Ten Days from the Date of ſuch Warrant, for ſuch reſpective County, 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, 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. Juſtices may, on Priſoners delivering Schedules, iſſue Warrants to bring them to the Quarter Seſſions.

VI. 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 For holding a Special Seſſion.

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 the Clerk of the Peace.

VII. 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,

VIII. And be it further enacted, That all and every Debtor and Debtors confined in any Gaol of that Part of the United Kingdom called *Ireland*, who ſhall intend to apply to be diſcharged and exonerated under this Act, ſhall firſt cauſe public Notice to be inſerted in Three ſeveral *Dublin* Gazettes, previous to ſuch General or Quarter Seſſion or General Seſſion, or the Adjournment thereof, at which ſuch Application ſhall be made; and if ſuch Debtor ſhall be in Cuſtody in any Gaol out of *Dublin* or the County of *Dublin*, or ſhall have moved himſelf by *Habeas Corpus* from one Gaol to another, then alſo in ſome Newſpaper in or near the County, City, Town, or Liberty, 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; for the inſerting each of the ſaid Notices in the *Dublin* Gazette, or in any other Newſpaper, there ſhall be paid each Time by every Priſoner the Sum of Four-pence and no more, the Firſt of which ſaid Notices ſhall be ſo inſerted in the ſaid Gazettes reſpectively, and in the ſaid other Newſpapers, as the Caſe may require, Twenty-one Days at the leaſt, and the laſt of the ſaid Notices Six Days at the leaſt, before any ſuch Firſt or Second General Quarter Seſſion or General Seſſion or Adjournment thereof, ſhall be held as aforeſaid, ſo that as well all the Creditors who have not charged the ſaid Debtor or Debtors in Cuſtody, as thoſe Creditors who have charged ſuch Debtor or Debtors in execution or on meſne Proceſs or otherwiſe, may have ſufficient Notice thereof.

Debtors to deliver Schedules to the Gaolers previous to the firſt Notice.

IX. 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 and Surname, to be atteſted by any ſuch Keeper, Gaoler or Deputy; and in caſe any Debtor ſhall neglect or refuſe to deliver one ſuch Schedule to ſuch Keeper, Gaoler, or Deputy, prior to ſuch his firſt Notice to be given as aforeſaid, he or ſhe upon due Proof made of ſuch Neglect to the Satisfaction of the Court to which ſuch Debtor ſhall make Application, ſhall be remanded back to Priſon, there to remain until he or ſhe ſhall have complied with the Directions aforeſaid; and every ſuch Keeper, Gaoler, or Deputy is hereby directed and required to atteſt the Signature of the Debtor's Name to ſuch Schedule, and to receive the ſame into his Cuſtody and Charge, giving a Duplicate thereof to every ſuch Debtor, with an Acknowledgment of his having received the original, and he is hereby further required to deliver a true Copy of any ſuch Schedule, ſigned by himſelf upon requeſt made to him by any Creditor for that Purpoſe in Writing, ſuch Copy to be delivered to the Creditor himſelf, or to ſuch Perſon as he ſhall appoint to receive the ſame, within Three Days after Demand made, and if any ſuch Keeper, Gaoler, or Deputy ſhall neglect or refuſe to conform to the Directions hereby given him reſpecting ſuch Schedule, every ſuch Keeper, Gaoler, or Deputy ſo offending ſhall be puniſhed.

Form of Notice.

X. And be it further enacted, That the Notices to be given by every Debtor in Manner directed by the Act, ſhall be to the Effect following; that is to ſay,

'I [*inſert the Name, Trade, Occupation, and Deſcription, and Two laſt Places of Abode, if ſo many*] now confined in [*inſert Name of Priſon and County,*] and not being charged in Cuſtody on the Day of with any Debt or Debts, Sum or Sums of Money, exceeding in the Whole the Sum of One thouſand five hundred Pounds, do hereby give this 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, *An Act for the Relief of certain Inſolvent Debtors in* Ireland, 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.

XI. 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 Fifteen hundred Pounds, who ſhall apply to the General or Quarter Seſſion, or any Adjournment thereof, ſhall, in caſe it ſhall be proved upon Oath, or by producing the ſaid Three Gazettes and Newſpapers reſpectively before-mentioned, to the ſaid Juſtices at any ſuch Seſſion or the Adjournment thereof, that ſuch Notices were inſerted in the *Dublin*

Gazettes and other Newſpapers reſpectively, as were required in Manner aforeſaid; and that the Perſon or Perſons ſo applying was or were actually a Priſoner or Priſoners on the Firſt Day of *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 and deliver in a true Schedule or Account of all his or her Real Eſtate in Poſſeſſion, Reverſion, Remainder, or Expectancy, and of any other Nature and Kind whatſoever, and alſo the Whole of his or her Perſonal Eſtate which he or ſhe or any Perſon or Perſons in Truſt for him or her, or for his or her Uſe, Benefit, or Advantage, is or are ſeiſed of, intereſted in, or entitled to, or was or were in his, her, or their Poſſeſſion, Cuſtody, or Power, or which he, ſhe, or they, or ſuch Perſon or Perſons had any Power of diſpoſing of or charging for his, her, or their Benefit or Advantage at any Time ſince his or her Commitment to Priſon, with the Names of his or her ſeveral Debtors, and where they reſpectively live or may be met with, and the ſeveral Sums of Money from them reſpectively owing, and how the ſame reſpectively became due and are ſecured, and if by Mortgage, Specialty, Contract, Note, or other Writing, then the Name and Names, and Places of Abode of the ſeveral Witneſſes who can prove ſuch Debts or Contracts (if there be any ſuch) and ſhall alſo make Oath and ſwear to the following Effect, according to the ſpecial Circumſtances, ſo far as the ſame ſhall be conſiſtent with the Proviſions herein-after contained; that is to ſay,

Oath.

'I *A. B.* upon my Corporal Oath, in the Preſence of Almighty God, do ſolemnly ſwear, proteſt, and declare, That on the Day of 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 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 for 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

'Debts are due and owing, and of the Witneſſes that can prove ſuch 'Debts or Contracts [*if any ſuch there be*] and that neither I nor any Per- 'ſon or Perſons in Truſt for me or for my Uſe, have any Lands, Money, 'Stock, or any Eſtate Real or Perſonal, in Poſſeſſion, Reverſion, Re- 'mainder, or Expectancy, or of any Nature or Kind ſoever, or Power of 'diſpoſing of or charging for any 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 ex- 'ceeding Five Pounds, and theſe in the Whole not exceeding the Value 'of Thirty Pounds; and that I have not nor any Perſon for me hath di- 'rectly or indirectly ſold, leſſened, or otherwiſe conveyed, diſpoſed of in 'Truſt, or concealed all or any Part of my Lands, Money, Goods, Chat- 'tels, Stock, Debts, Securities, Contracts, or Eſtates, Real or Perſonal, 'whereby to ſecure the ſame, or to receive or expect any Profit or Ad- 'vantage therefrom, or with an Intent to defraud or deceive any Creditor 'or Creditors to whom I am or was indebted in anywiſe howſoever.

'So help me GOD.'

Schedule and Oath to be ſubſcribed by the 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, 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 Creditor may examine Gaolers on Oath.

XII. And be it further enacted, That the Juſtices of the Peace within their reſpective Juriſdictions, at any ſuch General Quarter Seſſions or General Seſſion or Adjournment thereof, at the Requeſt of any Creditor or Creditors of any ſuch Debtor, are hereby authorized to cauſe the Marſhal of the Four Courts Marſhalſea or his Deputy, 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 Seſſions 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 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 Debtor diſcharged veſted in the Clerk of the Peace, who is to to aſſign the ſame to ſuch Creditors as the Court ſhall direct, in Truſt.

XIII. And be it further enacted, That all the Eſtate, Right, Title, Intereſt, and Truſt of ſuch Debtor, of, in, and unto all the Real Eſtate, 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, City, Town Corporate, Liberty, or Place where any Debtor ſhall be reſpectively diſcharged; and every ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, is hereby directed and required to make an Aſſignment and Conveyance of every ſuch Debtor's Eſtate and Effects veſted in ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace as aforeſaid, to ſuch Creditor or Creditors of the ſaid Debtor, as the Juſtices at any General or Quarter Seſſion of the Peace, or at any Adjournment thereof, which ſhall be held by them within their reſpective Juriſdictions, ſhall order and direct, which Aſſignment and Conveyance ſhall be good and effectual in the Law to all Intents and Purpoſes whatſoever, without being wrote on Parchment or Paper ſtamped, to veſt the Eſtates thereby aſſigned and conveyed in the Party or Parties to whom the ſame ſhall be ſo aſſigned and conveyed, his, her, and their Heirs, Executors, Adminiſtrators, and Aſſigns, according to the Eſtate and Intereſt the Debtor had therein; and every ſuch Aſſignment and Conveyance ſhall be in Truſt for the Benefit of the Creditor or Creditors of every ſuch Debtor to whom the ſame ſhall be made, and the Reſt of the Creditors of every ſuch Debtor, in reſpect of or in Proportion to their reſpective Debts; and every Perſon or Perſons to whom any ſuch Aſſignment and Conveyance as aforeſaid ſhall be made, is and are hereby fully empowered to ſue from Time to Time, as there may be Occaſion in his, her, or their own Name or Names, for the Recovery and attaining any Eſtate or Effects of any ſuch Debtor, and alſo to execute any Truſt or Power veſted in or created for the Uſe or Benefit of any ſuch Debtor, but in Truſt for the Benefit of him or 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 Publick Auction, in ſuch Manner and at ſuch Place as the major Part of the Creditors of any ſuch Debtor who ſhall aſſemble together on any Notice in Writing publiſhed in the *Dublin Gazette*, or in ſome Daily Paper printed and publiſhed at *Dublin*, and if elſewhere, then in ſome Newſpaper which ſhall be publiſhed in or near the County, City, Town, Liberty, or Place in which ſuch Debtor dwelled before he or ſhe was committed to Priſon Thirty Days before any ſuch Sale ſhall be made, ſhall under his Hand or their Hands agree on; and every ſuch Aſſignee or Aſſignees, at the End of Three Months at fartheſt, from the Time of his or their accepting any ſuch Aſſignment or Conveyance as aforeſaid, ſhall make a fair and juſt Dividend of all ſuch Debtor's Eſtate and Effects which ſhall have been then recovered amongſt his or her Creditors, in Proportion and

Aſſignees to get in Debtors Effects,

and to make Dividends.

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, 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, City, Liberty, or Place in which ſuch Debtor ſhall have been adjudged to have been entitled to the Benefit of this Act, at the next General or Quarter Seſſion, or ſome Adjournment thereof.

Notice of the making Dividends to be given.

XIV. 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 Indemnity or otherwiſe, at any future Time or Times, by virtue of any Bond, Covenants or other Securities of any Nature whatſoever, may be and ſhall be entitled to be admitted a Creditor or Creditors, and may and ſhall be entitled to receive a Dividend or Dividends of the Eſtate of ſuch Debtor, in ſuch Manner and upon ſuch Terms and Conditions as ſuch Creditor or Creditors would have been entitled unto by the Laws now in force, if ſuch Debtor had become Bankrupt, and without Prejudice in future to their reſpective Securities, otherwiſe than as the ſame would have been affected by a Proof made in reſpect thereof by the Creditor under a Commiſſion of Bankrupt, and a Certificate obtained by the Bankrupt under ſuch Commiſſion.

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

XV. 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.

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

XVI. Provided always, and be it enacted, That no Perſon holding any Security whatſoever, for which ſuch Debtor never received any valuable Conſideration,

Holders of Securities without Con-

ſideration not entitled to any Benefit.

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.

XVII. 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 of the Majority of the Creditors.

XVIII. Provided further, and be it alſo enacted, That no Suit in Equity ſhall be commenced by any Aſſignee or Aſſignees of any ſuch Debtor's Eſtate and Effects, without the Conſent of the major Part in value of the Creditors of ſuch Debtor, who ſhall meet together purſuant to a Notice to be given at leaſt Ten Days before ſuch Meeting, in the *Dublin Gazette* or other Newſpaper which ſhall be publiſhed in the Neighbourhood of the laſt Reſidence of ſuch Debtor or Debtors for that Purpoſe.

Schedules to be produced by Clerks of the Peace to Creditors.

XIX. 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 a 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 wrote 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 *Dublin*, by Action of Debt: Provided alſo, that nothing herein contained ſhall extend to prejudice or affect any Eſtate or Intereſt or Right whatſoever of any Perſon or Perſons other than the ſaid Debtor, which may be expectant upon or ſubject unto the

The Debtors Right alone to be affected by this Act.

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.

Mortgages to take place of Claims of an inferior Nature.

XX. 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 comprized in, or charged or affected by ſuch Mortgage or Mortgages, Charges or Liens reſpectively, nor to prevent any Statute Staple, Statute Merchant, Recognizance, or Judgment, 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 Judgment, before ſuch Diſcharge ſhall be given in open Seſſion to any ſuch Debtor as 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 Judgment, 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 hereinbefore contained to the contrary thereof in anywiſe notwithſtanding.

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

XXI. And whereas many Perſons who may be entitled to and claim the Benefit of this Act, are ſeiſed and poſſeſſed of Lands, Tenements, and Hereditaments, to hold to ſuch Debtors for the Term of their natural Lives, with Power of granting Leaſes and taking Fines, reſerving ſmall Rents on ſuch Eſtates for One, Two, or Three Lives in Poſſeſſion or Reverſion, or for ſome Number of Years determinable upon Lives, or have Powers over Real or Perſonal Eſtate, which ſuch Debtors could execute for their own Advantage, and which ſaid Powers ought to be executed for the Benefit of the Creditors of ſuch Debtors; be it therefore enacted by the Authority aforeſaid, that in every ſuch Caſe all and every the Powers of leaſing ſuch Lands, Tenements and Hereditaments, and all ſuch other 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.

XXII. And be it further enacted, That the Juſtices at any General or Quarter Seſſions of the Peace, or Adjournment thereof, to which any ſuch Priſoner ſhall be brought in purſuance of this Act, ſhall, if required by any Creditor or Creditors of any ſuch Priſoner or Priſoners who ſhall oppoſe his or her Diſcharge, adminiſter and give to the Keeper or Gaoler of any ſuch Priſon or Gaol at the Time of bringing up any ſuch Priſoner in

in order to be discharged under this Act, an Oath to the Effect following; (that is to say),

Oath.

'I do swear, That was really and truly a Prisoner in my Custody in the Prison of or in Custody in some other Prison [*as the Case may be*] to the best of my Knowledge and Belief, at or upon the First Day of *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 whatsoever, to the best of my Knowledge and Belief.

'So help me GOD.'

If the Person delivering in List was not Gaoler on the first Day of February he shall take the following Oath.

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 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 Sessions, or at any Adjournment thereof, may and are hereby required to administer and give to the respective Person or Persons who shall be Keeper or Gaoler, or deputed Keeper or Gaoler, of any such Prison or Gaol, and deliver in such List as aforesaid at any such General or Quarter Sessions, or any Adjournment thereof, an Oath touching the Commitments or Books of Commitment of any such Prison or Gaol, to the Effect following; (that is to say),

Oath.

'I do swear, That I have examined the Commitments or Books kept of or concerning the Commitments of Prisoners to the Prison of 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 and Belief.

'So help me GOD.'

At the Request of Creditors Gaolers may be examined on Oath at the Sessions, touching Commitments.

XXIII. 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 Sessions of the Peace, or any Adjournment thereof, are hereby authorized, at the Request of any Creditor or Creditors of any Prisoner, to convene before them at some certain Time to be appointed by them, any Person or Persons who was or were Keeper or Gaoler or deputed Keeper or Gaoler of any Prison or Gaol within their respective Jurisdictions, on the said First Day of *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 the Custody of any such Prisoner, as the Justices at any such General or Quarter Sessions or Adjournment thereof shall

and

ſhall think fit; and if any Sheriff, Keeper or Gaoler or deputed Keeper or Gaoler, ſhall neglect or refuſe to bring before any ſuch Juſtices, at any Seſſion of the Peace or Adjournment thereof, any ſuch Priſoner as ſhall be directed and required by Warrant of any Juſtice or Juſtices as aforeſaid, or to attend on being ſummoned for that Purpoſe, he ſhall on Conviction ſuffer Six Months Impriſonment; or if any Keeper or Gaoler attending ſhall refuſe to make Anſwer and Diſcovery in the Premiſes as ſhall be reaſonably required, at ſuch General Quarter Seſſions, or any Adjournment thereof, 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 recover and ſue for the ſame, in any of His Majeſty's Courts of Record at *Dublin*, by Action of Debt.

Penalty on Sheriffs, &c. diſobeying Orders of Juſtices.

XXIV. 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 of the Peace or Adjournment thereof, within their reſpective Juriſdictions, refuſe or delay to bring any ſuch Priſoner or Priſoners as aforeſaid to any ſuch General Quarter Seſſions or General Seſſion or Adjournment thereof, in order to his or her Diſcharge, or ſhall neglect or 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 *Dublin 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 to him made 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 One of the ſaid Courts of Record at *Dublin*, wherein no Eſſoign, Protection or Wager of Law, or more than one Imparlance ſhall be allowed.

Penalty on Gaoler and Printer of Gazette or Newſpaper not complying with the Regulations of this Act.

XXV. 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 *Dublin*, wherein no Eſſoign, Protection, or Wager of Law ſhall be allowed, by and in the Name of ſuch Perſon or Perſons, his and their Executors and Adminiſtrators, to whom 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

Puniſhing Gaolers for Perjury.

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 Diſcharges.

XXVI. 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 and Sixpence, 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 any Adjournment thereof, of any ſuch Offence, ſhall for every ſuch Offence forfeit and pay to every ſuch Priſoner the Sum of Twenty Pounds, as the Juſtices of the Peace at ſuch General or Quarter Seſſions of the Peace or Adjournment thereof ſhall order; and who are hereby empowered to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods of any ſuch Clerk of the Peace or his Deputy, or Town Clerk, or other Officer acting as Clerk of the Peace ſo offending.

Debtors falſely ſwearing ſhall ſuffer as for wilful Perjury.

XXVII. And be it further enacted, That if any Debtor as aforeſaid who ſhall take the Benefit of this Act, ſhall wilfully forſwear and perjure himſelf, herſelf, or themſelves, in any Oath to be taken under this Act, and ſhall be lawfully convicted thereof, he, ſhe, or they ſo offending ſhall ſuffer ſuch Puniſhment as by Law may be inflicted on Perſons convicted of wilful and corrupt Perjury.

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

XXVIII. And be it further enacted, That no Perſons 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 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.

XXIX. 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

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.

XXX. 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, 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.

XXXI. 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 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 (as his, or her, or their Caſe is) without pleading any Matter ſpecially; and in caſe any other Suit or Action ſhall be commenced againſt him, her, or them, for any other Debt, Sum or Sums of Money due before the 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 ſhall happen) was contracted or due before the 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: 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

Act not to extend to Attornies or

Servants embezzling Money;

or any other Person or Persons acting or pretending to act as such, with regard to any Debt with which he or they shall stand charged for any Money or other Effects recovered and received by him or them, for the Use of any Person or Persons, Bodies Corporate or Politic, and by any Attorney, Solicitor, or other Person or Persons acting as such, embezzled, concealed, or converted to his or their own Use, or to release or discharge any Servant or Agent, or any other Person or Persons employed or entrusted as such, with regard to any Debt or Demand with which he, she, or they shall stand charged for or on account of any Money, Goods, or other Effects received or possessed by him, her, or them, for the Use and on Account of his, her, or their Master or Masters, or Employers, and by such Servant or Agent embezzled, concealed, or converted to his, her, or their own Use; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Nor to Persons obtaining Money on false Pretences;

XXXII. And whereas many evil disposed Persons, to support their profligate Way of Life, have by various subtile Stratagems, Threats, and Devices, fraudulently obtained divers Sums of Money, Goods, Wares, Merchandizes, Bonds, Bills of Exchange, Promissory Notes or other Securities for Money, to the great Injury of industrious Families, and to the manifest Prejudice of Trade and Credit; be it enacted, That no Prisoner who knowingly and designedly, by false Pretence or Pretences shall have obtained from any Person or Persons, Money, Goods, Wares, 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 the Justices at any General or Quarter Sessions of the Peace, or any Adjournment thereof, before whom any such Prisoners shall be brought, upon due Proof of the Matter made to their Satisfaction, shall remand such Prisoners to the Custody of the Gaoler or Keeper of the Prison from whence he or she shall have been brought; any Thing herein contained to the contrary notwithstanding.

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

XXXIII. 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 the Benefit of any such former Act, by having made any fraudulent Sale, Transfer, Conveyance, or Assignment, since his or her Imprisonment, to the Prejudice of the fair and honest Creditor, or who shall have obtained a Discharge under such former Act fraudulently, or shall have taken an Oath under such Act, any Part of which was not true, shall have or receive any Benefit or Discharge by or under this Act; but the Justices at any General or other Session of the Peace, or any Adjournment thereof, before whom any such Prisoner shall be brought, upon due Proof of the Matter made to their Satisfaction, shall remand such Prisoner to the Custody of the Gaoler or Keeper of the Prison, from which he or she

ſhall have been brought, any Thing herein contained to the contrary notwithſtanding: Provided 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 any 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 the Deceaſe of ſuch Plaintiff.

Nor to Perſons charged in Execution for Damages recovered in any Action for Criminal Converſation, &c.

XXXIV. 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 and 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 Twenty 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 on due Proof of the Matter as aforeſaid, be remanded in Manner herein-before mentioned, any Thing herein-before contained to the contrary notwithſtanding; provided ſuch Proof ſhall be thereof made as is herein-before required upon Objections or Exceptions to be made under this preſent Act.

Nor to Perſons removing Effects of the Value of 20l. liable to be diſtrained for Rent.

XXXV. And whereas many Debtors have, with a View to defraud their Creditors, ſold, transferred, conveyed or aſſigned their Eſtate and Effects to ſome Perſon or Perſons, ſubſequent to their being in Cuſtody of Law or impriſoned under ſome Proceſs for Debt: And whereas ſuch Sale, Tranſfer, Conveyance or Aſſignment hath been fraudulently made to the infinite Prejudice of the fair and honeſt Creditor, though ſufficient Proof could not be obtained to convict the Party of a fraudulent Deſign; be it enacted, That whenever it ſhall be proved by one or more credible Witneſs or Witneſſes to the Satisfaction of the Court to which any Priſoner ſhall be brought up in order to obtain his or her Diſcharge, that ſuch Priſoner has ſold, transferred, conveyed or aſſigned to any Perſon or Perſons all or any Part of his Eſtate or Effects ſubſequent to the Time of his Impriſonment without juſt Cauſe for ſo doing, to be allowed by the Juſtices preſiding in ſuch Court as aforeſaid, every ſuch Debtor ſhall loſe all the Benefits and Advantages that he might have otherwiſe claimed under the Authority of this Act, and ſhall not be entitled

Nor to Perſons ſelling or aſſigning Effects to defraud Creditors.

titled to his or her Diſcharge; and every ſuch Sale, Transfer, Conveyance, or Aſſignment is hereby declared null and void.

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

XXXVI. And be it further enacted, That every Gaoler or Keeper of any Priſon ſhall and is hereby required to ſuffer in the Day-time any Perſon or Perſons deſiring the ſame, to ſee and ſpeak, in the Lodge or ſome convenient Room in the ſaid Priſon, with any Priſoner or Priſoners whoſe Names are inſerted in the before mentioned Liſt or Liſts, or the *Dublin Gazette*, or other Newſpapers, or any of them, and alſo to ſee in the true and genuine Books of the ſaid Priſon the Entries made of the Name or Names of ſuch Priſoner or Priſoners, Debtor or Debtors, together with the Name or Names of the Perſon or Perſons at whoſe Suit or Suits he, ſhe, or they are or were detained; and if any ſuch Gaoler or Keeper ſhall refuſe or neglect to comply with what is hereby above required, every ſuch Gaoler or Keeper who ſhall ſo offend in the Premiſes, ſhall forfeit and pay to the Perſon ſo refuſed and aggrieved the Sum of Forty Pounds, to be recovered, with Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of the Courts at *Dublin*, 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 or Perſons ſo refuſed and aggrieved.

Penalty on Gaoler for making falſe Entries.

XXXVII. And be it further enacted, That if any Gaoler or Keeper or deputed Gaoler or Keeper of any Priſon or Priſons ſhall make or cauſe to be made any falſe Entries in any Book or Books belonging to any Priſon or Gaol under his Care, or of which he is or was Gaoler, or ſhall prepare or keep or cauſe to be prepared or kept any falſe Book or Books in order for any falſe or untrue Entry or Entries to be made therein, or ſhall inſert in any Liſt to be delivered in as aforeſaid, the Name or Names of any Perſon or Perſons who was not in actual Cuſtody as aforeſaid (except as in the Oath of 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 *Dublin*, wherein no Eſſoign, Protection, Wager of Law, or more than One Imparlance ſhall be allowed.

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

XXXVIII. And be it further enacted, That if any Debtor being thereunto required by any Creditors, ſhall refuſe to diſcover and declare the Trade or Occupation, and Habitation or laſt Place of Abode of the Perſon or Perſons at whoſe Suit he or ſhe is or was detained or charged in Cuſtody, or if any Priſoner being called for, and deſired by any Creditor or Creditors to come to the Lodge of the Priſon in which any ſuch Priſoner ſhall be confined ſhall refuſe to come, without ſome reaſonable Cauſe being made appear to the contrary, every ſuch Debtor, upon Proof being made thereof before the Juſtices at any General or Quarter Seſſion of the Peace, or any Adjournment thereof, to be held as aforeſaid, ſhall not have or receive any Benefit or Diſcharge by or under this Act; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

XXXIX. And

Prisoners in Custody for Prison Fees to be discharged.

XXXIX. 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 this Kingdom, 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 Offenders.

XL. 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 Sessions 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.

XLI. 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, to harass their Creditors constantly gave fresh Notices for each subsequent Session and Adjournment of their intended Application to be discharged; to remedy which, be it further enacted by the Authority aforesaid, That in all Cases whatever the Determination of the Justices in Session or Adjournment shall be final to all Intents and Purposes, unless otherwise ordered and commanded by His Majesty's Court of King's Bench in *Ireland*, by His Majesty's Writ of *Mandamus* to be issued forth of said Court, unless the Debtor shall during the Continuance of this Act, get rid of the Objection or Objections for which they refused his Discharge; and that the same may be clear and certain, the Justices are hereby required to state the Objections why such Debtor's Discharge is refused by them; and in all Cases whatever it shall and may be lawful to and for the Justices at some one subsequent Session, within the Space of Twelve Calendar Months after he shall have been so remanded, upon Application from the Prisoner, and due Proof on Oath made to them by Two or more credible Witnesses (which Oath they are hereby empowered to administer) of such Objection or Objections being removed, and on Proof of Notice served at least Twenty Days previous to such Application on the Creditor or Creditors who before opposed his Discharge, and of Notice likewise inserted in the *Dublin 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 the said Debtor is entitled to the Benefit of this Act, to adjudge him or her to be entitled to the Benefit of this Act, and if a Prisoner to order him or

her to be discharged, he or she taking the Oath, and in all other Respects conforming to the Directions of this Act.

Estates of which Prisoners are seised in Tail to be delivered up to their Creditors.

XLII. 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 such Person or Persons said Freehold Lands, Tenements, and Hereditaments, would be liable to the Payment of their Debts, and be delivered up according to the Terms of this Act for the Benefit of their Creditors; be it therefore 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.

XLIII. 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 Intents 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 Debtors appearing shall examine him, her, or them, as well upon Oath as otherwise, as to such Matters and Things as such Assignee shall desire, relating to the Estate and Effects of such Debtor or Debtors; and if any Debtor or Debtors, on Payment or Tender of Payment of such reasonable Charges as such Justices shall judge sufficient, shall neglect or refuse to come or appear, not having a lawful Excuse to be made known to such Justices and by them allowed, or being come before them shall refuse to be sworn or to answer to all such Questions as by such Justices shall be put to him 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 Aſſignee 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.

XLIV. Provided always, and be it enacted, That notwithſtanding the Diſcharge of any Debtor or Debtors by virtue of this Act, if it ſhall hereafter appear the ſame was obtained fraudulently, or that any Part of the Oath taken by any ſuch Debtor was not true, then and in every ſuch Caſe every ſuch Diſcharge ſhall be void and of none Effect.

Aſſignees, with Conſent of the Majority in Value of Creditors, may compound the Debts and ſubmit Diſputes to Arbitration.

XLV. And be it further enacted, That it ſhall be lawful at all Times hereafter for any Aſſignee or Aſſignees of the Eſtate or Effects of any Debtor or Debtors who ſhall be 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, if in Cuſtody at *Dublin* or in the County of *Dublin*, in the *Dublin Gazette*, and if in any other Place in that Part of the United Kingdom called *Ireland*, then alſo in ſome Newſpaper which ſhall be publiſhed in the County, City or Place in or near which ſuch Perſon or Perſons ſhall have been in Gaol, to make Compoſitions to any Perſon or Perſons or Accountants to ſuch Debtor or Debtors, where the ſame ſhall appear neceſſary or reaſonable, and to take ſuch reaſonable Part of any ſuch Debt as can upon any ſuch Compoſition be gotten, in full Diſcharge of ſuch Debts and Accounts, and alſo to ſubmit any Difference or Diſpute between ſuch Aſſignee or Aſſignees, and any Perſon or Perſons for or on account or by reaſon or means of any Matter, Cauſe, or Thing relating to the Eſtate or Effects of ſuch Debtor or Debtors, or to any Debt or Debts due or claimed to be due to or from ſuch Debtor or Debtors, to the final End and Determination of Arbitrators to be choſen by the ſaid Aſſignee or Aſſignees, and the major Part in Value of ſuch Creditors, and the Party or Parties with whom they ſhall have ſuch Difference, and to perform the Award of ſuch Arbitrators, or of any Umpire to be choſen by them, or otherwiſe to ſettle and agree the Matters in Difference and Diſpute between them, in ſuch Manner as the ſaid Aſſignee or Aſſignees with ſuch Conſent as aforeſaid ſhall think fit and can agree, and the ſame ſhall be binding to all the Creditors of ſuch Debtor or Debtors; and every ſuch Aſſignee or Aſſignees is and are hereby indemnified for what they ſhall fairly do in the Premiſes in purſuance of this Act.

Penalty on Perſons concealing Debtor's Eſtates.

XLVI. 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

ſuance of this Act be choſen of any ſuch Debtor's Eſtate, diſcover and diſcloſe to ſuch Aſſignee or Aſſignees ſuch Truſt and Eſtate in Writing, and deliver up or make over the ſame to ſuch Aſſignee or Aſſignees, he, ſhe, or they ſo offending ſhall for every ſuch Offence forfeit the Sum of One hundred Pounds, and alſo double the Value of the Eſtate either Real or Perſonal ſo concealed, to 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 *Dublin*, 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.

XLVII. And whereas Proviſion ought to be made as to what ſhould become of the Eſtate and Effects of any Debtor or Debtors not got in, obtained or recovered by any Aſſignee or Aſſignees choſe purſuant to the Direction of the ſeveral Acts, 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 in Manner and Form as herein-before is directed, and to obtain a new Aſſignment from the Clerk of the Peace or his Deputy, Town Clerk or other Officer acting as a 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 or Aſſigns to act or meddle therein), and the ſaid Clerk of the Peace or his Deputy, Town Clerk or other Officer acting as Clerk of the Peace, 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 and deliver up all ſuch Eſtate and Effects as ſhall remain in his or their Hands, to be applied for the Purpoſes of this Act.

Courts on Complaint may remove Aſſignees.

XLVIII. 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 *Dublin*, and the Courts of limited Juriſdiction in that Part of the United Kingdom called *Ireland*, from whence any Proceſs iſſued upon which any ſuch Debtor or Debtors was or were committed, or where the Proceſs iſſued out of any other Court, to and for the Judges of the Court of King's Bench, Common Pleas, and Exchequer in *Ireland*, or any One of them, from Time to Time upon the Petition of any ſuch Debtor, or the Creditor or Creditors of ſuch Debtor, complaining of any Inſufficiency, Fraud, Miſmanagement, or other Miſbehaviour of any Aſſignee or Aſſignees of the Eſtate or Effects of any ſuch Debtor or Debtors, to ſummon all Parties concerned, and upon hearing the Parties concerned therein

therein to make and give ſuch Orders and Directions therein, either for the Removal or diſplacing ſuch Aſſignee or Aſſignees, and appointing any new Aſſignee or Aſſignees in the Place or Stead of ſuch Aſſignee or Aſſignees ſo to be removed or diſplaced, and for the prudent, juſt, and equitable Management or Diſtribution of the Eſtate and Effects of any ſuch Debtor for the Benefit of the reſpective Creditor, as the ſaid Courts or Judges reſpectively ſhall think fit; and in caſe of the Removal or diſplacing of any Aſſignee or Aſſignees, and the appointing of any new Aſſignee or Aſſignees, the Eſtate or Effects of ſuch Debtor or Debtors ſhall from thenceforth be diveſted out of the Aſſignee or Aſſignees ſo removed or diſplaced, and be veſted in and delivered over to ſuch new Aſſignee or Aſſignees, in the ſame Manner and for the ſame Intents and Purpoſes as the ſame were before veſted in the Aſſignee or Aſſignees firſt choſen as aforeſaid, any Thing in this Act contained to the contrary notwithſtanding.

Where mutual Credit has been given, Balance to be ſtated.

XLIX. 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 Politick, before the Delivery of ſuch Schedule or Inventory of the Eſtate and Effects of ſuch Debtor or Debtors upon Oath as aforeſaid, the reſpective Aſſignee or Aſſignees of ſuch Debtor or Debtors is and are hereby authorized and required on his and their Parts to ſtate and allow an Account between them and the other Party or Parties concerned, and nothing more ſhall be deemed to be veſted in ſuch Clerk of the Peace, or Town Clerk, or other Officer acting as Clerk of the Peace, or ſuch Aſſignee or Aſſignees as aforeſaid, as the Eſtate or Effects of ſuch Debtor or Debtors, than what ſhall appear to be juſtly due to him, her, or them reſpectively, as and for the Balance of ſuch Account when truly ſtated.

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

L. And whereas many Perſons are often committed by the Courts of Law and Equity for Contempts for not paying Money ordered or awarded to be paid, and alſo for not paying of Coſts duly and regularly taxed and allowed by the proper Officer, after proper Demands made for that Purpoſe, and alſo upon the Writ of *Excommunicato capiendo* or other Proceſs, for or grounded on the Nonpayment of Money, Coſts or Expences, in ſome Cauſe or Proceeding in ſome Eccleſiaſtical Court, or for Contempt to ſuch Court relating thereto; it is hereby declared and enacted, That all ſuch Perſons are and ſhall be entitled to the Benefit of this Act, on and ſubject to the ſame Terms, Conditions, and Reſtrictions as are herein expreſſed and declared with reſpect to Priſoners for Debt only.

Perſons impriſoned by Courts of Conſcience entitled to the Benefits of this Act.

LI. And whereas a great Number of poor People have been and are now impriſoned for Debt upon Proceſſes iſſuing out of Courts of Conſcience, it is hereby enacted and declared, That all ſuch Priſoners ſhall be entitled to have the Benefit of this Act, and be diſcharged under the ſame, provided he, ſhe, or they conform to the Directions herein-before preſcribed touching other Priſoners who ſhall be diſcharged by virtue of this Act.

No Perſons having taken the Benefit of an Inſolvent Act within Five Years to

LII. 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

be entitled to Relief under this Act.

be within the Intent and Meaning thereof ſo as to be diſcharged under the ſame; any Thing herein-before contained to the contrary thereof notwithſtanding.

Affirmation of Quakers to be taken.

LIII. 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.

Inſolvent, on releaſing his Intereſt in the Reſidue of his Eſtate, to be a good Witneſs.

LIV. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1809.