

ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

CAP. CLXIII.

An Act for the Relief of certain Insolvent Debtors in *Ireland*. [29th *July* 1812.]

WHEREAS it may be convenient in the present Condition of the Prisons and Gaols in that Part of the United Kingdom of *Great Britain* and *Ireland*, called *Ireland*, that some of the Prisoners who are now confined therein should be set at Liberty; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, all and every Keeper or Gaoler of any Prison in any County, City, Town, Place, or Liberty within that Part of the United Kingdom called *Ireland*, shall and is and are hereby required to make a true, exact, and perfect List, alphabetically, of the Name or Names of all and every Person or Persons, who upon the Fifth Day of *June* One thousand eight hundred and twelve, was or were, or have since continued to be under the Terms and Conditions herein mentioned, and at the Time of making out every such List shall be really an actual Prisoner or Prisoners in the Custody of any Keeper or Keepers, Gaoler or Gaolers of such Prison respectively, upon any Process whatsoever, for or by reason of any Debt, Damage, Costs, Sum or Sums of Money, or Contempt for Non-payment of Money, and an Account of the Time when such Prisoner or Prisoners was or were respectively charged in Custody or received in Prison, together with the Name or Names of the Person or Persons at whose Suit or Prosecution such Prisoner or Prisoners is or are detained, together with the Amount

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

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

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

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

Oath.

'I *A. B.* upon my corporal Oath, in the Presence of Almighty God, do solemnly swear, profess, and declare, That all and every Person and Persons whose Name or Names is or are inserted and contained in the first Part of the List by me now delivered in and subscribed, was or were to the best of my Knowledge and Belief, really, upon the Fifth Day of *June* One thousand eight hundred and twelve, and truly Prisoners in actual Custody in the Prison of [*insert the Name of the Prison*] at the Suit or Suits of the several Person or Persons therein respectively mentioned; and also that all and every Person and Persons whose Name or Names is or are inserted or contained in the Second Part of the said List, now by me delivered in and subscribed as aforesaid, have since the said Fifth Day of *June* One thousand eight hundred and twelve been committed or surrendered to the said Prison of [*insert the Name of the Prison*] at the Suit or Suits of the several Person or Persons whose Name or Names is or are therein contained, was or were to the best of my Knowledge and Belief really and truly Prisoners in actual Custody on the said Fifth Day of *June* One thousand eight hundred and twelve, as appears by the Returns made to me on his and their respective Commitments. So help me GOD.'

Oath to be administered in open Court.

Which the said Justices at their First or Second General Quarter Session or General Session aforesaid, or at some Adjournment thereof, within their respective Jurisdictions, are hereby empowered and required to administer in open Court, and the Words of the said Oath herein-before directed to be taken by the said Marshal and other Keeper or Gaoler of any Prison respectively shall be entered or written at the End or Bottom of the List which shall be delivered in by them respectively, and shall be subscribed and sworn to by them respectively in open Court; and every such List which shall be so delivered in, subscribed, and sworn to in pursuance of this Act, shall be kept by the Clerk of the Peace, Town Clerk, or other Person acting as Clerk of the Peace of every such County, City, Town, Place or Liberty respectively, in which any such List as aforesaid shall be sworn to, for the better Satisfaction of the said Justices and Information of all or any Prisoner or Prisoners therein named, and so as the same may from Time to Time be seen and examined by any Creditor or Creditors, or Prisoner or Prisoners, without Fee or Reward.

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

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

III. And be it further enacted, That all and every Keepers or Gaolers of any such Prison or Gaol, is and are hereby required Ten Days at least before the First or Second General Quarter Session or General Session of the Peace shall be held after the passing of this Act for the

County, City, Town, Place or Liberty in which any Priſon or Gaol ſhall be or to which the ſame ſhall belong, to fix up in ſome conſpicuous Place or Places in every ſuch Priſon or Gaol, and at the moſt frequented or uſual Gate, Door, or Entrance into every ſuch Priſon or Gaol, 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.

Priſoners for what Sum to be diſcharged.

IV. And be it further enacted, That all and every Perſon and Perſons who on the Fifth Day of *June* One thouſand eight hundred and twelve 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 hereinafter provided, and no otherwiſe.

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

V. And be it further enacted, That it ſhall and may be lawful for any Juſtice or Juſtices of the Peace of any County, City, Town, Place, or Liberty within this Kingdom, upon the Petition of any ſuch Priſoner or Priſoners, to any Juſtice or Juſtices of the Peace within his or their reſpective Juriſdictions, upon every ſuch Priſoner or Priſoners ſo petitioning, and at the Time of his or her ſo petitioning leaving with the Juſtice or Juſtices of the Peace ſo petitioned a true Copy of the Schedule, containing his or her intended Diſcovery of his or her Real and Perſonal Eſtate, to be ſworn to at the Firſt or Second General Quarter Seſſion next enſuing after every ſuch Petition or ſome Adjournment thereof, by Warrant under his Hand and Seal, or under their Hands and Seals, to require the Sheriff or Sheriffs, Keepers or Gaolers of any ſuch Priſon within the Juriſdiction of any ſuch Juſtice or Juſtices, to bring before the Juſtices at the Firſt or Second next General Quarter Seſſion or General Seſſion of the Peace, or ſome Adjournment thereof, to be held as the Caſe ſhall happen to be next after the Expiration of Ten Days from the Date of ſuch Warrant, for ſuch reſpective County, City, Town, Place, or Liberty, the Body of any Perſon being in the ſaid Priſon as aforeſaid, with the Warrant or Warrants of his or her Detainers, together with a Copy or Copies of the Cauſe or Cauſes which he, ſhe, or they is or are charged with in any Priſon or Gaol as aforeſaid, at the Time aforeſaid; for which Copy or Copies of ſuch Cauſe or Cauſes ſuch Priſoner ſhall apply to the ſaid Keeper or Gaoler of ſuch Priſon, who ſhall make out and tranſcribe the ſame at leaſt Six Days before the Time of his or her Appearance, which Warrant of every ſuch Juſtice or Juſtices every ſuch Sheriff and Sheriffs, Keeper or Gaoler, is and are hereby commanded to obey.

For holding a Special Seſſion.

VI. And whereas conſiderable Time may intervene between the paſſing of this Act and the next General Quarter Seſſion or General Seſſion of the Peace, which would be the Means of detaining in Priſon a Number of Perſons who with their Families are in the greateſt Diſtreſs; be it further enacted, That it ſhall and may be lawful for any Two or more of the Juſtices of the Peace for any County, City, Town, Place, or Liberty, upon

upon Petition from Debtors as aforesaid, to assemble their respective Courts as soon as may be after passing this Act, for the Purpose of administering the Oaths and other the Matters required by this Act, and to appoint such Day or Days for the Discharge of Prisoners as they shall see proper.

Schedules to remain with the Clerk of the Peace.

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

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

VIII. And be it further enacted, That all and every Debtor and Debtors confined in any Gaol of that Part of the United Kingdom called *Ireland*, who shall intend to apply to be discharged and exonerated under this Act, shall first cause public Notice to be inserted in Three several *Dublin Gazettes*, previous to such General or Quarter Session or General Session, or the Adjournment thereof, at which such Application shall be made; and if such Debtor shall be in Custody in any Gaol out of *Dublin* or the County of *Dublin*, or shall have moved himself by *Habeas Corpus* from one Gaol to another, then also in some Newspaper in or near the County, City, Town, or Liberty, in the Gaol whereof he or she shall be or have been so in Custody, containing the Name, Trade, Occupation, and Description, and the Two last Places of Abode, if so many, of every such Debtor and Debtors, and the Prison wherein he, she, or they is or are confined, and of his, her, or their Intention to take the Benefit of this Act, and mentioning such Notice in such Gazette or Newspaper respectively to be the First, Second, or Third Notice, according to the Time of publishing each of such Notices; for the inserting each of the said Notices in the *Dublin Gazette*, or in any other Newspaper, there shall be paid each Time by every Prisoner the Sum of Four-pence and no more; the First of which said Notices shall be so inserted in the said Gazettes respectively, and in the said other Newspapers, as the Case may require, Twenty-one Days at the least, and the last of the said Notices Six Days at the least, before any such First or Second General Quarter Session or General Session or Adjournment thereof, shall be held as aforesaid, so that as well all the Creditors who have not charged the said Debtor or Debtors in Custody, as those Creditors who have charged such Debtor or Debtors in Execution or on Mesne Process or otherwise, may have sufficient Notice thereof.

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

IX. And, to the Intent that all Creditors may have full and sufficient Time to consider the Matters and Things contained in the Schedule or Schedules intended to be delivered in by any Debtor or Debtors, be it further enacted, That every such Debtor where he or she shall, according to the Directions of this Act, publish the First Notice of an Intention to take the Benefit of this Act, he or she shall in such Notice declare that the Schedule containing his or her intended Discovery of his or her Real and Personal Estate, to be sworn to in Manner as by this Act is directed, is lodged in the Hands of the Keeper or Gaoler, or the Deputy of such Keeper or Gaoler of the Prison wherein any such Debtor shall be confined; and every such Debtor is hereby directed and required to deliver such Schedule

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

Form of Notice.

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

'I [*insert the Name, Trade, Occupation, and Description, and Two last Places of Abode, if so many*] now confined in [*insert Name of Prison and County*] and not being charged in Custody on the Fifth Day of *June* One thousand eight hundred and twelve, with any Debt or Debts, Sum or Sums of Money, exceeding in the Whole the Sum of Two thousand Pounds, do hereby give this public Notice, that I intend to take the Benefit of an Act passed in the Fifty-second Year of His present Majesty's Reign, intituled *An Act for the Relief of certain Insolvent Debtors in* Ireland, and I do hereby give Notice, that a true and perfect Schedule, containing the Discovery of all my Real and Personal Estate hereafter to be sworn to, is now ready to be delivered to any Creditor applying for the same to the Keeper or Gaoler, or his Deputy of the said Prison.'

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

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

XI. And be it further enacted, That every such Debtor as aforesaid, not being charged as aforesaid on the Fifth Day of *June* One thousand eight hundred and twelve, 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 the Adjournment thereof, that such Notices were inserted in the *Dublin* Gazettes and other Newspapers respectively, as were required in Manner aforesaid; and that the Person or Persons so applying was or were actually a Prisoner or Prisoners on the Fifth Day of *June* One thousand eight hundred and twelve in the Prison or Gaol in which his, her, or their

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

Oath.

"I *A. B.* upon my corporal Oath, in the Preſence of Almighty God, do ſolemnly ſwear, proteſt, and declare, That on the Fifth Day of *June* One thouſand eight hundred and twelve 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 without any Fraud or Colluſion whatſoever; and that the Schedule now delivered by me and ſubſcribed doth contain to the beſt of my Knowledge, Remembrance, and Belief, a full, juſt, true, and perfect Account and Diſcovery of all the Goods, Effects, and Eſtates, Real and Perſonal, in Poſſeſſion, Reverſion, Remainder, or Expectancy, and of every other Nature and Kind whatſoever, which for any Perſon in Truſt for me or for my Benefit or Advantage are ſeiſed or poſſeſſed of, intereſted in, or entitled to, or was or were in my Poſſeſſion, Cuſtody, or Power, or in the Poſſeſſion, Cuſtody, or Power of any ſuch Perſon as aforeſaid, or which I or ſuch Perſon had any Power of diſpoſing of or charging for my Benefit or Advantage at any Time ſince my Commitment to Priſon, and of all Debts to me owing, or to any Perſon or Perſons in Truſt for me, and of all the Securities and Contracts whereby any Money now is or will or may hereafter become payable, or any Benefit or Advantage may accrue to me or to my Uſe, or to any Perſon or Perſons in Truſt for me, and the Names and Places of Abode of the ſeveral Perſons from whom ſuch Debts are due and owing, and of the Witneſſes that can prove ſuch Debts or Contracts [*if any ſuch there be*] and that neither I, nor any Perſon 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 any Benefit or Advantage other than what

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'are in the said Schedule contained, except Wearing Apparel and Bedding 'for myself and Family, Working Tools and the necessary Implements for 'my Occupation and Calling, together with a Sum of Money not ex- 'ceeding Five Pounds, and these in the Whole not exceeding the Value 'of Thirty Pounds; and that I have not nor any Person for me hath di- 'rectly or indirectly sold, lessened, or otherwise conveyed, disposed of in 'Trust, or concealed all or any Part of my Lands, Money, Goods, Chat- 'tels, Stock, Debts, Securities, Contracts, or Estates, Real or Personal, 'whereby to secure the same, or to receive or expect any Profit or Ad- 'vantage therefrom, or with an Intent to defraud or deceive any Creditor 'or Creditors to whom I am or was indebted in anywise howsoever.

'So help me GOD.'

Schedule and Oath to be subscribed by the Debtors.

And the said Schedule and Oath shall be by every such Debtor subscribed in the Presence of the Justices in open Session of the Peace as hereby directed, and shall be kept by and remain with the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace for the County, City, Liberty, Town, or Place where the same shall be subscribed and taken, for the better Information of all the Creditors of such Debtors, who shall desire or may have Occasion to resort thereto, and every such Creditor shall be at Liberty at seasonable Times in the Day-time to peruse and examine the same.

Court at the Request of the Creditor may examine Gaolers on Oath.

XII. And be it further enacted, That the Justices of the Peace within their respective Jurisdictions at any such General Quarter Sessions or General Session or Adjournment thereof, at the Request of any Creditor or Creditors of any such Debtor, are hereby authorized to cause the Marshal of the Four Courts Marshalsea or his Deputy, or any other Under Officer, Tipstaff, and Turnkey of any Prison or Gaol, and any other Person within their respective Jurisdictions, to come before them and to examine them respectively on Oath, touching any of the Matters contained in any of the Oaths prescribed by this Act to be taken and the Truths thereof; and if the Oath which shall have been taken in open Court by any Debtor or Debtors, shall not be disproved by good Testimony of any credible Person or Persons on Oath; and such Justices, or the major Part of them, present at any such General Quarter Session or General Session or any Adjournment thereof, shall be satisfied with the Truth of the Oath taken by such respective Debtor, then such Justices shall in such Session or some Adjournment thereof, adjudge such Debtor or Debtors to be entitled to the Benefit of this Act, and shall order the said Sheriff or Sheriffs, Keeper or Keepers, Gaoler or Gaolers of such Prison or Prisons forthwith to set at Liberty such Prisoner or Prisoners; and every such Order shall be sufficient Discharge to the Sheriff or Sheriffs, Keeper or Keepers, Gaoler or Gaolers of such Prison or Prisons, and shall indemnify him or them against any Escape or Escapes, Action or Actions whatsoever for Escape, which shall or may be brought, commenced, or prosecuted against him or them.

Estates and Effects of Debtor discharged vested in the Clerk of the Peace, who is to assign the same to

XIII. And be it further enacted, That all the Estate, Right, Title, Interest, and Trust of such Debtor, of, in, and unto all the Real Estate, and to all the Personal Estate, Debts, and Effects of every such Debtor, shall immediately after such Adjudication be and the same is hereby vested in the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace of and for the County, City, Town Corporate, Liberty, or Place where

such Creditors as the Court shall direct, in Trust.

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

Assignees to get in Debtor's Effects,

and to make Dividends.

or for such Assignee or Assignees, and of all Payments made in respect thereof, and that all Payments in every such Account charged were truly and *bonâ fide* made and paid; and Notice of the making of every such Dividend shall be published in like Manner as a Meeting of the Creditors is herein-before directed to be published, Thirty Days at least before the same shall be made; and no Creditor shall be allowed to receive any Share of such Dividend until he shall have made out the Justness and Identity of his Debt by Oath or due Proof in Writing before some such Justice or Justices; and if any Creditor of such Debtor shall be dissatisfied with the Reality or Fairness of any Debt claimed by any other Creditor, then the same at the Request of any such Creditor or Creditors so dissatisfied shall be examined into by the Justices of the County, City, Liberty, or Place in which such Debtor shall have been adjudged to have been entitled to the Benefit of this Act, at the next General Quarter Session, or some Adjournment thereof.

Notice of the making Dividends to be given.

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

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

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

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

XVI. And, to the Intent that no Loss may arise to any Creditor or Creditors, from any Neglect or Omission in the Schedule not containing the whole of the Estate Real or Personal belonging to any Debtor who shall apply for his or her Discharge under the Authority of this Act, be it enacted, That all the Estates, whether Real or Personal, which shall belong to any Debtor or Debtors, and of which he, she, or they shall be actually possessed or entitled unto at the Time of making such Schedule, shall be deemed and taken to be Part of the Estate contained in such Schedule though not inserted therein; and shall in like Manner become vested in

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

the Clerk of the Peace, Town Clerk or other Officer acting as ſuch, to all Intents and Purpoſes, as if the ſame had been contained in ſuch Schedule, and had been delivered into the Court according to the Directions of this Act.

Holders of Securities without Conſideration not entitled to any Benefit.

XVII. Provided always, and be it enacted, That no Perſon holding any Security whatſoever, for which ſuch Debtor never received any valuable Conſideration, ſhall be entitled to receive any Benefit from the Eſtate of ſuch Debtor, unleſs the Perſon holding ſuch Security ſhall make it appear to the Satisfaction of the Juſtices at ſome General Quarter Seſſion or Adjournment thereof, that he or ſhe became poſſeſſed of the ſame *bonâ fide* and for good or valuable Conſideration.

Eſtates to veſt in the Clerk of the Peace for the Time being.

XVIII. Provided always, and be it enacted, That in caſe of the Death or Removal of any Clerk of the Peace, Town Clerk or other Officer acting as Clerk of the Peace as aforeſaid, in whom the Eſtate, Right, Title, Intereſt, or Truſt of any Debtor or Debtors ſhall have veſted by the Authority of this Act, every ſuch Eſtate, Right, Title, Intereſt and Truſt ſhall become veſted in the Succeſſor or Succeſſors to every ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace as aforeſaid reſpectively, as the Caſe may be, to all Intents and Purpoſes whatſoever under the Proviſions of this Act.

No Suit in Law or Equity without Conſent of the Majority of the Creditors.

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

Mortgages to take place of Claims of an inferior Nature.

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

XXI. And

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

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

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

Gaoler on Request of Creditor to be sworn.

'I do swear, That was really and truly a Prisoner in my Custody in the Prison of or in Custody in some other Prison [*as the Case may be*] to the best of my Knowledge and Belief, at or upon the Fifth Day of *June* One thousand eight hundred and twelve, and that the Copy or Copies of the Cause or Causes of his [*or*, her] Commitment or Detainer now by me brought, with the Body of the said and produced to the said Court, is or are a true Copy or Copies of the Cause or Causes of such Commitment or Detainer, without any Fraud or Deceit by me or any other Person whatsoever, to the best of my Knowledge and Belief.

'So help me GOD.'

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 Fifth Day of *June* One thousand eight hundred and twelve, or since, shall not happen to be the Keeper or Gaoler, or deputed Keeper or Gaoler of any such Prison or Gaol at the Time any such List as aforesaid is hereby required to be delivered in, then the Justices at any such Sessions, or at any Adjournment thereof, may and are hereby required to administer and give to the respective Person or Persons who shall be Keeper or Gaoler, or deputed Keeper or Gaoler, of any such Prison or Gaol, and deliver in such List as aforesaid at any such General or Quarter Sessions, or any Adjournment thereof, an Oath touching the Commitments or Books of Commitment of any such Prison or Gaol, to the Effect following; (that is to say),

If the Person delivering in List was not Gaoler on the 5th June 1812, he shall take the following Oath.

'I

Oath.

'I do ſwear, That I have examined the Commitments or Books kept of or concerning the Commitments of Priſoners to the Priſon of and that I do verily believe that the ſaid Commitments or Books of Commitment are really true and not fictitious, nor calculated for this Purpoſe; and by them it doth appear that was, on the Fifth Day of *June* One thouſand eight hundred and twelve, really and truly a Priſoner in the actual Cuſtody of the then Keeper or Gaoler, or Deputy Keeper or Gaoler of the ſaid Priſon or Gaol, [*or*, other Priſon, *as the Caſe may be*] without Fraud or Deceit by me or any other Perſon or Perſons to my Knowledge and Belief. So help me GOD.'

Debtors diſcharged not liable to be impriſoned for Debts prior to the 5th June 1812.

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

Priſoners not diſcharged of Debts ſubſequent to the 5th June 1812.

XXIV. 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 Fifth Day of *June* One thouſand eight hundred and twelve; 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 Fifth Day of *June* One thouſand eight hundred and twelve, that in ſuch Caſes it ſhall and may be lawful to and for the Juſtices to diſcharge the Perſon of ſuch Priſoner on account of all Debts incurred previous to the ſaid Fifth Day of *June* One thouſand eight hundred and twelve, and to remand him or her back to the Cuſtody of the Keeper of the Priſon from whence he or ſhe was brought, for all Debts which he or ſhe ſtands charged with in his Cuſtody incurred ſubſequent to the ſaid Fifth Day of *June* One thouſand eight hundred and twelve.

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

XXV. And be it further enacted, That if any Action of Eſcape, or any Suit or Action be brought againſt any Juſtice or Juſtices of the Peace, Sheriff, Keeper or Gaoler of any Priſon, for performing their Office in purſuance of this Act, they may plead the General Iſſue, and give this Act in Evidence, and if the Plaintiff be nonſuited or diſcontinue his Action, or

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

Act may be pleaded generally by Priſoners.

XXVI. 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 Fifth Day of *June* One thouſand eight hundred and twelve, with reſpect to Priſoners in actual Cuſtody on the ſaid Fifth Day of *June* One thouſand eight hundred and twelve, 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 Fifth Day of *June* One thouſand eight hundred and twelve, and was or were duly diſcharged according to this Act, at the General Quarter Seſſion or General Seſſion or Adjournment thereof, held at ſuch Time and Place for ſuch County, Liberty, City, Town, or Place (as his, or her, or their Caſe is) without pleading any Matter ſpecially; and in caſe any other Suit or Action ſhall be commenced againſt him, her, or them, for any other Debt, Sum or Sums of Money due before the Fifth Day of *June* One thouſand eight hundred and twelve, to plead in diſcharge of his or her Perſon from Execution (over and above ſuch Matters as aforeſaid) that ſuch Debt or Sum of Money (as the Caſe ſhall happen) was contracted or due before the Fifth Day of *June* One thouſand eight hundred and twelve, without pleading any other Matter ſpecially, whereto the Plaintiff ſhall or may reply generally, and deny the Matters pleaded as aforeſaid, or reply any other Matter or Thing which may ſhew the ſaid Defendant not to be entitled to the Benefit of this Act, or not duly diſcharged according to it, in the ſame Manner as the Plaintiff might have replied in caſe the Defendant had pleaded this Act, and his Diſcharge by virtue of this Act ſpecially; and if the Plaintiff be nonſuited, diſcontinue his Action, or Verdict paſs againſt him, or Judgement or Demurrer, the Defendant to have Treble Coſts: Provided always, that nothing in this Act contained ſhall extend or be conſtrued to extend to releaſe or diſcharge any Attorney at Law, Solicitor, or any other Perſon or Perſons acting or pretending to act as ſuch, with regard to any Debt with which he or they ſhall ſtand charged for any Money or other Effects recovered and received by him or them, for the Uſe of any Perſon or Perſons, Bodies Corporate or Politick, and by any Attorney, Solicitor, or other Perſon or Perſons acting as ſuch, embezzled, concealed, or converted to his or their own Uſe, or to releaſe or diſcharge any Servant or Agent, or any other Perſon or Perſons employed or entruſted as ſuch with regard to any Debt or Demand with which he, ſhe, or they ſhall ſtand charged for or on account of any Money, Goods, or other Effects received or poſſeſſed by him, her, or them, for the Uſe and on Account of his, her, or their Maſter or Maſters, or Employers, and by ſuch Servant or Agent embezzled, concealed, or converted to his, her, or their own Uſe; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Act not to extend to Attornies or Servants embezzling Money;

XXVII. And whereas many evil-diſpoſed Perſons, to ſupport their profligate Way of Life, have by various ſubtile Stratagems, Threats, and Devices, fraudulently obtained divers Sums of Money, Goods, Wares, Merchandizes, Bonds, Bills of Exchange, Promiſſory Notes, or other Securities

for Money, to the great Injury of industrious Families, and to the manifeſt Prejudice of Trade and Credit; be it enacted, That no Priſoner who, knowingly and deſignedly by falſe Pretence or Pretences, ſhall have obtained from any Perſon or Perſons, Monies, Goods, Wares, Merchandize, Bonds, Bills of Exchange, Promiſſory Notes or other Securities for Money, ſhall have or receive any Benefit or Diſcharge by or under this Act; but the Juſtices at any General or Quarter Seſſions of the Peace, or any Adjournment thereof, before whom any ſuch Priſoners ſhall be brought, upon due Proof of the Matter made to their Satisfaction, ſhall remand ſuch Priſoners to the Cuſtody of the Gaoler or Keeper of the Priſon from whence he or ſhe ſhall have been brought; any Thing herein contained to the contrary notwithſtanding.

nor to Perſons obtaining Money on falſe Pretences;

XXVIII. Provided always, That no Priſoner who ſhall have been remanded to Priſon under any Act heretofore paſſed for the Relief of Inſolvent Debtors, for having fraudulently obtained Money, Goods or Securities for Money on falſe Pretences, or for having ſecretly or fraudulently removed Stock, Cattle, or other Effects, which were ſubject or liable to be detained for Rent, or who ſhall have loſt or forfeited the Benefit of any ſuch former Act, by having made any fraudulent Sale, Transfer, Conveyance, or Aſſignment, ſince his or her Impriſonment, to the Prejudice of the fair and honeſt Creditor, or who ſhall have obtained a Diſcharge under ſuch former Act fraudulently, or ſhall have taken an Oath under ſuch Act, any Part of which was not true, ſhall have or receive any Benefit or Diſcharge by or under this Act; but the Juſtices at any General or other Seſſion of the Peace, or any Adjournment thereof, before whom any ſuch Priſoner ſhall be brought, upon due Proof of the Matter made to their Satisfaction, ſhall remand ſuch Priſoner to the Cuſtody of the Gaoler or Keeper of the Priſon, from which he or ſhe ſhall have been brought, any Thing herein contained to the contrary notwithſtanding: Provided alſo, that no Perſon charged in Execution for Damages recovered in any Action for Criminal Converſation with the Wife of the Plaintiff in ſuch Action, or in any Action for ſeducing or carnally knowing the Daughter or female Servant of the Plaintiff, or in any Action for a malicious Proſecution, or in any Action for any other malicious Injury, ſhall have any Benefit under this Act, except only in Caſes where the Plaintiff in ſuch Actions reſpectively ſhall be dead, and no Perſon ſhall have obtained Probate of the Will or Letters of Adminiſtration of the Effects of ſuch Plaintiff within Twelve Months after the Deceaſe of ſuch Plaintiff.

Nor to 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.

XXIX. And whereas many Debtors for Rents of Land, Meſſuages, Houſes and other Premiſes have, with fraudulent Intent to diſappoint the Right of their reſpective Landlords, removed the Stock, Cattle, Furniture, Goods or other Effects which were ſubject and liable to be diſtrained for the Satisfaction of the ſaid Rents; be it therefore enacted, That no Priſoner or Priſoners who, in a ſecret, clandeſtine, or fraudulent Manner, ſhall have removed or cauſed to be removed within Six Years any ſuch Stock, Cattle, Furniture, Goods, or Effects of the Value of Twenty Pounds or upwards, which were ſubject or liable to be diſtrained by their reſpective Landlord or Landlords, for or in Payment of ſuch Rent or Rents, whereby ſuch Landlord or Landlords ſhall have loſt all or ſome Part of the Rent or Rents due to him, her, or them as aforeſaid, ſhall be diſcharged by or under this Act, but ſhall, on due Proof of the Matter as aforeſaid, be remanded

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

manded in Manner herein-before mentioned, any Thing herein-before contained to the contrary notwithſtanding; provided ſuch Proof ſhall be thereof made as is herein-before required upon Objections or Exceptions to be made under this preſent Act.

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

Nor to Perſons ſelling or aſſigning Effects to defraud Creditors.

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

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

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

Priſoners in Cuſtody for Priſon Fees to be diſcharged.

XXXIII. And be it further enacted, That all Perſons committed by any Courts of Law or Equity for Contempt in not paying Money ordered or awarded to be paid, or for not paying of Coſts duly and regularly ordered to be taxed and allowed by the proper Officer after proper Demand made for that Purpoſe, or upon any Writ of *Excommunicato Capiendo*, or other Proceſs for or grounded on the Non-payment of Money, Coſts, or Expences in any Cauſe or Proceedings in any Eccleſiaſtical Court, or for Contempt of ſuch Court relating thereto, and who were in Cuſtody on the Fifth Day

Priſoners in Cuſtody for Contempt of Court, &c. to be diſcharged.

of *June* One thouſand eight hundred and twelve, and have ever ſince continued, and now are in Cuſtody for the ſame, ſhall be entitled to all the Benefits and Proviſions of this Act, ſubject to the ſame Terms, Conditions, and Reſtrictions, as are herein expreſſed and declared with reſpect to Priſoners for Debt only.

Act not to extend to Debtors of the Crown or Offenders.

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

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

XXXV. 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, having been before one Seſſion and refuſed a Diſcharge, to haraſs their Creditors, conſtantly gave freſh Notices for each ſubſequent Seſſion and Adjournment of their intended Application to be diſcharged; to remedy which, be it further enacted by the Authority aforeſaid, That in all Caſes whatever the Determination of the Juſtices in Seſſion or Adjournment ſhall be final to all Intents and Purpoſes, unleſs otherwiſe ordered and commanded by His Majeſty's Court of King's Bench in *Ireland*, by His Majeſty's Writ of Mandamus to be iſſued forth of the ſaid Court, unleſs the Debtor ſhall, during the Continuance of this Act, get rid of the Objection or Objections for which they refuſed his Diſcharge; and that the ſame may be clear and certain, the Juſtices are hereby required to ſtate the Objections why ſuch Debtor's Diſcharge is refuſed by them; and in all Caſes whatever it ſhall and may be lawful to and for the Juſtices at ſome one ſubſequent Seſſion or Adjourned Seſſion, within the Space of Twelve Calendar Months after he ſhall have been ſo remanded, upon Application from ſuch Debtor, and due Proof on Oath made to them by Two or more credible Witneſſes (which Oath they are hereby empowered to adminiſter) of ſuch Objection or Objections being removed, and on Proof of Notice ſerved at leaſt Twenty Days previous to ſuch Application on the Creditor or Creditors who before oppoſed his Diſcharge, and of Notice likewiſe inſerted in the *Dublin Gazette* in Manner before directed by this Act, to order ſuch Debtor to be once more, but only one Time more, brought before them, and if no other Objection or Objections ſhall then be made to the Diſcharge of ſuch Debtor by any Creditor or Creditors, or being made, the ſame ſhall be over-ruled by the Juſtices then preſent, and they ſhall then be of Opinion the ſaid Debtor is entitled to the Benefit of this Act, to adjudge him or her to be entitled to the Benefit of this Act, and 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.

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

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

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

them relating to the Diſcovery of his, her, or their Eſtate or Effects ſo veſted or intended to be veſted in ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace of ſuch Aſſignee as aforeſaid, then it ſhall and may be lawful to and for ſuch Juſtices, by Warrant under their Hands and Seals, to apprehend ſuch Debtor or Debtors ſo offending as aforeſaid, and him, her, or them to commit to the Common Gaol, there to remain without Bail or Mainprize until ſuch Time as he, ſhe, or they ſhall ſubmit him, her, or themſelves to ſuch Juſtices, and anſwer upon Oath to all ſuch lawful Queſtions as ſhall by ſuch Juſtices be put to him, her, or them, for the Purpoſes aforeſaid.

Fraudulent Diſcharges void.

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

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

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

If Aſſignees die, others may be choſen.

XL. And whereas Proviſion ought to be made as to what ſhould become of the Eſtate and Effects of any Debtor or Debtors not got in, obtained or recovered by any Aſſignee or Aſſignees choſe purſuant to the Direction of the ſeveral Acts, at the Time of his or their Death or Deaths, and whoſe Heir or Heirs, Executors, Adminiſtrators and Aſſigns refuſe to act or meddle therein; to remedy which, be it enacted, That in all ſuch Caſes it ſhall and may be lawful to and for the Creditors of every ſuch Debtor or Debtors

to chuſe a new Aſſignee or Aſſignees in Manner and Form as herein-before is directed, and to obtain a new Aſſignment from the Clerk of the Peace or his Deputy, Town Clerk or other Officer acting as a Clerk of the Peace purſuant to the Order of the Juſtices, and which ſaid Order the ſaid Juſtices are hereby required and empowered to direct (on due Proof on Oath being made to them of the Death of ſuch former Aſſignee or Aſſignees, and Refuſal of his or their Heirs, Executors, Adminiſtrators or Aſſigns to act or meddle therein), and the ſaid Clerk of the Peace or his Deputy, Town Clerk or other Officer acting as Clerk of the Peace, is hereby empowered to obey the ſame, and execute ſuch Aſſignment accordingly, in Manner and Form, as if no former Aſſignment had ever been made, the ſaid Aſſignee or Aſſignees, Clerk of the Peace or his Deputy, Town Clerk, or other Officer acting as Clerk of the Peace, hereby conforming to all Orders and Directions made by this Act relative to them or any of them, and to be liable to all ſuch Pains and Penalties as are inflicted on them or any of them by this Act for Diſobedience in any Part thereof or Neglect of Duty whatever; and in caſe any ſuch Aſſignee or Aſſignees ſhall die, and his Heirs, Executors, Adminiſtrators, or Aſſigns ſhall refuſe to act, that then and in ſuch Caſe it ſhall be lawful for ſuch Juſtices of the Peace to appoint a new Aſſignee or Aſſignees, with like Powers and Authorities as are given by this Act; and the ſaid Juſtices ſhall have Power in a ſummary Way to oblige their Heirs, Executors, Adminiſtrators, and Aſſigns of ſuch Aſſignee or Aſſignees to account and deliver up all ſuch Eſtate and Effects as ſhall remain in his or their Hands, to be applied for the Purpoſes of this Act.

Courts on Complaint may remove Aſſignees.

XLI. And, to the Intent and Purpoſe that the Eſtate and Effects of ſuch Debtor or Debtors as ſhall be diſcharged by virtue of this Act may be duly and faithfully applied for the Benefit of his, her, or their real Creditors, be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the reſpective Courts at *Dublin*, and the Courts of limited Juriſdiction in that Part of the United Kingdom called *Ireland*, from whence any Proceſs iſſued upon which any ſuch Debtor or Debtors was or were committed, or where the Proceſs iſſued out of any other Court, to and for the Judges of the Court of King's Bench, Common Pleas, and Exchequer in *Ireland*, or any One of them, from Time to Time, upon the Petition of any ſuch Debtor, or the Creditor or Creditors of ſuch Debtor, complaining of any Inſufficiency, Fraud, Miſmanagement, or other Miſbehaviour of any Aſſignee or Aſſignees of the Eſtate or Effects of any ſuch Debtor or Debtors, to ſummon all Parties concerned, and upon hearing the Parties concerned therein to make and give ſuch Orders and Directions therein, either for the Removal or diſplacing ſuch Aſſignee or Aſſignees, and appointing any new Aſſignee or Aſſignees in the Place or Stead of ſuch Aſſignee or Aſſignees ſo to be removed or diſplaced, and for the prudent, juſt, and equitable Management or Diſtribution of the Eſtate and Effects of any ſuch Debtor for the Benefit of the reſpective Creditors, as the ſaid Courts or Judges reſpectively ſhall think fit; and in caſe of the Removal or diſplacing of any Aſſignee or Aſſignees, and the appointing of any new Aſſignee or Aſſignees, the Eſtate or Effects of ſuch Debtor or Debtors ſhall from thenceforth be diveſted out of the Aſſignee or Aſſignees ſo removed or diſplaced, and be veſted in and delivered over to ſuch new Aſſignee or Aſſignees, in the ſame Manner and for the ſame Intents and Purpoſes as the ſame were before veſted in the Aſſignee or Aſſignees firſt choſen as aforeſaid,

aforeſaid, any Thing in this Act contained to the contrary notwithſtanding.

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

XLII. Provided always, and be it further enacted, That in all Caſes where mutual Credit hath been given between any Debtor who ſhall be diſcharged in purſuance of this Act, and any other Perſon or Perſons, or Bodies Corporate or Politic, before the Delivery of ſuch Schedule or Inventory of the Eſtate and Effects of ſuch Debtor or Debtors, upon Oath as aforeſaid, the reſpective Aſſignee or Aſſignees of ſuch Debtor or Debtors is and are hereby authorized and required, on his and their Parts, to ſtate and allow an Account between them and the other Party or Parties concerned, and nothing more ſhall be deemed to be veſted in ſuch Clerk of the Peace, or Town Clerk, or other Officer acting as Clerk of the Peace, or ſuch Aſſignee or Aſſignees as aforeſaid, as the Eſtate or Effects of ſuch Debtor or Debtors, than what ſhall appear to be juſtly due to him, her, or them reſpectively, as and for the Balance of ſuch Account when truly ſtated.

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

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

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

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

No Perſons having taken the Benefit of an Inſolvent Act within Five Years to be entitled to Relief under this Act.

XLV. 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.

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

XLVI. 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.

XLVII. And

XLVII. 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: Provided always, that in the Notices to be given by ſuch Bankrupt and the Oath to be taken by him or her according to the Proviſions of this Act, ſuch Bankrupt ſhall be deſcribed as a Perſon againſt whom a Commiſſion of Bankrupt has iſſued and is ſtill in force, and who has not obtained a Certificate of his or her Conformity to the Statutes concerning Bankrupts duly allowed; and ſuch Bankrupt, inſtead of ſwearing to the Truth of a Schedule of his or her Eſtate or Effects, ſhall ſwear that he or ſhe has made a full Diſcloſure of his or her Effects under the ſaid Commiſſion, and that he or ſhe has no Eſtate or Effects which can be veſted in an Aſſignee under this Act, all the Eſtate and Effects of ſuch Bankrupt being veſted in the Aſſignee or Aſſignees under ſuch Commiſſion, by virtue of ſuch Commiſſion, and the Aſſignment made in purſuance thereof: Provided always, that in caſe ſuch Commiſſion ſhall at any Time thereafter be ſuperſeded, then and in ſuch Caſe the Diſcharge, which ſhall be obtained by virtue of this Act, ſhall be null and void.

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

Notices of ſuch Bankrupt, how to be regulated.

When Commiſſion is ſuperſeded, Diſcharge to be void.

XLVIII. And be it further enacted, That it ſhall and may be lawful for the Lord Chief Juſtice of the Court of King's Bench, the Lord Chief Juſtice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer reſpectively, to nominate and appoint a Barriſter, and each of them is hereby required ſo to do, for the Purpoſe of taking into Conſideration Applications in Caſes of Impriſonment where the Debt ſhall amount to a Sum exceeding Two thouſand Pounds, and of granting Relief in the ſame, according to the Proviſions of this Act, under the Authority of Rules to be made by the ſaid Superior Courts, where it ſhall appear to them to be juſt and fitting.

Lord Chief Juſtice of King's Bench, &c. to appoint a Barriſter to conſider Caſes of Impriſonment where the Debt exceeds 2000l.

XLIX. And be it further enacted, That the Juſtices at any General Quarter Seſſion or General Seſſion of the Peace or any Adjourned Seſſion of the Peace

At the Requeſt of Creditors Gaolers

 are may be exa-

mined on Oath at the Seſſions, touching Commitments.

are hereby authorized, at the Requeſt of any Creditor 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 Deputy Keeper or Gaoler of any Priſon or Gaol within their reſpective Juriſdictions on the Fifth Day of *June* One thouſand eight hundred and twelve, or at any other Time, and examine every ſuch Keeper or Gaoler or Deputy Keeper or Gaoler on Oath, touching the Commitment and Continuance in Cuſtody of any ſuch Priſoner, as the Juſtices at any ſuch Seſſion or Adjourned Seſſion ſhall think fit; and if any ſuch Keeper or Gaoler, Deputy Keeper or Gaoler, ſhall refuſe or neglect to attend or being convened as aforeſaid, or attending ſhall refuſe to make Anſwer and Diſcovery on the Premiſes as ſhall be reaſonably required, at ſuch Seſſion or Adjourned Seſſion, he or they ſo offending in the Premiſes, ſhall for every ſuch Offence forfeit and 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 at *Dublin* by Action of Debt.

Penalty on diſobeying Orders of Juſtices.

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

L. And be it further enacted, That if any Keeper or Gaoler of any Priſon, or his or their Deputy or Deputies, ſhall without juſt Cauſe, to be approved by the Juſtices at ſome General Quarter Seſſion or General Seſſion of the Peace or ſome 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 of the Peace, or Adjourned Seſſion of the Peace, as ſhall be directed and required by Warrant of any Juſtice or Juſtices as aforeſaid, or ſhall neglect or refuſe, or deſignedly omit to inſert in any ſuch Liſt as aforeſaid 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 Fifth Day of *June* One thouſand eight hundred and twelve, or ſhall neglect or refuſe to make out, fix up, or deliver ſuch Liſts as aforeſaid; or to take any of the Oaths before mentioned and by this Act required to be taken by him; or to conform to the Directions hereby given him in reſpect to the Schedules intended to be delivered in by any ſuch Priſoner or Priſoners; or ſhall detain any ſuch Priſoner after he or ſhe ſhall be diſcharged as aforeſaid; or if the Printer of the *Dublin Gazette* or other Newſpaper as aforeſaid ſhall wilfully refuſe or neglect to inſert therein the Notice by this Act directed to be given, on reaſonable Requeſt made to him for that Purpoſe, every ſuch Keeper or Gaoler, and his or their Deputy or Deputies, and every ſuch Printer as aforeſaid for every ſuch Offence 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 His Majeſty's Courts of Record in *Dublin*, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed.

Puniſhing Gaolers for Perjury.

LI. And be it further enacted, That if any Keeper or Gaoler, or Deputy Keeper or Gaoler, of any Priſon ſhall, in taking any of the Oaths afore-mentioned, forſwear and perjure himſelf, and ſhall be thereof lawfully convicted, ſuch Keeper or Gaoler, Deputy Keeper or Gaoler, 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 of Suit, by Bill, Plaint, or Information, or Action of Debt, in any of His Majeſty's Courts of Record in *Dublin*,

Dublin, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed, by and in the Name of any Creditor or Creditors of any ſuch Priſoner or Priſoners who ſhall ſue for the ſame, and the ſame when recovered ſhall be applied One Moiety to ſuch Creditor or Creditors ſuing for the ſame, and the other Moiety towards Satisfaction of the Debts of ſuch Priſoner or Priſoners.

Penalty on Gaoler for making falſe Entries.

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

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

LIII. And be it further enacted, That every Gaoler or Keeper or Deputy Gaoler or Keeper of any Priſon ſhall and he is hereby required to ſuffer any Perſon or Perſons deſiring the ſame, to ſee and ſpeak with, in the Day-time, between the Hours of Nine of the Clock in the Forenoon, and Six of the Clock in the Afternoon, in ſome convenient Room or Place in the ſaid Priſon, any Priſoner or Priſoners whoſe Names are inſerted in the before mentioned Liſt or Liſts, or the *Dublin Gazette*, or other Newſpapers, in Manner aforeſaid, and alſo to ſee in the true and genuine Book or Books of the ſaid Priſon the Entry and Entries made of the Name and Names of ſuch Priſoner or Priſoners, together with the Names or Name of the Perſon or Perſons at whoſe Suit he, ſhe, or they are detained; and if any ſuch Gaoler or Keeper, Deputy Gaoler or Keeper, ſhall refuſe or neglect ſo to do every ſuch Gaoler or Keeper, Deputy Gaoler or Keeper ſo offending, 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 His Majeſty's Courts of Record in *Dublin*, wherein no Eſſoign, Protection, Wager of Law, or more than One Imparlance ſhall be allowed, by and in the Name or Names of the Perſon or Perſons ſo refuſed and aggrieved.

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

LIV. 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 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 being paid for the ſame the

Sum of Two Shillings and Sixpence, or shall demand or take more for the same than the Sum of Two Shillings and Sixpence, or shall take more than Five Shillings for an Assignment or Conveyance of any 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 be convicted thereof at any such General Quarter Session or General Session of the Peace, or Adjourned Session of the Peace, shall for every such Offence forfeit and pay to every such Prisoner the Sum of Twenty Pounds, and the Justices at such Session or Adjourned Session are hereby authorized and empowered to order and 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.

Debtor falsely swearing shall suffer as for wilful Perjury.

LV. And be it further enacted, That if any Prisoner who shall come or be brought up at any General Quarter Session or General Session of the Peace, or Adjourned Session of the Peace, under the Provisions of this Act, shall wilfully forswear or perjure himself or herself in any Oath to be taken under this Act, and shall be lawfully convicted thereof, he or she so offending shall suffer such Punishment as by Law may be inflicted on Persons convicted of wilful and corrupt Perjury, and moreover shall not be entitled to any Benefit, Privilege, or Advantage under this Act; any Thing in the same to the contrary in anywise notwithstanding.

Affirmation of Quakers to be taken.

LVI. And be it further enacted, That in all Cases wherein by this Act an Oath is required to be taken, the solemn Affirmation of any Person being a Quaker shall and may be taken and accepted in lieu thereof; and that every Person who shall, in making such solemn Affirmation, knowingly and wilfully affirm what is false and untrue, and shall be thereof convicted, shall incur and be liable to such and the same Punishment, Penalties, and Disabilities as Persons convicted of wilful and corrupt Perjury by Law are liable to and incur, and shall further and moreover incur and suffer such and the same Penalties as are inflicted and imposed by this Act upon Persons convicted of wilful and corrupt Perjury in like Cases.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1812.