

ANNO QUINQUAGESIMO PRIMO

GEORGII III. REGIS.

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or Prisoners is or are detained, together with the Amount of such Debts as the said Prisoner or Prisoners are detained for; and shall deliver the same to the Justices of the Peace at their First or Second General Quarter Session or General Session of the Peace, to be held after the passing of this Act, or at some Adjournment thereof, for such County, Riding, City, Division, Town, Place, or Liberty respectively.

Keepers of Prisons to take an Oath when they deliver in Lists.

II. And be it further enacted, That the Warden of His Majesty's Prison of the Fleet, and Marshal of the King's Bench Prison, and every other Keeper and Gaoler of any other Prison in any Place or Liberty in *England* or *Wales*, shall severally, on the delivering in of any such List of Prisoners in their respective Custody, take an Oath in the open Court of such General Quarter Session of the Peace, or Adjournment thereof, to the Effect following; (that is to say),

'I *A. B.*, upon my corporal Oath, in the Presence of Almighty God, do solemnly swear, profess and declare, That all and every Person and Persons whose Name or Names is or are inserted and contained in the First Part of the List by me now delivered in and subscribed, was or were, to the best of my Knowledge and Belief, upon the First Day of *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 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 therein respectively mentioned; and that the Person or Persons whose Name or Names is or are therein contained, was or were, to the best of my Knowledge and Belief, really and truly Prisoners in actual Custody on the said First Day of *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 of the Peace aforesaid, or at some Adjournment thereof, within their respective Jurisdictions, are hereby empowered and required to administer in open Court; and the Words of the said Oath herein-before directed to be taken by the said Warden and Marshal respectively, and other Keeper or Gaoler of any Prison respectively, shall be entered or written at the End or Bottom of the List which shall be delivered in by them respectively, and shall be subscribed and sworn to by them respectively in open Court; and every such List which shall be so delivered in, subscribed and sworn to in pursuance of this Act, shall be kept by the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace of every such County, City, Town, Place, or Liberty respectively in which any such List as aforesaid shall be sworn to, for the better Satisfaction of the said Justices, and Information of all or any Prisoner or Prisoners therein named, and so as the same may from Time to Time be seen and examined by any Creditor or Creditors, or Prisoner or Prisoners, without Fee or Reward.

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

Copy of Lists to be fixed up in Prisons,

III. And be it further enacted, That all and every the Keeper or Gaoler, Keepers or Gaolers of any such Prison or Gaol is and are hereby required,

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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.

before 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 Two thousand Pounds, and whose Name or Names shall be inserted in any such List to be delivered in as aforesaid, taking the Oaths hereby directed to be taken, and who shall perform on his or her Part what is required to be done by him or her by this Act, shall as to his Person and Effects respectively be for ever released, discharged, and exonerated, to such Extent and in such Manner as is herein-after provided, and no otherwise.

Prisoners for Debt not exceeding 2,000l. to be discharged.

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

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

VI. And be it further enacted, That it shall and may be lawful for any Justice or Justices of the Peace of any County, City, Town, Place, or Liberty within *England* and *Wales*, upon the Petition of any such Prisoner or Prisoners to any Justice or Justices of the Peace, within his or their respective Jurisdictions, upon every such Prisoner or Prisoners so petitioning, and at the Time of his or her so petitioning, leaving with the Justice or Justices so petitioning, a true Copy of the Schedule containing his or her intended Discovery of his or her Real and Personal Estate, to be sworn to

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

at the First or Second General Quarter Seſſions next enſuing after every ſuch Petition, or ſome Adjournment thereof, (and at the Foot of which ſaid Schedule the Gaoler or other proper Officer ſhall ſet forth and ſign the Amount of the Debt or Debts with which ſuch Priſoner was charged on the ſaid Firſt Day of *May*), 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 aforeſaid at the Time aforeſaid; for which Copy or Copies of ſuch Cauſe or Cauſes ſuch Priſoner ſhall apply to the ſaid Keeper or Gaoler of ſuch Priſon, or to the Clerk of the Papers, or other proper Officer or Perſon, who ſhall make out and tranſcribe the ſame at leaſt Six Days before the Time of his or her Appearance; which Warrant of every ſuch Juſtice or Juſtices, every ſuch Sheriff and Sheriffs, Keeper or Gaoler, is and are hereby commanded to obey.

For holding a Special Seſſion.

VII. And whereas conſiderable Time may intervene between the paſſing of this Act and the next General Quarter Seſſion or General Seſſion of the Peace, which would be the Means of detaining in Priſon a Number of Perſons who with their Families are in the greateſt Diſtreſs; be it further enacted, That it ſhall and may be lawful for any Two or more of the Juſtices of the Peace for any County, City, Town, Place or Liberty, upon Petition from Debtors as aforeſaid to aſſemble their reſpective Courts as ſoon as may be after paſſing this Act, for the Purpoſe of adminiſtering the Oaths and other the Matters required by this Act, and to appoint ſuch Day or Days for the Diſcharge of Priſoners as they ſhall ſee proper.

Schedules to remain with Clerk of the Peace.

VIII. And be it further enacted, That the Copy of every ſuch Schedule, which ſhall be left or delivered in as aforeſaid, ſhall be and remain with the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace for the County, City, Town, Place, or Liberty in which the ſame ſhall have been ſo left, there to remain and be inſpected from Time to Time as Occaſion ſhall require, by any Creditor of any ſuch Priſoner who ſhall deſire to inſpect the ſame.

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

IX. And be it further enacted, That all and every Debtor and Debtors confined in any Gaol of that Part of the United Kingdom called *England* and *Wales*, who ſhall intend to apply to be diſcharged and exonerated under this Act, ſhall firſt cauſe public Notice to be inſerted in Three ſeveral *London Gazettes*, previous to ſuch General or Quarter Seſſion or General Seſſion of the Peace or Adjournment thereof, at which ſuch Application ſhall be made; and if ſuch Debtor ſhall be in Cuſtody in any ſuch Gaol, out of *London*, or the Weekly Bills of Mortality, or ſhall have moved himſelf by *Habeas Corpus* from one Gaol to another, then alſo in ſome Newſpaper which ſhall be publiſhed in or near the County, Riding, Diviſion, City, Town, Liberty, or Place, in the Gaol whereof he or ſhe ſhall be or have

have been ſo in Cuſtody, containing the Name, Trade, Occupation, and Deſcription, and the Two laſt Places of Abode (if ſo many) of every ſuch Debtor and Debtors, and the Priſon wherein he, ſhe, or they is or are confined, and of his, her, or their Intention to take the Benefit of this Act, and mentioning ſuch Notice in ſuch Gazette or Newſpaper reſpectively, to be the Firſt, Second, or Third Notice, according to the Time of publiſhing each of ſuch Notices; and for the inſerting each of the ſaid Notices in the *London Gazette*, or in any other Newſpaper, there ſhall be paid each Time by every Priſoner the Sum of Four-pence and no more; the Firſt of which ſaid Notices ſhall be ſo inſerted in the ſaid Gazettes reſpectively, and in the ſaid other Newſpapers, as the Caſe may require, Twenty-one Days at the leaſt, and the laſt of the ſaid Notices Six Days at the leaſt before any ſuch Firſt or Second General Quarter Seſſion or General Seſſion, or Adjournment thereof, ſhall be held as aforeſaid, ſo that as well all the Creditors who have not charged the ſaid Debtor or Debtors in Cuſtody, as thoſe Creditors who have charged ſuch Debtor or Debtors in Execution, or on meſne Proceſs or otherwiſe, may have ſufficient Notice thereof.

Debtors to deliver Schedules to the Gaoler, previous to the firſt Notice.

X. And, to the Intent that all Creditors may have full and ſufficient Time to conſider the Matters and Things contained in the Schedule or Schedules intended to be delivered in by any Debtor or Debtors; be it further enacted, That every ſuch Debtor, where he or ſhe ſhall according to the Directions of this Act, publiſh the Firſt Notice of an Intention to take the Benefit of this Act, he or ſhe ſhall in ſuch Notice declare that the Schedule containing his or her intended Diſcovery of his or her Real and Perſonal Eſtate, to be ſworn to in Manner as by this Act is directed, is lodged in the Hands of the Keeper or Gaoler, or the Deputy of ſuch Keeper or Gaoler of the Priſon wherein any ſuch Debtor ſhall be confined; and every ſuch Debtor is hereby directed and required to deliver ſuch Schedule to ſuch Keeper, or Gaoler, or Deputy, as the Caſe may be, before he ſhall publiſh ſuch Firſt Notice as aforeſaid, ſigned with his or her own Chriſtian Name and Surname, to be atteſted by any ſuch Keeper, Gaoler, or Deputy; and in caſe any Debtor ſhall neglect or refuſe to deliver One ſuch Schedule to ſuch Keeper, Gaoler, or Deputy, prior to ſuch his Firſt Notice to be given as aforeſaid, he or ſhe upon due Proof made of ſuch Neglect or Refuſal, to the Satisfaction of the Court to which ſuch Debtor ſhall make Application, ſhall be remanded back to Priſon, there to remain until he or ſhe ſhall have complied with the Directions aforeſaid; and every ſuch Keeper, Gaoler, or Deputy, is hereby directed and required to atteſt the Signature of the Debtor's Name to ſuch Schedule, and to receive the ſame into his Cuſtody and Charge, giving a Duplicate thereof to every ſuch Debtor, with an Acknowledgement of his having received the Original; and he is hereby further required to deliver a true Copy of any ſuch Schedule, ſigned by himſelf, upon Requeſt made to him by any Creditor 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 Thirty Days after Demand made; and if any ſuch Keeper, Gaoler, or Deputy ſhall neglect or refuſe to conform to the Directions hereby given him reſpecting ſuch Schedule, every ſuch Keeper, Gaoler, or Deputy ſo offending ſhall be puniſhed.

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

Form of Notice.

'I [*insert the Name, Trade, Occupation, and Description, and the Two last Places of Abode, if so many*] now confined in [*insert the Name of the Prison and County*] and not being charged in Custody on the First Day of *May* One thousand eight hundred and Eleven, with any Debt or Debts, Sum or Sums of Money exceeding in the Whole the Sum of [*as the Case may be*] [*and if claiming to be discharged on account of the Length of Time of Imprisonment, then to set forth the Time*] do hereby give this [First, Second, *or* Third] public Notice, that I intend to take the Benefit of an Act passed in the Fifty-first Year of His present Majesty's Reign, intituled [*here set forth the Title of this Act, and if it be the First Notice then add*] And I do hereby give Notice, that a true and perfect Schedule, containing a Discovery of all my Real and Personal Estate, hereafter to be sworn to, is now ready to be delivered to any Creditor applying for the same to the Keeper or Gaoler or his Deputy of the said Prison.'

And every such Notice shall be signed by the Debtor, and countersigned by the Keeper or Gaoler or Deputy of such Keeper or Gaoler of such Prison.

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

XII. And be it further enacted, That every such Debtor as aforesaid, not being charged as aforesaid, on the said First Day of *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 Two thousand Pounds, who shall apply to the General or Quarter Session, or any Adjournment thereof, shall, in case it shall be proved upon Oath, or by producing the said Three Gazettes and Newspapers respectively before-mentioned to the said Justices at any such Session or Adjournment thereof, that such Notices were inserted in the *London Gazettes* and other Newspapers respectively, as were required in Manner aforesaid, and that the Person or Persons so applying was or were actually a Prisoner or Prisoners on the said First Day of *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 a List delivered in at such First or Second Session, or any Adjournment thereof, or in some other Prison or Gaol as aforesaid, in pursuance of this Act; and shall in open Court at the said General Quarter Session or General Session, or any Adjournment thereof, subscribe or deliver in a true Schedule or Account of all his or her Real Estate in Possession, Reversion, Remainder, or Expectancy, and of any other Nature and Kind whatsoever, and also the Whole of his or her Personal Estate which he or she, or any Person or Persons in Trust for him or her, or for his or her Use, Benefit, or Advantage, is or are seised of, interested in, or entitled unto, or was, or were in his, her, or their Possession, Custody, or Power, or which he, she, or they, or such Person or Persons had any Power of disposing of, or charging for his, her, or their Benefit or Advantage, at any Time since his or her Commitment to Prison, with the Name 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; 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),

'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 [*or mentioning ſome other Priſon, as the Caſe may be*] or within the Liberties thereof, at the Suit of and without any Fraud or Colluſion whatſoever; and that the Schedule now delivered by me and ſubſcribed, doth contain, to the beſt of my Knowledge, Remembrance, and Belief, a full, juſt, true, and perfect Account and Diſcovery of all the Goods and Effects, Eſtates Real and Perſonal, in Poſſeſſion, Reverſion, Remainder, or Expectancy, and of every other Nature and Kind whatſoever, which I or any Perſon in Truſt for me or for my Benefit or Advantage are ſeiſed or poſſeſſed of, intereſted in, or entitled to, or was or were in my Poſſeſſion, Cuſtody, or Power, or in the Poſſeſſion, Cuſtody, or Power of any ſuch Perſon as aforeſaid, or which I or ſuch Perſon had any Power of diſpoſing of or charging for my Benefit or Advantage, at any Time ſince my Commitment to Priſon; and of all Debts to me owing, or to any Perſon or Perſons in Truſt for me, and of all the Securities and Contracts whereby any Money now is or will or may hereafter become payable, or any Benefit or Advantage may accrue to me or to my Uſe, or to any Perſon or Perſons in Truſt for me, and the Names and Places of Abode of the ſeveral Perſons from whom ſuch Debts are due and owing, and of the Witneſſes who can prove ſuch Debts or Contracts, (if any ſuch there be); and that neither I, nor any Perſon or Perſons in Truſt for me, or for my Uſe, have any Lands, Money, Stock, or any Eſtate Real or Perſonal, in Poſſeſſion, Reverſion, Remainder, or Expectancy, or of any Nature or Kind ſoever, or Power of diſpoſing of or charging for my Benefit or Advantage, other than what are in the ſaid Schedule contained, except Wearing Apparel and Bedding for myſelf and Family, Working Tools, and the neceſſary Implements for my Occupation and Calling, together with a Sum of Money not exceeding Five Pounds, and theſe in the Whole not exceeding the Value of Thirty Pounds; and that I have not, nor any Perſon for me, hath directly or indirectly ſold, leſſened, or otherwiſe conveyed, diſpoſed of in Truſt, or concealed all or any Part of my Lands, Money, Goods, Chattels, Stock, Debts, Securities, Contracts, or Eſtates Real or Perſonal, whereby to ſecure the ſame, or to receive or expect any Profit or Advantage therefrom, or with an Intent to defraud or deceive any Creditor or Creditors to whom I am or was indebted in anywiſe howſoever. So help me GOD.' Oath.

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, Schedule and Oath to be ſubſcribed by the Debtors.

for

for the better Information of all the Creditors of such Debtors who shall desire or may have Occasion to resort thereto; and every such Creditor shall be at Liberty, at seasonable Times in the Day-time, to peruse and examine the same.

Court, at the Request of the Creditors, may examine Gaolers on Oath.

XIII. And be it further enacted, That the Justices of the Peace within their respective Jurisdictions at any such General Quarter 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 Deputy Warden and Marshal of the Fleet and King's Bench Prison, or any other under Officer, Tipstaff and Turnkey of any Prison or Gaol, or 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 Debtors, then such Justices shall, in such Session or some Adjournment thereof, adjudge such Debtor or Debtors to be entitled to the Benefit of this Act, and shall order the said Sheriff or Sheriffs, Keeper or Keepers, Gaoler or Gaolers of such Prison or Prisons, forthwith to set at Liberty such Prisoner or Prisoners; and every such Order shall be a sufficient Discharge to the Sheriff or Sheriffs, Keeper or Keepers, Gaoler or Gaolers, of such Prison or Prisons, and shall indemnify him or them against any Escape or Escapes, Action or Actions whatsoever for Escape, which shall or may be brought, commenced, or prosecuted against him or them.

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

XIV. And be it further enacted by the Authority aforesaid, That all the Estate, Right, Title, Interest, and Trust of such Debtor, of, in, and unto all the Real Estate as well Freehold and Copyhold as customary, and to all the Personal Estate, Debts and Effects of every such Debtor, shall immediately after such Adjudication be, and the same is hereby vested in the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace of and for the County, Riding, City, Town Corporate, Division, Liberty or Place where any Debtors shall be respectively discharged; and every such Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, is hereby directed and required to make an Assignment and Conveyance of every such Debtor's Estate and Effects, vested in such Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace as aforesaid, to such Creditor or Creditors of the said Debtor, as the Justices at any General or Quarter Session of the Peace, or at any Adjournment thereof, which shall be held by them within their respective Jurisdictions, shall order and direct; which Assignment and Conveyance shall be good and effectual in the Law to all Intents and Purposes whatsoever, without being written on Parchment or Paper stamped, to vest the Estates thereby assigned and conveyed in the Party or Parties to whom the same shall be so assigned and conveyed, his, her, and their Heirs, Executors, Administrators, and Assigns, according to the Estate and Interest which the Debtor had therein; and every such Assignment 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

the reſt of the Creditors of every ſuch Debtor in reſpect of or in Proportion to their reſpective Debts; and every Perſon or Perſons to whom any ſuch Aſſignment and Conveyance as aforeſaid ſhall be made, is and are hereby fully empowered to ſue from Time to Time as there may be Occaſion, in his, her, or their own Name or Names for the Recovery and obtaining any Eſtate or Effects of any ſuch Debtor, and alſo to execute any Truſt or Power veſted in or created for the Uſe or Benefit of any ſuch Debtor, but in Truſt for the Benefit of him or them and the Reſt of the Creditors of every ſuch Debtor, and to give ſuch Diſcharge and Diſcharges to any Perſon or Perſons who ſhall reſpectively be indebted to ſuch Debtor as may be requiſite; and every ſuch Aſſignee or Aſſignees ſhall with all convenient Speed after his or their accepting ſuch Aſſignment or Conveyance, uſe his and their beſt Endeavours to receive and get in the Eſtate and Effects of every ſuch Debtor, and ſhall, with all convenient Speed, make Sale of all the Eſtates of ſuch Debtor veſted in ſuch Aſſignee or Aſſignees; and if ſuch Debtor ſhall be intereſted in or entitled to any Real Eſtate, either in Poſſeſſion, Reverſion, or Expectancy, the ſame within the Space of Two Months after ſuch Aſſignment and Conveyance ſhall be ſold by publick Auction, in ſuch Manner and at ſuch Place as the major Part of the Creditors of any ſuch Debtor, who ſhall aſſemble together on any Notice in Writing publiſhed in the *London Gazette*, or in ſome Daily Paper printed and publiſhed in *London*, if the Debtor before his or her going to Priſon reſided in *London* or within the Bills of Mortality, and if elſewhere, then in ſome printed Newſpaper which ſhall be publiſhed in or near the County, Riding, Diviſion, City, Town, Liberty, or Place in which ſuch Debtor reſided before he or ſhe was committed to Priſon, Thirty Days before any ſuch Sale ſhall be made, ſhall under his Hand or their Hands agree on; and every ſuch Aſſignee or Aſſignees, at the End of Three Months at the farthеſt from the Time of his or their accepting any ſuch Aſſignment or Conveyance as aforeſaid, ſhall make a fair and juſt Dividend of all ſuch Debtor's Eſtate and Effects which ſhall have been then recovered amongſt his or her Creditors, in Proportion and in regard to each Creditor's reſpective Debt; but before any ſuch Dividend ſhall be made, ſuch Aſſignee or Aſſignees ſhall make up an Account of ſuch Debtor's Eſtate, and make Oath in Writing before One or more Juſtice or Juſtices of the Peace of the County, Riding, or Diviſion, Town, Liberty, or Place in which any ſuch Debtor ſhall have been diſcharged, that every ſuch Account contains a fair and juſt Account of the Eſtate and Effects of every ſuch Debtor got in by or for ſuch Aſſignee or Aſſignees, and of all Payments made in reſpect thereof, and that all Payments in every ſuch Account charged, were truly and *bona fide* made and paid; and Notice of the making of every ſuch Dividend ſhall be publiſhed in like Manner as a Meeting of the Creditors is herein-before directed to be publiſhed, Thirty Days at leaſt before the ſame ſhall be made, and no Creditor ſhall be allowed to receive any Share of ſuch Dividend, until he ſhall have made out the Juſtneſs and Identity of his Debt, by Oath, or due Proof in Writing before ſome ſuch Juſtice or Juſtices; and if any Creditor of ſuch Debtor ſhall be diſſatisfied with the Reality or Fairneſs of any Debt claimed by any other Creditor, then the ſame, at the Requeſt of any ſuch Creditor or Creditors ſo diſſatisfied, ſhall be examined into by the Juſtices of the County, Riding, Diviſion, City, Town, Liberty, or Place in which ſuch Debtor ſhall have been adjudged to have been entitled to the Benefit of this Act at the next General or Quarter Seſſion, or at ſome Adjournment thereof.

Aſſignees to get in Debtors Effects;

and to make Dividends.

Notice of making Dividends to be given.

In case Assignees or their Heirs, do not deliver over such Estate or Balance, to be arrested.

XV. 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.

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

XVI. Provided always, and be it further enacted, That all and every Creditor and Creditors of any Debtor who shall be discharged by virtue of this Act, for any Sum or Sums of Money payable by way of Annuity or otherwise at any future Time or Times, by virtue of any Bond, Covenants, or other Securities of any Nature whatever, may be and shall be entitled to be admitted a Creditor or Creditors, and shall be entitled to receive a Dividend or Dividends of the Estate of such Debtor, in such Manner and upon such Terms and Conditions as such Creditor or Creditors would have been entitled unto by the Laws now in force if such Debtor had become Bankrupt, and without Prejudice in future to their respective Securities, otherwise than as the same would have been affected by a Proof made in respect thereof by the Creditor under a Commission of Bankrupt, and a Certificate obtained by the Bankrupt under such Commission.

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

XVII. And to the Intent that no Loss may arise to any Creditor or Creditors from any Neglect or Omission in the Schedule not containing the Whole of the Estate Real or Personal, belonging to any Debtor who shall apply for his or her Discharge under the Authority of this Act; be it enacted, That all the Estate, whether Real or Personal, which shall belong to any Debtor or Debtors, and of which he, she, or they shall be actually possessed or entitled unto at the Time of making such Schedule, shall be deemed and taken to be Part of the Estate contained in such Schedule, though not inserted therein, and shall in like Manner become vested in the Clerk of the Peace, Town Clerk, or other Officer acting as such, to all Intents and Purposes as if the same had been contained in such Schedule, and had been delivered into the Court according to the Directions of this Act.

Holders of Securities without Consideration, not entitled to any Benefit.

XVIII. 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.

XIX. 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.

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

Mortgages to take place of Debts of an inferior Nature.

XXI. Provided also, and be it further enacted, That nothing in this Act shall extend or be construed to hinder or prevent any Mortgage or Mortgages, Charges or Liens upon the Estate of such Debtor or Debtors, or any Part thereof, to take place upon the Lands, Tenements, or Hereditaments or Personal Estate or Effects comprised in or charged or affected by such Mortgage or Mortgages, Charges or Liens respectively, nor to prevent any Statute Staple, Statute Merchant, Recognizance or Judgement, acknowledged by or obtained against any such Debtor or Debtors, to take place upon the Lands, Tenements, or Real Estates of such Debtor or Debtors; and also, where any Inquisition shall have been taken upon any such Statute or Recognizance, or any Writ or Execution shall have been taken out and delivered to the Sheriff or proper Officer upon any such Judgement before such Discharge shall be given in open Session to any such Debtor as 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 Judgement respectively, in like Manner as such Mortgagees and Persons having such Charges or Liens, and Creditors by Statute, Recognizance, or Judgement respectively would have been preferred to other Creditors of an inferior Nature, against the Real or Personal Estate of such Debtor or Debtors respectively, if this Act had not been made; any Thing herein before contained to the contrary notwithstanding.

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

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

XXIII. And

Gaoler, on Requeſt of Creditor, to be ſworn.

XXIII. And be it further enacted, That the Juſtices at any General or Quarter Seſſion or adjourned Seſſion of the Peace to which any ſuch Priſoner ſhall be brought in purſuance of this Act ſhall, if required by any Creditor or Creditors of any ſuch Priſoner or Priſoners, who ſhall oppoſe his or her Diſcharge, adminiſter to the Keeper or Gaoler of any ſuch Priſon or Gaol, at the Time of bringing up any ſuch Priſoner in order to be diſcharged under this Act, an Oath to the Effect following; (that is to ſay),

Oath.

'I do ſwear, That I was really and truly a Priſoner in my Cuſtody, in the Priſon of or in Cuſtody in ſome other Priſon [*as the Caſe may be*] to the beſt of my Knowledge and Belief, at or upon the Firſt Day of *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, 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 Deputy Keeper or Gaoler of any ſuch Priſon or Gaol at the Time any ſuch Liſt as aforeſaid is hereby required to be delivered in, then the Juſtices at any ſuch Seſſion or at any Adjourned Seſſion may and are hereby required to adminiſter to the reſpective Perſon or Perſons who ſhall be Keeper or Gaoler of any ſuch Priſon or Gaol, or deputed Keeper thereof, and deliver in ſuch Liſt as aforeſaid at any ſuch General or Quarter Seſſion or Adjourned Seſſion, an Oath touching the Commitments or Books of Commitment of any ſuch Priſon or Gaol, to the Effect following; (that is to ſay),

Oath.

'I do ſwear, That I have examined the Commitments or Books of or concerning the Commitments of Priſoners to the Priſon of [*in the County, City, Riding, Diviſion, City, Town, Place, or Liberty,*] and that I do verily believe that the ſaid Commitments or Books of Commitment are really true and not fictitious, nor calculated for this Purpoſe; and by them it doth appear, that was on the Firſt Day of *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 or Belief.

'So help me GOD.'

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

XXIV. And in order to diſcover any fraudulent Entries or Commitments of Priſoners in any Priſon or Gaol Books, be it further enacted, That the Juſtices at any General or Quarter Seſſion or Adjourned Seſſion are hereby authorized, at the Requeſt of any Creditor or Creditors of any Priſoner, to convene before them at ſome certain Time to be appointed by them, any Perſon or Perſons who was or were Keeper or Gaoler, or deputed

Keeper or Gaoler of any Priſon or Gaol within their reſpective Juriſdictions, on the ſaid Firſt Day of *May* One thouſand eight hundred and eleven, or at any Time, and examine every ſuch Keeper or Gaoler or deputed Keeper or Gaoler on Oath, touching the Commitment and Continuance in Cuſtody of any ſuch Priſoner, as the Juſtices at any ſuch General or Quarter Seſſion or Adjourned Seſſion ſhall think fit; and if any Sheriff, Gaoler or Keeper, or deputed Gaoler or Keeper, ſhall neglect or refuſe to bring before any ſuch Juſtices, at any Seſſion of the Peace or Adjournment thereof, any ſuch Priſoner as ſhall be directed and required by Warrant of any Juſtice or Juſtices as aforeſaid, or to attend on being ſummoned for that Purpoſe, he ſhall on Conviction ſuffer Six Months Impriſonment; or if any Keeper or Gaoler attending ſhall refuſe to make Anſwer and Diſcovery in the Premiſes as ſhall be reaſonably required, at ſuch General or Quarter Seſſion or Adjourned Seſſion, he, ſhe, or they ſo offending in the Premiſes ſhall for every ſuch Offence pay the Sum of Ten Pounds to any Perſon who ſhall ſue for and recover the ſame in any of His Majeſty's Courts of Record in *Weſtminſter* by Action of Debt.

touching Commitments.

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

XXV. And be it further enacted, That if any Keeper or Gaoler of any Priſon, or his Deputy or Deputies, ſhall without juſt Cauſe, to be approved of by the Juſtices at ſome General Quarter Seſſion or General Seſſion or Adjourned Seſſion of the Peace within their reſpective Juriſdictions, refuſe or delay to bring any ſuch Priſoner or Priſoners as aforeſaid to any ſuch General Quarter Seſſion or General Seſſion or Adjourned Seſſion of the Peace, in order to his or her Diſcharge; or ſhall neglect, refuſe, or deſignedly omit to inſert in any ſuch Liſt the Name or Names of any ſuch Priſoner or Priſoners who was or were actually in Cuſtody in his or their reſpective Priſon or Gaol on the ſaid Firſt Day of *May* One thouſand eight hundred and eleven, or ſhall neglect or refuſe to make out, fix up, or deliver ſuch Liſts as aforeſaid; or if any Keeper or Gaoler, or deputed Keeper or Gaoler ſhall neglect or refuſe to take any of the ſaid Oaths before mentioned, and hereby required to be taken by him, or ſhall detain any ſuch Priſoner after he or ſhe ſhall be diſcharged as aforeſaid; or if the Printer of the *London Gazette* or other Newſpaper as aforeſaid ſhall wilfully refuſe or neglect to inſert therein the Notice by this Act directed to be given, on reaſonable Requeſt made to him for that Purpoſe; every ſuch Keeper and Gaoler of ſuch Priſon and Priſons, his Deputy or Deputies, and every ſuch Printer as aforeſaid, ſhall reſpectively forfeit and pay to ſuch Priſoner, in every ſuch Caſe injured, the Sum of One hundred Pounds, which ſhall and may be recovered with Treble Coſts of Suit by Action of Debt, Bill, Plaint, or Information in any of the ſaid Courts of Record at *Weſtminſter*, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed.

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

XXVI. And be it further enacted, That if any Keeper or Keepers, Gaoler or Gaolers, or any Deputy Keeper or Gaoler of any Priſon, ſhall, in taking of the afore-mentioned Oaths, forſwear and perjure themſelves, and ſhall thereof be lawfully convicted, ſuch Keeper or Gaoler or deputed Keeper or Gaoler of ſuch Priſon or Priſons ſhall (over and above the Penalties to be inflicted on Perſons convicted of Perjury) upon every ſuch Conviction, forfeit and pay the Sum of Five hundred Pounds, to be recovered with full Coſts, by Bill, Plaint, or Information, or Action of Debt, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed, by and in

Puniſhing Gaolers for Perjury.

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 or Diſcharge.

XXVII. And be it further enacted, That if any Clerk of the Peace or his Deputy, or Town Clerk or other Officer acting as Clerk of the Peace, ſhall delay or refuſe to give every or any ſuch Priſoner adjudged to be entitled to his Diſcharge as aforeſaid, within Fourteen Days after ſuch Adjudication, a Copy of the Order of ſuch Adjudication, on the Payment of Two Shillings, or ſhall take more than Two Shillings and Sixpence for ſuch Copy, or ſhall take more than One Shilling for an Aſſignment or Conveyance of ſuch Priſoner's Eſtate or Effects, every ſuch Clerk of the Peace or his Deputy, or Town Clerk, or other Officer acting as Clerk of the Peace, who ſhall ſo offend, and who ſhall be convicted at any ſuch General or Quarter Seſſion of the Peace, or at any Adjournment thereof, of any ſuch Offence, ſhall for every ſuch Offence forfeit and pay to every ſuch Priſoner the Sum of Twenty Pounds, as the Juſtices of the Peace at ſuch General or Quarter Seſſion, or Adjournment thereof, ſhall order, and who are hereby empowered to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods of any ſuch Clerk of the Peace or his Deputy, or Town Clerk or other Officer acting as Clerk of the Peace ſo offending.

Debtors falſely ſwearing ſhall ſuffer as for wilful Perjury.

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

Debtors diſcharged not liable to be impriſoned for Debts prior to the 1ſt Day of May 1811.

XXIX. And be it further enacted, That no Perſon entitled to the Benefit of this Act ſhall at any Time hereafter be impriſoned by reaſon of any Judgement or Decree obtained for Payment of Money only, or for any Debt, Bond, Damages, Contempts for Non-payment of Money, Coſts, Sum or Sums of Money contracted, incurred, occaſioned, owing or growing due before the ſaid Firſt Day of *May* One thouſand eight hundred and eleven, but that upon every Arreſt upon every Judgement or ſuch Decree, or for ſuch Debts, Damages, Contempts, Coſts, Sum and Sums of Money, it ſhall and may be lawful for any Judge of the Court where the Proceſs iſſued, or for any Two Juſtices of the Peace, upon ſhewing the Copy of the Order of Adjudication as aforeſaid, to releaſe and diſcharge out of Cuſtody ſuch Priſoners as aforeſaid, and at the ſame Time to order the Plaintiff or Plaintiffs in ſuch Suit or Suits to pay ſuch Priſoner or Priſoners the Coſts which he, ſhe, or they ſhall have incurred on ſuch Occaſion, or ſo much thereof as to ſuch Judge or Juſtices ſhall ſeem juſt and reaſonable; and every ſuch Judge is hereby empowered ſo to do on ſuch Priſoner's cauſing a common Appearance to be entered for him on every ſuch Action or Suit.

XXX. And

XXX. And whereas under former Acts of this kind, Doubts have arisen what was to be done with such Prisoners who applied at any Session to be discharged, who owed and stood charged with Debts as well previous as subsequent to the Day limited by the respective Acts; to remedy which, be it therefore enacted, That no Prisoner or Prisoners shall be discharged of any Debts incurred subsequent to the First Day of *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 which shall appear to their Satisfaction, by the Oath of such Prisoner not being disproved (or otherwise) to have been 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, which shall appear to the Justices to have been incurred subsequent to the said First Day of *May* One thousand eight hundred and eleven; and their Order for such Discharge shall indemnify the Sheriff or Sheriffs, Keeper or Keepers, Gaoler or Gaolers, against any Escape or Escapes, Action or Actions whatsoever for Escapes, which shall or may be brought, commenced, or prosecuted against him or them; any Thing to the contrary herein notwithstanding,

Prisoners not discharged of Debts subsequent to the 1st Day of May 1811.

XXXI. And be it further enacted, That if any Action of Escape, or any Suit or Action to 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 to any Action of Escape, &c.

XXXII. And be it further enacted, That if any *Scire Facias* or Action of Debt or upon Judgement shall be brought against any Prisoner, his or her Heirs, Executors or Administrators, upon any Judgement obtained against any such Prisoner, or on any Statute or Recognizance acknowledged by him or her before the said First Day of *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 said 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 (according to his, her, or their Case) without pleading any Matter specially; and in case any other Suit or Action shall be commenced against him, her, or them, for any other Debt, Sum or Sums of Money due before the said First Day of *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 may be) was contracted or due before the said First Day of *May* One thousand eight hundred and eleven, without pleading any other Matter specially, whereto the Plaintiff shall or

Act may be pleaded generally by Prisoners.

may reply generally, and deny the Matters pleaded as aforesaid, or reply any other Matter or Thing which may shew the said Defendant not to be entitled to the Benefit of this Act, or not duly discharged according to it, in the same Manner as the Plaintiff might have replied in case the Defendant had pleaded this Act, and his Discharge by virtue of this Act specially; and if the Plaintiff be nonsuited, discontinue his Action, or Verdict pass against him, or Judgement or Demurrer, the Defendant to have Treble Costs.

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

XXXIII. And be it further enacted by the Authority aforesaid, That in case any Person being a Prisoner charged in Execution on the said First Day of *May* One thousand eight hundred and eleven, and having before or since that Day petitioned any Court to be discharged as an Insolvent Debtor, and having conformed to the several Provisions of the Laws in being for that Purpose, shall have been brought up, and by the Court remanded back to the Prison or Gaol from which such Prisoner was brought up, there to continue in Execution, on the Undertaking of his or her Plaintiff or Plaintiffs to pay to him such weekly or other Allowance as by Law is directed to be paid in such Case, during such Time as such Prisoner should remain in Execution at the Suit of such Plaintiff or Plaintiffs, and such Prisoner so continued in Execution shall have been or shall be discharged from such Execution by his or her Plaintiff or Plaintiffs, without his or her own Privity or Consent subsequent to the said First Day of *May* One thousand eight hundred and eleven, and before the Day whereon he or she might otherwise have applied to take the Benefit of this Act, every such Prisoner shall be entitled, notwithstanding such Discharge, to the same Relief and Advantage to all Intents and Purposes whatsoever, which he or she might or could have otherwise obtained by virtue of this Act; any Thing herein contained to the contrary notwithstanding.

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

XXXIV. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to release or discharge any Attorney at Law, Solicitor, or any other Person or Persons acting or pretending to act as such, with regard to any Debt with which he or they shall stand charged, for any Money or other Effects recovered or received by him or them for the Use of any Person or Persons, Bodies Corporate or Politick, and by any Attorney, Solicitor, or any other Person or Persons acting as such, embezzled, concealed, or converted to his or their own Use; or to release or discharge any Servant or Agent, or any other Person or Persons employed or entrusted as such, with regard to any Debt or Demand with which he, she, or they shall stand charged, for or on Account of any Money, Goods, or other Effects received or possessed by him, her, or them, for the Use and on Account of his, her, or their Master or Masters, or Employers, and by such Servant or Agent embezzled, concealed, or converted to his, her, or their own Use; any Thing herein contained to the contrary thereof in anywise notwithstanding; except where such Persons shall have been confined in Prison for the Space of Ten Years last past.

Nor to Persons obtaining Money or Goods under false Pretences or fictitious

XXXV. And whereas many evil disposed Persons, to support their profligate Way of Life, by various subtile Stratagems, Threats, and Devices, and under assumed and fictitious Name or Names for the Purpose of obtaining Credit, have fraudulently obtained divers Sums of Money, or Securities for Money, Goods, and Merchandizes, to the great Injury of Trade and

Credit; be it enacted, That no Prisoner, who knowingly and designedly, by false Pretence or Pretences, or under any fictitious Name or Names assumed for the Purpose of obtaining Credit, shall have obtained from any Person or Persons Money, Goods, Wares, Merchandize, Bonds, Bills of Exchange, Promissory Notes, or other Securities for Money, shall have or receive any Benefit or Discharge by or under this Act; but on due Proof of such fraudulent Conduct as aforesaid, the Justices shall remand such Prisoner to the Custody of the Gaoler or Keeper of the Prison from which he or she shall have been brought up to take the Benefit of this Act; any Thing herein contained to the contrary notwithstanding; except where such Person shall have been confined in Prison for the Space of Ten Years last past.

tious Names, except where they have been confined 10 Years:

XXXVI. Provided always, and be it further enacted, That the Truth of each of the Objections and Exceptions aforesaid against the obtaining the Benefit of this Act, shall be proved by the Testimony upon Oath of One or more credible Witness or Witnesses, besides the Testimony upon Oath of the Person or Persons making such Objections, or other legal Proof or Evidence admissible in a Court of Law: Provided always, that no Prisoner, who shall have been remanded to Prison under any Act heretofore passed for the Relief of Insolvent Debtors, for having fraudulently obtained Money, Goods, or Securities for Money on false Pretences, or for having secretly or fraudulently removed Stock, Cattle, or other Effects, which were subject or liable to be detained for Rent, or who shall have lost or forfeited the Benefit of any such former Act, by having made any fraudulent Sale, Transfer, Conveyance or Assignment, since his or her Imprisonment, to the Prejudice of his Creditor or Creditors, or who shall have fraudulently obtained a Discharge under such former Act, or shall have taken a false Oath under such Act, shall have or receive any Benefit or Discharge under this Act, but shall be remanded to Prison as aforesaid by the Justices before whom he or she shall be brought up to take the Benefit of this Act: Provided always, that such Objections or Exceptions were supported by such Proof or Evidence as is herein-before provided and directed to be made under this present Act, and not otherwise; and that no Person shall be permitted to make the Objections in this Act mentioned against any Prisoner, except a detaining Creditor, or such Person or Persons as have commenced their Action or Actions against such Prisoner previous to the First Day of *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 Action for seducing or carnally knowing the Daughter or Female Servant of the Plaintiff, or in any Action for a malicious Prosecution, or in any Action for any other malicious Injury, shall have any Benefit under this Act, except only in Cases where the Plaintiff in such Actions respectively shall be dead, and no Person shall have obtained Probate of the Will or Letters of Administration of the Effects of such Plaintiff within Twelve Months after his Decease; except where such Person shall have been confined in Prison for the Space of Ten Years last past.

Evidence of Objections to be given.

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

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

XXXVII. And whereas many Debtors for Rents of Lands, Messuages, Houses, and other Premises, have, with fraudulent Intent to disappoint the Right of their respective Landlords, removed the Stock, Cattle, Furniture, Goods,

Nor to Persons removing Effects of the Value of 30l.

liable to be diſtrained for Rent, except where they have been confined 10 Years:

Goods, or other Effects, which were ſubject or liable to be diſtrained for the Satisfaction of the ſaid Rents; be it therefore enacted, That no Priſoner or Priſoners who in a ſecret, clandeſtine or fraudulent Manner, ſhall have removed or cauſed to be removed within Six Years, any ſuch Stock, Cattle, Furniture, Goods or Effects of the Value of Thirty Pounds or upwards, which were ſubject or liable to be diſtrained by their reſpective Landlord or Landlords for or in Payment of ſuch Rent or Rents, whereby ſuch Landlord or Landlords ſhall have loſt all or ſome Part of the Rent or Rents due to him, her, or them as aforeſaid, ſhall be diſcharged by or under this Act, but ſhall be remanded in Manner herein-before mentioned; provided ſuch Proof ſhall be made thereof as ſhall be ſatisfactory to the Juſtices before whom ſuch Priſoner ſhall be brought up to take the Benefit of this Act, except where ſuch Perſon ſhall have been confined in Priſon for the Space of Ten Years laſt paſt.

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

XXXVIII. And whereas many Debtors have, with a View to defraud their Creditors, ſold, transferred, conveyed, or aſſigned their Eſtate or Effects to ſome Perſon or Perſons, ſubſequent to their being in Cuſtody of Law or impriſoned under ſome Proceſs of Debt: And whereas ſuch Sale, Tranſfer, Conveyance, or Aſſignment hath been fraudulently made, to the Injury of his Creditor or Creditors, though it hath been difficult to convict the Party of a fraudulent Deſign; be it enacted, That whenever it ſhall be proved by One or more credible Witneſs or Witneſſes, that ſuch Priſoner has ſold, transferred, conveyed, or aſſigned to any Perſon or Perſons all or any Part of his Eſtate or Effects ſubſequent to the Time of his Impriſonment, without juſt Cauſe for ſo doing, to be determined by the Juſtices before whom ſuch Priſoner ſhall be brought up to take the Benefit of this Act, every ſuch Debtor ſhall loſe all the Benefits and Advantages that he might have otherwiſe claimed under the Authority of this Act, and ſhall be remanded in Manner herein-before mentioned; and every ſuch Sale, Transfer, Conveyance, or Aſſignment is hereby declared null and void, except where ſuch Perſon ſhall have been confined in Priſon for the Space of Ten Years laſt paſt.

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

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

XL. And

XL. And be it further enacted, That every Gaoler or Keeper of any Priſon ſhall and is hereby required to ſuffer any Perſon or Perſons deſiring the ſame to ſee and ſpeak with in the Day-time, either in the Lodge or other convenient Room in the ſaid Priſon, any Priſoner or Priſoners whoſe Names are inſerted in the before-mentioned Liſt or Liſts, or the *London Gazette* or other Newſpapers, in Manner aforeſaid, and alſo to ſee in the true and genuine Books of the ſaid Priſon the Entries made of the Name or Names of ſuch Priſoner or Priſoners, Debtor or Debtors, together with the Name or Names of the Perſon or Perſons at whoſe Suit or Suits he, ſhe, or they are or were detained; and if any ſuch Keeper or Gaoler ſhall refuſe or neglect to comply with what is hereby above required, every ſuch Gaoler or Keeper who ſhall ſo offend in the Premiſes, ſhall forfeit and pay to the Perſon ſo refuſed and aggrieved the Sum of Forty Pounds, to be recovered with Coſts of Suit by Action of Debt, Bill, Plaint, or Information, in any of the Courts at *Weſtminſter*, wherein no Eſſoign, Protection, Wager of Law, or more than One Imparlance ſhall be allowed, by and in the Name or Names of the 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.

XLI. And be it further enacted, That if any Gaoler or Keeper, or deputed Gaoler or Keeper, of any Priſon or Priſons ſhall make or cauſe to be made any falſe Entries in any Book or Books belonging to any Priſon or Gaol under his Care, or of which he is or was Gaoler, or ſhall prepare or keep, or cauſe to be prepared or kept, any falſe Book or Books, in order for any falſe or untrue Entry or Entries to be made therein, or ſhall inſert in any Liſt to be delivered in as aforeſaid, the Name or Names of any Perſon or Perſons who was or were not in actual Cuſtody as aforeſaid (except as in the Oath of any ſuch Gaoler or Keeper, or deputed Gaoler or Keeper ſhall be excepted) every ſuch Gaoler or Keeper, or deputed Gaoler or Keeper ſhall, over and above the Penalties which he ſhall be liable to for every ſuch Fraud, forfeit and pay the Sum of Five hundred Pounds, to be recovered with Treble Coſts of Suit, by and in the Name and for the Uſe of any Perſon or Perſons who ſhall be prejudiced by any ſuch falſe Entry or Entries, which Penalties ſhall and may be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoign, Protection, Wager of Law, or more than One Imparlance ſhall be allowed.

Penalty on Gaoler making falſe Entries.

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

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

XLIII. And whereas the next General Quarter Seſſion of the Peace for the County of *Surrey*, which ſhall happen after the paſſing of this Act, may be in the fartheſt Part of the County, and upwards of Twenty Miles from

Juſtices for Surrey may adjourn to the Seſſion

House in Horſemonger Lane.

from the Priſons where Debtors are confined; be it therefore enacted by the Authority afore-aid, That it ſhall and may be lawful for ſuch Juſtices as ſhall be aſſembled at the General Quarter Seſſion of the Peace to be holden for the County of *Surrey*, next after the paſſing of this Act, and they are hereby required forthwith to adjourn the ſaid Seſſion to the Seſſion Houſe in *Horſemonger-lane*, in the Pariſh of *Newington*, in the ſaid County of *Surrey*, for the Purpoſe of adminiſtering the Oaths required to be taken and ſubſcribed by this Act by the ſeveral Gaolers within the ſaid County, and for the Diſcharge of Priſoners or other Debtors according to the Powers, Limitations, and Directions of this Act; and it ſhall not be lawful for any Juſtice or Juſtices of the Peace for the ſaid County of *Surrey*, to iſſue his or their Warrant or Warrants for the bringing up of any Priſoner or Priſoners in order to his, her, or their Diſcharge under the Proviſions of this Act, at any Quarter Seſſion or adjourned Seſſion of the Peace, other than ſuch as ſhall be holden at the Seſſion Houſe in *Horſemonger-lane*, in the Pariſh of *Newington* aforeſaid.

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

XLIV. And whereas there is but one Common or County Gaol for each of the reſpective Counties of *York* or *Lincoln*, which ſaid Counties are each of them divided into ſeveral Ridings or Diviſions, all of which have ſeveral Commiſſions of the Peace; and if the Gaoler of theſe Gaols be obliged to carry the Debtors, Priſoners therein, to the Quarter Seſſion of ſuch Riding or Diviſion, the ſame will be a very great Charge, not only to ſuch Gaoler but alſo to the Priſoners in theſe large Counties; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful for Two or more Juſtices of the Peace for any of the Ridings or Diviſions in the reſpective Counties, (or any other County or Counties where the Priſons are at a Diſtance from the Place where the Seſſions are held) at the Common or County Gaol thereof reſpectively, or at any other Gaol or Gaols within the ſaid Counties, or at ſome convenient Place near thereto, and they are hereby required to aſſemble and meet and to hold Seſſion there by Adjournment from their reſpective Quarter Seſſion, from Time to Time, for the Diſcharge of the reſpective Priſoners therein, according to the Powers, Limitations, and Directions of this Act.

Juſtices for the Diſtrict of Holland may hold an adjourned Seſſion.

XLV. And whereas the Diſtrict or Diviſion of *Holland* in the ſaid County of *Lincoln*, is diſtant near Forty Miles from the ſaid County Gaol, and it is highly inconvenient and expenſive for the Juſtices of the Peace acting for the ſaid Diviſion, to be obliged to travel to the ſaid Gaol, for the ſole Purpoſe of diſcharging the Priſoners under the Powers by this Act given; be it therefore enacted, That, for the ſeveral Purpoſes aforeſaid, the Juſtices for the ſaid Diviſion or Diſtrict of *Holland* may adjourn their original Seſſions to the County Gaol, or to ſome Place near thereunto; and it ſhall and may be lawful for any Two Juſtices of the Peace acting either for the Parts of *Lindſey*, *Keſteven*, or *Holland*, to hold ſuch adjourned Seſſion for the ſole Purpoſe of diſcharging ſuch Priſoners, Notice of the Adjournment of ſuch original Seſſions being given by the Clerk of Seſſions to ſuch Juſtices, and who ſhall attend there to regiſter the Proceedings of the ſaid Court, ſo far as the ſame relate to or affect the Diſcharge of any Priſoner detained for Debt in the Diviſion of *Holland*, and claiming the Benefit of this Act.

XLVI. And

Prisoners in Custody for Prison Fees, to be discharged.

XLVI. And be it further enacted, That all Debtors and others, who were in Prison on or before the said First Day of *May* One thousand eight hundred and eleven, in any of the Gaols of *England* and *Wales*, and now remain, for not paying their Fees, Rent, or other Demands due or claimed as due to the Keeper or Keepers of any Prison respectively, or to any other Officer of such Prison, and upon no other Account, shall be discharged therefrom, he, she, or they taking the Oath by this Act required to be taken by Prisoners.

Act not to extend to Debtors of the Crown or such Offenders, unless the Treasury consent.

XLVII. Provided always, and it is hereby further enacted, That this Act shall not extend or be construed to extend to discharge any Prisoner seeking the Benefit of this Act, with respect to any Debt or Penalty with which he or she shall stand charged at the Suit of the Crown, or of any Person for any Offence committed against any Act or Acts of Parliament relative to His Majesty's Revenues of Customs, Excise, Stamps, or Salt Duties, or any of them, or any Branches of the Public Revenue, or at the Suit of any Sheriff or other public 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 Public Revenue, unless any Three of the Lords Commissioners of His Majesty's Treasury for the Time being shall certify their Consent, under their Hands, to the said Justices at their said Session or Adjournment thereof, for the Discharge of such Prisoner as aforesaid.

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

XLVIII. And whereas under former Acts Creditors have been put to great Expence and Trouble in attending every Session and Adjournment, during the whole Continuance of this Act, to oppose the Discharge of Debtors clearly excluded from any Benefit under the said respective Acts, but who, after having been before one Session and refused a Discharge, gave fresh Notices for each subsequent Session and Adjournment of their intended Application to be discharged, with the sole View of harassing and subjecting to Inconvenience their Creditors; to remedy which, be it further enacted by the Authority aforesaid, That in all Cases whatever the Determination of the Justices in Session or Adjournment shall be final to all Intents and Purposes, unless the Debtor shall get rid of the Objection or Objections for which they refused his Discharge; and that the same may be clear and certain, the Justices are hereby required to state the Objections why such Debtor's Discharge is refused by them; and in all Cases whatever it shall and may be lawful to and for the Justices, at some one subsequent Session within the Space of Twelve Calendar Months after he shall have been so remanded, upon Application of the Prisoner, and due Proof on Oath or otherwise to the Satisfaction of the Justices in Session or Adjournment, of such Objection or Objections being removed, and on Proof of Notice served at least Twenty Days previous to such Application on the Creditor or Creditors who before opposed his Discharge, and of Notice likewise inserted in the *London Gazette* in Manner before directed by this Act, to order such Prisoner to be brought before them, and if they shall then be of Opinion that the said Debtor is entitled to the Benefit of this Act, to adjudge him or her to be entitled thereto, and if a Prisoner to order him or her to be discharged, he or she taking the Oath, and in all other Respects conforming to the Directions of this Act.

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

XLIX. And whereas it may happen that several Persons who may claim and be entitled to the Benefit of this Act, are seised of an Estate Tail in some Freehold Lands, Tenements, or Hereditaments, which Entail, with the Remainders thereon expectant, they have by Law Power to defeat and bar, either by levying a Fine or Fines, suffering a Common Recovery or Common Recoveries whereby the said Freehold Lands, Tenements, and Hereditaments of such Person or Persons would be liable to the Payment of their Debts, and be delivered up according to the Terms of this Act, for the Benefit of their Creditors; be it therefore further enacted, That in every such Case such Person or Persons so seised as aforesaid, and who shall be entitled to and claim the Benefit of this Act, shall to all Intents and Purposes whatsoever in Law be deemed and taken, and is and are hereby declared to be seised of such Lands, Tenements, and Hereditaments in Fee, and the same shall be delivered up to such Creditor or Creditors of every such Prisoner in the same Manner as if such Person or Persons had actually levied a Fine, suffered a Common Recovery or Recoveries, and thereby had become seised in Fee; any Law or Construction of Law to the contrary thereof in anywise notwithstanding.

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

L. And whereas many Persons who may be entitled to and claim the Benefit of this Act have been great Dealers, or otherwise engaged in large Transactions, whereby they may be entitled to sundry and great Debts and Demands of various and intricate Natures, and they may be entitled to Equities of Redemption of Estates subject and liable to Mortgages, Judgements, or other Incumbrances, or to Reversions, Remainders, or other contingent Estates, Lands, Tenements, or Hereditaments, or to other Trusts or Interests in Estates both Real and Personal, which may not be sufficiently described or discovered in the Schedule or Inventory before directed to be delivered in upon Oath by the Prisoner to be discharged as aforesaid, or which may want his Aid and Assistance to adjust, make out, recover, or manage for the Benefit of his Creditors; be it therefore enacted, by the Authority aforesaid, That it shall and may be lawful to and for the respective Assignees of the Estate and Effects of such Debtor or Debtors who shall obtain his, her, or their Discharge in pursuance of this Act, or any other Person or Persons duly authorized by them for that Purpose, from Time to Time to apply to any Two or more of the Justices of the Peace for the County, City, Town, Place, or Liberty where such Debtor or Debtors shall be then residing, thereby desiring that such Debtor or Debtors may be further examined as to any Matters and Things relating to his, her, or their Estate or Effects; whereupon such Justices shall send for or call before them such Debtor or Debtors by such Warrant, Summons, Ways, or Means as they shall think fit, and upon such Debtor's appearing, shall examine him, her, or them, as well upon Oath or otherwise, as to such Matters and Things as such Assignee shall desire, relating to the Estate and Effects of such Debtor or Debtors; and if any Debtor or Debtors, on Payment or Tender of Payment of such reasonable Charges as such Justices shall judge sufficient, shall neglect or refuse to come or appear, not having a lawful Excuse, allowed by such Justices, or being come before them shall refuse to be sworn or to answer such Questions as by such Justices shall be put to him, her, or them relating to the Discovery of his, her, or their Estate or Effects so vested or intended to be vested in such Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, of such Assignees as aforesaid, then it shall and may be lawful to and for such Justices

tices by Warrant under their Hands and Seals to apprehend such Debtor or Debtors so offending as aforesaid, and him, her, or them to commit to the Common Gaol, there to remain without Bail or Mainprize until such Time as he, she, or they shall submit him, her, or themselves to such Justices, and answer upon Oath to all such lawful Questions as shall by such Justices be put to him, her, or them, for the Purposes aforesaid.

Fraudulent Discharges void.

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

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

LII. And be it further enacted, That it shall and may be lawful at all Times hereafter, for any Assignee or Assignees of the Estate or Effects of any Debtor or Debtors, who shall be chosen in pursuance of this Act, by and with the Consent of the major Part in Value of the Creditors of such Debtor or Debtors who shall be present at a Meeting to be had on Twenty-one Days Notice being previously given for the Purpose hereafter mentioned, in the *London Gazette*, if the Debtor was in Custody in *London*, or within the Weekly Bills of Mortality, and if not, then also in some Newspaper which shall be published in the County, City, or Place in or near which such Person or Persons shall have been in Gaol, to make Compositions with any Person or Persons or Accountants to such Debtor or Debtors, where the same shall appear necessary or reasonable, and to take such reasonable Part of any such Debt as can upon any such Composition be gotten, in full Discharge of such Debts and Accounts; and also to submit any Difference or Dispute between such Assignee or Assignees and any Person or Persons for or on Account or by reason of any Matter, Cause or Thing relating to the Estate and Effects of such Debtor or Debtors; and every such Assignee or Assignees is and are hereby indemnified for what they shall fairly do in the Premises in pursuance of this Act.

If Assignees die, others may be chosen.

LIII. And whereas Provision ought to be made as to what should become of the Estate and Effects of any Debtor or Debtors not got in, obtained, or recovered by any Assignee or Assignees at the Time of his or their Death or Deaths, and whose Heir or Heirs, Executors, Administrators, and Assigns refuse to act or meddle therein; to remedy which, be it enacted, That in all such Cases it shall and may be lawful to and for the Creditors of every such Debtor or Debtors to chuse a new Assignee or Assignees, and to obtain a new Assignment from the Clerk of the Peace or his Deputy, Town Clerk, or other Officer acting as Clerk of the Peace pursuant to the Order of the Justices, and which said Order the said Justices are hereby required and empowered to direct (on due Proof on Oath being made to them of the Death of such former Assignee or Assignees, and Refusal to his or their Heirs, Executors, Administrators, and Assigns to act or meddle therein), and the said Clerk of the Peace or his Deputy, Town Clerk, or other Officer acting as Clerk of the Peace, hereby conforming to all Orders and Directions made by this Act relative to them or any of them, and to be liable to all such Pains and Penalties as are inflicted on them or any of them by this Act for Disobedience in any Part thereof, or Neglect of Duty whatever; and in case any such Assignee or Assignees shall

die, and his Heirs, Executors, Administrators, or Assigns, shall refuse to act, that then and in such Case it shall be lawful for such Justices of the Peace to appoint a new Assignee or Assignees with like Powers and Authorities as are given by this Act; and the said Justices shall have Power in a summary Way to oblige their Heirs, Executors, Administrators, and Assigns of such Assignee or Assignees to account for and deliver up all such 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.

LIV. And, to the Intent and Purpose that the Estate and Effects of such Debtor or Debtors as shall be discharged by virtue of this Act, may be duly and faithfully applied for the Benefit of his, her, or their real Creditors, be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the respective Courts at *Westminster*, and the Courts of Great Sessions in *Wales*, and the Counties Palatine of *Chester*, *Lancaster*, and *Durham* respectively, from whence any Process issued upon which any such Debtor or Debtors was or were committed, or where the Process issued out of any other Court, to and for the Judges of the Court of King's Bench, Common Pleas, and Exchequer, or of Great Sessions, or Counties Palatine aforesaid, within their respective Jurisdictions, or any one of them, from Time to Time upon the Petition of any such Debtor, or the Creditor or Creditors of such Debtor, complaining of any Insufficiency, Fraud, or Misconduct of any Assignee or Assignees of the Estate or Effects of any such Debtor or Debtors, to summon all Parties concerned, and upon hearing the Parties concerned therein to make and give such Orders and Directions therein, either for the Removal of such Assignee or Assignees, and appointing any new Assignee or Assignees in the Place of such Assignee or Assignees so to be removed, and for the prudent, just, and equitable Management or Distribution of the Estate and Effects of any such Debtor, for the Benefit of the respective Creditors, as the said Courts or Judges respectively shall think fit; and in case of the Removal of any Assignee or Assignees, and the appointing of any new Assignee or Assignees, the Estate and Effects of such Debtor or Debtors shall from thenceforth be divested out of the Assignee or Assignees so removed, and be vested in and delivered over to such new Assignee or Assignees, in the same Manner and for the same Intents and Purposes as the same were before vested in the Assignee or Assignees first chosen; any Thing in this Act contained to the contrary notwithstanding.

In Cases of mutual Credit Balance to be stated.

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

LVI. And whereas great Numbers of poor People have been and are now imprisoned for Debt upon Processes issuing out of Courts of Conscience; it is hereby enacted and declared, That all such Prisoners shall be entitled to have the Benefit of this Act, and be discharged under the same, provided he, she, and they conform to the Directions herein-before prescribed, touching other Prisoners who shall be discharged by virtue of this Act; and the Keeper or Keepers, Gaoler or Gaolers, of all and every Gaol, Prison, or other Place of Confinement, in which any Person or Persons are confined, or charged in Execution with Debts under Process or Processes issuing out of or from such Courts of Conscience, are hereby required to make out and deliver to the Justices assembled at the next Quarter Session or adjourned Session of the Peace, a true List or Lists of the Prisoners in their Custody so confined or charged in Execution, in like Manner as the Gaolers or Keepers of other Prisons are directed by this Act.

Affirmation of Quakers to be taken.

LVII. And be it further enacted, That in all Cases wherein by this Act an Oath is required, the solemn Affirmation of any Person being a Quaker shall and may be accepted and taken in lieu thereof; and every Person making such Affirmation, who shall be convicted of wilful and false Affirmation, shall incur and suffer such and the same Penalties as are inflicted and imposed by this Act upon Persons convicted of wilful and corrupt Perjury.

Justices may amend Notices and Schedules in Matters of Form.

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

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

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

Future Estates of Debtors discharged under this Act to be liable for their Debts.

LX. And be it further enacted, That nothing herein contained shall be deemed or taken to discharge the future Estate or Effects, Real or Personal, of any Person or Persons discharged under this Act, whether such Person or Persons shall or shall not have been charged in Execution of or from the Payment of any Debts, Damages, Costs, Sum or Sums of Money due, owing, or demandable from any such Person or Persons, or in respect of which any such Person or Persons was or were in Custody; and all and every Person or Persons entitled to receive or be paid any such Debt, Damages, Costs, Sum or Sums of Money, shall have all such

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

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

LXI. 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.

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

LXII. 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 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.

LXIII. 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. Notices of such Bankrupt, how to be regulated.

LXIV. 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. When Commission is superseded, Discharge to be void.

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