

ANNO QUINQUAGESIMO PRIMO

GEORGII III. REGIS.

CAP. CXXIII.

An Act for the Relief of certain Insolvent Debtors in *Ireland*. [2d *July* 1811.]

WHEREAS it may be convenient in the present Condition of the Prisons and Gaols in that Part of the United Kingdom of *Great Britain* and *Ireland*, called *Ireland*, that some of the Prisoners who are now confined therein should be set at Liberty; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, all and every Keeper or Gaoler of any Prison in any County, City, Town, Place, or Liberty within that Part of the United Kingdom called *Ireland*, 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 *May* One thousand eight hundred and eleven, 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 Names of the Person or Persons at whose Suit or Prosecution such Prisoner or Prisoners is or are detained, together with the Amount

Requiring Gaolers to make out Lists of Prisoners in their Custody.

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 *May* One thousand eight hundred and eleven, really and truly Prisoners in actual Custody in the Prison of [*insert the Name of the Prison*] at the Suit or Suits of the several Person or Persons therein respectively mentioned; and also that all and every Person and Persons whose Name or Names is or are inserted or contained in the second Part of the said List, now by me delivered in and subscribed as aforesaid, have since the said First Day of *May* One thousand eight hundred and eleven 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 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 *May* One thousand eight hundred and eleven, 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 Person 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

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 *May* One thouſand eight hundred and eleven, 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 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 Acknowledgement of his having received the Original, and he is hereby further required to deliver a true Copy of any ſuch Schedule, ſigned by himſelf upon Requeſt made to him by any Creditor for that Purpoſe in Writing, ſuch Copy to be delivered to the Creditor himſelf, or to ſuch Perſon as he ſhall appoint to receive the ſame, within Three Days after Demand made, and if any ſuch Keeper, Gaoler, or Deputy ſhall neglect or refuſe to conform to the Directions hereby given him reſpecting ſuch Schedule, every ſuch Keeper, Gaoler, or Deputy ſo offending ſhall be puniſhed.

Form of Notice.

X. 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,

'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 Firſt Day of *May* One thouſand eight hundred and eleven, 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 Fifty-firſt 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 the 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 *May* One thouſand eight hundred and eleven, with any Debt or Debts, Sum or Sums of Money, in the Whole to a greater Amount than the Sum of One thouſand five hundred Pounds, who ſhall apply to the General or Quarter Seſſion, or any Adjournment thereof, ſhall, in caſe it ſhall be proved upon Oath, or by producing the ſaid Three Gazettes and Newſpapers reſpectively before mentioned, to the ſaid Juſtices at any ſuch Seſſion or the Adjournment thereof, that ſuch Notices were inſerted in the *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 *May* One thouſand eight hundred and eleven, 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 Firſt Day of *May* One thouſand eight hundred and eleven, 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 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 Perſon

'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 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 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

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

Clerk of the Peace, who is to aſſign the ſame to ſuch Creditors as the Court ſhall direct, in Truſt.

diately 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 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

Aſſignees to get in Debtor's Effects,

and to make Dividends

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. And be it further enacted, That in caſe any Aſſignee or Aſſignees of the Eſtate and Effects of any Priſoner diſcharged by virtue of this Act, or the Heirs, Executors or Adminiſtrators of any deceaſed Aſſignee or Aſſignees, ſhall not deliver over any Part of ſuch Eſtate or Effects, or pay the Balance of the Produce of any ſuch Eſtate or Effects found to be in the Hands of ſuch Aſſignee or Aſſignees, or of ſuch Heirs, Executors or Adminiſtrators as aforeſaid, according to the Tenor of this Act, it ſhall be lawful for the Court before which the Priſoner was diſcharged, to order the Perſon or Perſons ſo offending, to be arreſted and committed to the next County Gaol, there to remain without Bail or Mainprize, until ſuch Perſon or Perſons ſhall have fulfilled the Duty required by the Act, or until ſuch Court ſhall make other Order to the contrary.

Aſſignees or Heirs not delivering over Effects, or Balance, to be arreſted.

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 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.

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 Eſtates, 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

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

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 of the Majority of the Creditors.

XIX. Provided further, and be it alſo enacted, That no Suit in Equity ſhall be commenced by any Aſſignee or Aſſignees of any ſuch Debtor or Debtors 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.

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 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 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

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 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 *May* One thousand eight hundred and eleven, 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 1st Day of May 1811, 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 *May* One thousand eight hundred and eleven, 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 h required 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, an deliver in such List as aforesaid at any such General or Quarter Sessions, or any Adjournment thereof,

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 *May* One thousand eight hundred and eleven, 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 *May* One thousand eight hundred and eleven, 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 Sessions or Adjournment thereof shall think fit; and if any Sheriff, 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.

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

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 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 *May* One thousand eight hundred and eleven, 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.

Puniſhing Gaolers for Perjury.

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 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, any 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

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 1st Day of May 1811.

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 Judgment or Decree obtained for Non-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 *May* One thousand eight hundred and eleven, but that upon every Arrest upon every Judgment 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 1st Day of May 1811.

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 it therefore enacted, That no Prisoner or Prisoners shall be discharged of any Debts incurred subsequent to the First Day of *May* One thousand eight hundred and eleven; 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 *May* One thousand eight hundred and eleven, 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 *May* One thousand eight hundred and eleven, 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 *May* One thousand eight hundred and eleven.

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 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

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

Act not to extend to Attornies or Servants embezzling Money;

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

nor to Perſons obtaining Money on falſe Pretences;

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 *May* 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.

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

XXXIV. And whereas many Debtors for Rents of Land, 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,

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.

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

Nor to Perſons ſelling or aſſigning Effects to defraud Creditors.

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

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

Penalty on Gaoler for making falſe Entries.

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 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 of 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.

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 *May* One thouſand eight hundred and eleven 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.

XLI. And

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.

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

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.

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

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.

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

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.

Fraudulent Diſcharges void.

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

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

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 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 Courts 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 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 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,

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 Non-payment 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 hereinbefore 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 be entitled to Relief under this Act.

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 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.

Bankrupts; limiting how far they may be availed by this Act.

LV. Provided always, and be it further enacted, That no Priſoner againſt whom any Commiſſion of Bankrupt ſhall have iſſued and ſhall remain in force, and who ſhall not have have obtained a Certificate of his or her Conformity to the ſeveral Statutes concerning Bankrupts under ſuch Commiſſion duly allowed, ſhall be diſcharged by virtue of this Act from any Debt which ſhall have been or may be proved under ſuch Commiſſion,

unleſs ſuch Commiſſion ſhall have iſſued, and ſuch Bankrupt ſhall have duly ſurrendered himſelf or herſelf to the Commiſſioners or the major Part of them named in the ſaid Commiſſion, Two Years at the leaſt before the paſſing of this Act, and ſhall in all Things have duly conformed himſelf or herſelf to the ſeveral Statutes concerning Bankrupts, and unleſs the major Part of the Commiſſioners named in ſuch Commiſſion ſhall ſpecially certify, which they are hereby authorized to do if they ſhall think fit, that ſuch Bankrupt has ſo duly conformed, and has in their Opinion made a full and fair Diſcloſure of all his or her Eſtate or Effects, and in all Things conducted himſelf or herſelf properly under ſuch Commiſſion; and in all ſuch Caſes ſuch Bankrupt ſhall be capable of being diſcharged in reſpect of all Debts which cannot be proved under ſuch Commiſſion, in the ſame Manner and upon the ſame Terms as any other Priſoner may be diſcharged by virtue of this Act, and ſhall and may be diſcharged as to Perſonal Arreſt, for Debt in reſpect of all Debts proved or capable of being proved under ſuch Commiſſion; but nevertheleſs ſuch Bankrupt and his or her Effects ſhall in all other Reſpects whatſoever remain ſubject to the Laws in force concerning Bankrupts, as he or ſhe would have been if this Act had not been made: Provided always, that in the Notices to be given by ſuch Bankrupt and the Oath to be taken by him or her according to the Proviſions of this Act, ſuch Bankrupt ſhall be deſcribed as a Perſon againſt whom a Commiſſion of Bankrupt has iſſued and is ſtill in force, and who has not obtained a Certificate of his or her Conformity to the Statutes concerning Bankrupts duly allowed; and ſuch Bankrupt, inſtead of ſwearing to the Truth of a Schedule of his or her Eſtate or Effects, ſhall ſwear that he or ſhe has made a full Diſcloſure of his or her Effects under the ſaid Commiſſion, and that he or ſhe has no Eſtate or Effects which can be veſted in an Aſſignee under this Act, all the Eſtate and Effects of ſuch Bankrupt being veſted in the Aſſignee or Aſſignees under ſuch Commiſſion, by virtue of ſuch Commiſſion, and the Aſſignment made in purſuance thereof: Provided always, that in caſe ſuch Commiſſion ſhall at any Time thereafter be ſuperſeded, then and in ſuch Caſe the Diſcharge which ſhall be obtained by virtue of this Act, ſhall be null and void.

Notices of ſuch Bankrupt, how to be regulated.

When Commiſſion is ſuperſeded, Diſcharge to be void.

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