

ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

***

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 or General 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 Fifth Day of *June* One thouſand eight hundred and twelve 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 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 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 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 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, before Deli-

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

General Seſſion of the Peace ſhall be held after the paſſing of this Act, for the County, City, Town, Place, or Liberty in which any Priſon or Gaol ſhall be, or to which the ſame ſhall belong, to fix up in ſome conſpicuous Place or Places in every ſuch Priſon or Gaol, and at the moſt frequented or uſual Gate, Door, or Entrance into every ſuch Priſon or Gaol, 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 Seſſion or General Seſſion, or at ſome Adjournment thereof. very to the Seſſions.

IV. And be it further enacted, That all and every Perſon and Perſons who on the ſaid 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 herein-after provided, and no otherwiſe. Priſoners for Debt not exceeding 2,000l. to be diſcharged.

V. 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 in the ſaid Superior Courts, or by a Judge's Order at Chambers, 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 2,000l.

VI. 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 Fifth Day of *June* One thouſand eight hundred and twelve 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 or Gaols of the United Kingdom of *Great Britain* 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 Fifth Day of *June* One thouſand eight hundred and twelve was or were charged in Execution with any Debt or Debts to any Amount, and who ſhall have been confined in any Gaol or Gaols of the United Kingdom of *Great Britain* 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.

VII. And

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

VII. 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 at the Firſt or Second General Quarter Seſſion or General Seſſion of the Peace, or ſome Adjournment thereof next enſuing after every ſuch Petition, (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 Fifth Day of *June* One thouſand eight hundred and twelve), 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.

VIII. 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 tranſmitted to Clerk of the Peace.

IX. 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

X. 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

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 been moved by Habeas Corpus from any ſuch Gaol out of *London*, or the Weekly Bills of Mortality, 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 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.

Diſcharge, to give Notice in the Gazette, &c.

XI. 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 Acknowledgment of his having received the Original; and he is hereby further required to deliver a true Copy of any ſuch

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

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.

XII. 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 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 [*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-ſecond 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.

XIII. And be it further enacted, That every ſuch Debtor as aforeſaid, not being charged as aforeſaid, on the ſaid 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 Quarter Seſſion, or General Seſſion of the Peace, 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 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 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 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 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, 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 unto, 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.

Oath.

'So help me GOD.'

And

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 Creditors, may examine Gaolers on Oath.

XIV. 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.

XV. 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 Quarter Seſſion or General 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

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 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 or their Hand or 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 any One or more of His Majeſty's Juſtice or Juſtices of the Peace, 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,

Aſſignees to get in Debtors Effects;

and to make Dividends.

Notice of making Dividends to be given.

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 Quarter Seſſion or General Seſſion of the Peace, or at ſome Adjournment thereof.

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

XVI. 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.

XVII. 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.

XVIII. 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.

XIX. 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, General Seſſion of the Peace, or Adjournment thereof, that he or ſhe became poſſeſſed of the ſame *bona fide*, and for good or valuable Conſideration.

XX. Provided

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

XX. 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.

XXI. 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.

XXII. 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.

XXIII. 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

Assignee or Assignees of the Real and Personal Estate of such Prisoner by virtue of this Act, to be by such Assignee or Assignees executed for the Benefit of all and every the Creditors of such Prisoners as aforesaid.

Gaoler, on Request of Creditor, to be sworn.

XXIV. And be it further enacted, That the Justices at any General Quarter Session or General Session of the Peace, 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 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, to the best of my Knowledge and Belief. So help me GOD.'

If the Person delivering in List was not Gaoler on June 5, 1812, 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 Fifth Day of *June* One thousand eight hundred and twelve, 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 Quarter Session, or General Session of the Peace, 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, 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 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 or Belief. So help me GOD.'

Debtors discharged not liable to be

XXV. 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 Judg-

ment 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 Fifth Day of *June* One thouſand eight hundred and twelve, 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 aforeſaid, to releaſe and diſcharge out of Cuſtody ſuch Priſoners as aforeſaid, and at the ſame Time to order the Plaintiff or Plaintiffs in ſuch Suit or Suits to pay ſuch Priſoner or Priſoners the Coſts which he, ſhe, or they ſhall have incurred on ſuch Occaſion, or ſo much thereof as to ſuch Judge or Juſtices ſhall ſeem juſt and reaſonable; and every ſuch Judge is hereby empowered ſo to do on ſuch Priſoner's cauſing a common Appearance to be entered for him on every ſuch Action or Suit.

Priſoners impriſoned for Debts prior to June 5, 1812.

XXVI. 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 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 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, which ſhall appear to the Juſtices to have been incurred ſubſequent to the ſaid Fifth Day of *June* One thouſand eight hundred and twelve, 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 June 5, 1812.

XXVII. 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 to any Action of Eſcape, &c.

XXVIII. 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

Act may be pleaded generally by Priſoners.

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 said 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 (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 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 may be) was contracted or due before the said 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, and 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.

XXIX. And be it further enacted by the Authority aforesaid, That in case any Person being a Prisoner charged in Execution on the said Fifth Day of *June* One thousand eight hundred and twelve, 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 Fifth Day of *June* One thousand eight hundred and twelve, 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 otherwise have obtained by virtue of this Act; any Thing herein contained to the contrary notwithstanding.

Act not to extend to Attornies or Servants embezzling

XXX. 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

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.

Money, except where they have been confined 10 Years:

XXXI. 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.

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

XXXII. 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 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

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:

of the Effects of such Plaintiff within Twelve Months after his Decease; except where such Person shall have been confined in Prison for the Space of Ten Years last past.

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

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

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

XXXIV. 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 Two Years:

XXXV. 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 Fifth Day of *June* One thousand eight hundred and twelve, 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 Two Years last past.

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

XXXVI. 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.

No Warrant issued for Prisoners Discharge but from the Session House in Horsemonger Lane.

XXXVII. Provided always, and be it hereby further enacted, That it shall not be lawful for any Justice or Justices of the Peace for the 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 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* in the said County.

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

XXXVIII. 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.

XXXIX. And whereas the District or Division of *Holland*, in the said County of *Lincoln*, is distant near Forty Miles from the said County Gaol, and it is highly inconvenient and expensive for the Justices of the Peace acting for the said Division to be obliged to travel to the said Gaol, for the sole Purpose of discharging the Prisoners under the Powers by this Act given; be it therefore enacted, That, for the several Purposes aforesaid, the Justices

for the said Division or District of *Holland* may adjourn their original Sessions to the County Gaol, or to some Place near thereunto; and it shall and may be lawful for any Two Justices of the Peace acting either for the Parts of *Lindsey*, *Kesteven*, or *Holland*, to hold such Adjourned Session for the sole Purpose of discharging such Prisoners, Notice of the Adjournment of such original Sessions being given by the Clerk of Sessions to such Justices, and who shall attend there to register the Proceedings of the said Court, so far as the same relate to or affect the Discharge of any Prisoner detained for Debt in the Division of *Holland*, and claiming the Benefit of this Act.

Prisoners in Custody for Prison Fees, to be discharged.

XL. And be it further enacted, That all Debtors and others, who were in Prison on or before the said Fifth Day of *June* One thousand eight hundred and twelve, in any such Gaols 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 Contempt of Court &c. to be discharged.

XLI. 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 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 against the Revenue, unless the Treasury consent.

XLII. 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

XLIII. And whereas under former Acts Creditors have been put to great Expence and Trouble in attending every Session and Adjournment, during the 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

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 or adjourned Seſſion within the Space of Twelve Calendar Months after he ſhall have been ſo remanded, upon Application of ſuch Debtor, 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 Debtor to be once more, but only one Time more, brought before them; and if and 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 that the ſaid Debtor is entitled to the Benefit of this Act, to adjudge him or her to be entitled thereto, 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. the Objections to his Diſcharge.

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

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

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 Debtors appearing, ſhall examine him, her, or them, as well upon Oath or otherwiſe, as to ſuch Matters and Things as ſuch Aſſignee ſhall deſire, relating to the Eſtate and Effects of ſuch Debtor or Debtors; and if any Debtor or Debtors, on Payment or Tender of Payment of ſuch reaſonable Charges as ſuch Juſtices ſhall judge ſufficient, ſhall neglect or refuſe to come or appear, not having a lawful Excuſe, allowed by ſuch Juſtices, or being come before them ſhall refuſe to be ſworn or to anſwer ſuch Queſtions as by ſuch Juſtices ſhall be put to him, her, or them relating to the Diſcovery of his, her, or their Eſtate or Effects ſo veſted or intended to be veſted in ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, of ſuch Aſſignees as aforeſaid, then it ſhall and may be lawful to and for ſuch Juſtices by Warrant under their Hands and Seals to apprehend ſuch Debtor or Debtors ſo offending as aforeſaid, and him, her, or them to commit to the Common Gaol, there to remain without Bail or Mainprize until ſuch Time as he, ſhe, or they ſhall ſubmit him, her, or themſelves to ſuch Juſtices, and anſwer upon Oath to all ſuch lawful Queſtions as ſhall by ſuch Juſtices be put to him, her, or them, for the Purpoſes aforeſaid.

Fraudulent Diſcharges void.

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

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

XLVII. 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.

XLVIII. 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, 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 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.

XLIX. 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 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.

L. 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 and 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.

LI. 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 General Quarter Session, or General Session of the Peace, 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.

Justices may amend Notices and Schedules in Matters of Form.

LII. 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 General Quarter Session, or General Session of the Peace, 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,

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.

LIII. 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.

LIV. 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.

LV. Provided always, and be it further enacted, That no Person who shall have within the Space of Five Years previous to the passing of this Act taken the Benefit of any Act heretofore passed for the Relief of Insolvent Debtors, 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.

LVI. 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

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.

Notices of ſuch Bankrupt, how to be regulated.

LVII. 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.

When Commiſſion is ſuperſeded, Diſcharge to be void.

LVIII. 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.

Act to extend to Fort William, Fort St. George, Bombay, and Prince of Wales's Iſland in the Eaſt Indies.

LIX. And whereas it is expedient that the Relief granted by this Act ſhould be extended to the ſeveral Preſidencies or Settlements of *Fort William*, *Fort Saint George*, *Bombay*, and *Prince of Wales's Iſland*, in the *Eaſt Indies*; be it therefore enacted, That the ſame ſhall be extended thereto, and that the Court of Directors of the *Eaſt India* Company ſhall, and they are hereby required to tranſmit this Act to their ſeveral Governments in the ſaid Preſidencies or Settlements, by the firſt Ships of the ſaid Company which ſhall ſail for India after the paſſing of this Act; and that the ſaid Governments ſhall immediately on the Receipt thereof communicate the ſame reſpectively to the Supreme Courts of Judicature at *Fort William* and *Fort Saint George*, to the Recorder's Court at *Bombay*, and to the Court of Judicature at *Prince of Wales's Iſland*, which ſaid Courts ſhall, upon ſuch Communication, with the leaſt poſſible Delay, iſſue their Precepts to the ſeveral Gaolers and Keepers of Priſons within the local Limits of and ſubject to their reſpective Juriſdictions, requiring them to make out and deliver into the ſaid Courts, within a Time to be limited in the ſaid Precepts, ſuch Liſts as are herein directed to be made out by Gaolers and Keepers of Priſons of all Perſons who, on the Day Five Months preceding the Date of ſuch Precepts, ſhall have been, and ſhall at the Time of iſſuing

such Precepts continue to be, in their Custody on any such Process as is herein-before mentioned, issuing out of any Court erected by or under the Authority of any Act of Parliament, or any Charter of His Majesty within the said Presidencies or Settlements; and all such Gaolers and Keepers of Prisons shall make out and deliver such Lists accordingly, and shall take and subscribe such Oaths as are herein required upon the Delivery thereof, and shall fix up Copies of the said Lists in the said Prisons and Gaols, in Manner herein directed, with Translations thereof into the Language and Character commonly in Use among the Natives of *India* in the said Presidencies or Settlements respectively.

Courts at Fort William, &c. to make Rules for carrying the Act into Effect where those specially provided by the Act are inapplicable.

LX. And, in order to obviate all Difficulties in the Execution of this Act within the said Presidencies or Settlements, for Want of the Courts, Magistrates, Public Officers, or other local Means herein specially appointed to carry the same into Effect; be it further enacted, That all the Powers hereby vested in any Courts or Justices shall be vested in like Manner, and to the same Purpose and Extent, in the said Supreme Courts of Judicature, and in the Judges thereof at *Fort William* and *Fort Saint George* respectively, and in the said Recorder's Court, and the Judges thereof at *Bombay*, and in the said Court of Judicature, and the Judges thereof at *Prince of Wales's Island*; and that the said Courts shall respectively, in and for their several Jurisdictions, have Power, and they are hereby required with the least possible Delay, to frame and publish a Rule or Rules of Court, appointing by or through what Officers, belonging or subordinate to the said Courts; and also at what Times and in what Form the several Acts and Matters herein directed to be done in order to the Execution of this Act shall be carried into Effect; and also in what Manner and at what Times the several Notices herein required shall be given; and also to make all other necessary Provisions for carrying this Act into Effect, where the Provisions herein particularly contained shall be found utterly inapplicable within the said Presidencies or Settlements.

Persons appointed by such Rules to assist in Execution of this Act, as if named therein.

LXI. And be it further enacted, That from the Time of publishing such Rule or Rules by the said Courts respectively, all the Provisions and Penalties herein contained for enforcing the Performance of any Duty under this Act, or for punishing the Neglect or Refusal to perform the same by any public Officer or other Person, shall be deemed to be applicable to all such public Officers or other Persons in any Manner subject to the Jurisdiction of the said Courts respectively as may be appointed to perform the said Duties by such Rule or Rules, in like Manner as if such public Officers and Persons had been specially appointed thereto by this Act.

Not to extend to alter the Nature of the Relief.

LXII. Provided always, That nothing herein contained shall be construed to authorize the said Courts to narrow or to extend, or in any Manner to alter the Nature of the Relief hereby intended to be given; and that all such Rules as aforesaid shall be made as nearly conformable to the Provisions of this Act as the Circumstances of the Case will admit.

Rates for converting Sums mentioned in the Act into Indian Currency.

LXIII. And be it further enacted, That in all Cases where Amounts of Money are mentioned in this Act, the Equivalents of the Pound Sterling within the said Settlements shall, for all Purposes of this Act, be deemed to be as follows; that is to say, at *Fort William* in *Bengal* Eight Sicca Rupees, at *Fort Saint George* Two Pagodas and a Half, at *Bombay* Eight *Bombay* Rupees, and at *Prince of Wales's Island* Four Dollars; and that the

the ſame Rate ſhall be uſed for the Purpoſes aforeſaid in eſtimating the Equivalent of every Fractional Part of a Pound Sterling.

Act not to extend in India to Debtors of the Company, unleſs the Local Governments conſent.

LXIV. Provided always, and it is hereby further enacted, That this Act ſhall not extend or be conſtrued to extend within the ſaid Settlements to diſcharge any Priſoner ſeeking the Benefit of this Act there, with reſpect to any Debt or Penalty with which he or ſhe ſhall ſtand charged at the Suit of the United Company of Merchants of *England* trading to the *Eaſt Indies*, or in which it ſhall appear or be ſhewn, to the Satisfaction of the Court in which ſuch Benefit is ſought, that the ſaid United Company are the real Plaintiffs or Parties intereſted, unleſs the Governor General in Council at *Fort William*, or the Governor in Council at *Fort Saint George*, *Bombay* and *Prince of Wales's Iſland*, reſpectively, ſhall certify their Conſent under their Hands to the ſaid Court for the Diſcharge of ſuch Priſoner as aforeſaid.

Juſtices may at the Requeſt of Creditor convene before them Gaolers, and examine them touching Commitments.

LXV. 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, 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 or Deputy Keeper or Gaoler ſhall refuſe or neglect to attend on being convened as aforeſaid, or attending ſhall refuſe to make Anſwer and Diſcovery in 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 *Weſtminſter* by Action of Debt.

Penalty on Gaolers refuſing to attend, &c.

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

LXVI. 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 of the Schedules intended to be delivered in by any ſuch Priſoner or Priſoners, or ſhall detain any ſuch Priſoners 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 Notices 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 at *Westminster*, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Punishing Gaolers for Perjury.

LXVII. 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 Four 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 at *Westminster*, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed, by or 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 making false Entries in the Prison Books.

LXVIII. 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 for 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 *Westminster*, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

Persons permitted to speak to Prisoners in a convenient Room, whose Names are inserted in the Lists, &c.

LXIX. 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 *London 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;

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 at *Westminster*, wherein no Essoign, Protection, Wager of Law, or more than one Imparlance shall be allowed, by and in the Name or Names of the Person or Persons so refused and aggrieved.

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

LXX. 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.

Debtors falsely swearing shall suffer as for wilful Perjury.

LXXI. 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.

False Affirmation punished in like Manner.

LXXII. 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 such and the same Penalties as are inflicted and imposed by this Act upon Persons convicted of wilful and corrupt Perjury in like Cases.

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