ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

CAP. XXXIV.

An Act for altering and amending an Act made in the Thirty-second Year of the Reign of His late Majesty King *George* the Second, for the Relief of Debtors, with respect to the Imprisonment of their Persons, and of an Act made in the Thirty-ninth Year of His present Majesty, for making perpetual an Act made in the Thirty-third Year of His present Majesty, for the further Relief of Debtors; and for other Purposes in the said Act expressed.

[20th *April* 1812.]

WHEREAS an Act was passed in the Thirty-ninth Year of the Reign of His present Majesty, intituled *An Act for making perpetual an Act made in the Thirty-third Year of the Reign of His present Majesty, intituled,* '*An Act for the further Relief of Debtors with respect to the Imprisonment of their Persons; and to oblige Debtors who shall continue in Execution in Prison beyond a certain Time, and for Sums not exceeding what are mentioned in the Act, to make Discovery of and deliver upon Oath their Estates, for their Creditors Benefit:*' And whereas in the said Act made in the Thirty-third Year of the Reign of His present Majesty, the Benefits of an Act passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the Relief of Debtors with respect to the Imprisonment of their Persons, and to oblige Debtors who shall continue in Execution in Prison beyond a certain Time,* 39 G. 3. c. 50. 32 G. 2. c. 28.

and for Sums not exceeding what are mentioned in the Act, to make Diſcovery of and deliver upon Oath their Eſtates for their Creditors Benefit, were extended to divers Perſons not mentioned in the ſaid Act made in the Thirty-ſecond Year of His late Majeſty King *George* the Second: And whereas the Proviſions of the ſaid Acts made in the Thirty-ſecond Year of His late Majeſty and in the Thirty-third Year of the Reign of His preſent Majeſty reſpectively require that Debtors and others confined in any County or other Gaol above the Space of Twenty Miles from *Weſtminſter Hall*, or the Court or Courts under the Proceſs whereof any ſuch Debtors or others are confined, deſirous to avail themſelves of the Benefits of the Proviſions of the ſaid Act, ſhould apply by Petition to ſuch Court or Courts, and authorize ſuch Court or Courts, on being ſatisfied as therein mentioned, to order or cauſe ſuch Debtors or others ſo petitioning to be brought to the Aſſizes which ſhall be holden for the County or Place where he, ſhe, or they ſhall be impriſoned, and further require that the Matter of the ſaid Petition ſhould at the Time of the Aſſizes held for the County or Place where he, ſhe, or they ſhall be impriſoned, be heard by the Judge of Aſſize on the Crown Side: And whereas there are many Gaols ſituate within local or particular Juriſdictions, for which no Aſſizes are ever or ſeldom if ever held, or at which Aſſizes there may be no Judge of Aſſize on the Crown Side, and other Gaols at conſiderable Diſtances from any Place where Aſſizes are uſually held, by reaſon whereof ſuch Debtors and others as are confined therein and would be entitled to the Benefits of the ſaid Acts cannot avail themſelves thereof in the Manner intended by the ſaid Acts: And whereas great Hardſhip ariſes to ſuch Perſons therefrom, and it is deſirable to give them Relief in the Premiſes; and that ſuch Court or Courts, on being ſatisfied as aforeſaid, ſhould be further authorized to order or cauſe all Debtors and others entitled to the Benefit of the ſaid Acts, or any of them, petitioning as aforeſaid, to be brought up, and the Matter of their Petitions heard before the Juſtices aſſembled at any General or Quarter Seſſions of the Peace to be holden within the Diſtance of Twenty Miles of any Gaol in which any ſuch Debtors or others may be confined; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, it ſhall and may be lawful for ſuch Court or Courts to order ſuch Debtors and others to be brought up before any Juſtices of the Peace aſſembled at any General or Quarter Seſſions of the Peace which ſhall be mentioned in any Petition of any ſuch Debtors or others to be holden for any County, City, Liberty, Franchiſe, or Juriſdiction within the Diſtance of Twenty Miles of the Gaol wherein ſuch Debtors or others ſo petitioning ſhall be confined, inſtead of ordering ſuch Debtors or others to be brought up before a Judge of Aſſizes in all Caſes where ſuch Court or Courts ſhall think proper ſo to do, and ſuch General or Quarter Seſſions of the Peace ſhall be holden either nearer in point of Diſtance from ſuch Gaol or of Time than the Aſſizes at which ſuch Judge of Aſſize would be preſent would be holden; and the Juſtices ſo aſſembled in General or Quarter Seſſions before whom any ſuch Debtors or others ſhall be brought in purſuance of any ſuch Order, are required to hear and determine the Matter of ſuch Petition, and do and perform all other ſuch Matters and Things to the ſame Effect and in the ſame Manner, as near as may be, as by the ſaid recited Act of the Thirty-ſecond Year of His late

Debtors may be brought before Juſtices at General Seſſions inſtead of a Judge of Aſſize, &c.

Majeſty King *George* the Second, the Judge of Aſſize on the Crown Side is required to do and perform; and all Orders made by ſuch Juſtices ſhall be as valid and effectual as if the ſame had been made in the Court or Courts out of which Proceſs againſt ſuch Debtors or others had iſſued, and the ſame ſhall be made Records of ſuch General or Quarter Seſſions, and Copies thereof ſhall from thence be tranſmitted ſigned by the Perſon preſiding at ſuch General or Quarter Seſſions to the Court or Courts out of which Proceſs had iſſued againſt ſuch Debtors or others, to be a Record of ſuch Court or Courts, and kept among the Records thereof; and all Enactments, Proviſions, Directions, Powers, Authorities, Pains, Penalties, Liabilities, Benefits, Advantages, and Protections or Indemnities in the ſaid Acts or either of them contained, applicable to any Matter or Thing to be done before any Judge of Aſſize or by any Perſon in obedience to any Order made, the Authority of the ſaid Acts or either of them, or otherwiſe under or in purſuance of any Proviſions in the ſaid Acts or either of them contained, ſhall be and the ſame are hereby declared reſpectively to extend to and comprehend and be applicable to all like Matters and Things by this Act authorized to be done before any ſuch Juſtices ſo aſſembled in ſuch General or Quarter Seſſions, or by any Perſon in obedience to any Order or Orders made under the Authority of this Act or otherwiſe, under or in purſuance of any Proviſion thereof, or authorized to be done by virtue thereof, in as full and ample a Manner as if all and every the Clauſes and Proviſions in the ſaid recited Acts or either of them contained touching every Matter and Thing which might be done under the ſaid recited Acts or either of them, had been fully and diſtinctly re-enacted and ſet forth in this Act, with apt Words to make them Part of and applicable to this Act.

Proviſions of recited Acts extended to this Act.

II. And whereas by an Act paſſed in the Thirty-ſecond Year of the Reign of King *George* the Second, intituled *An Act for the Relief of Debtors with reſpect to the Impriſonment of their Perſons, and to oblige Debtors who ſhall continue in Execution in Priſon beyond a certain Time, and for Sums not exceeding what are mentioned in the Act, to make Diſcovery of and deliver upon Oath their Eſtates for their Creditors Benefit*, it is amongſt other Things provided, that no Perſon or Perſons who had then taken or ſhould thereafter take the Benefit of any Act for the Relief of Inſolvent Debtors, ſhould have or receive any Benefit or Advantage of or under this Act, or be deemed to be within the Meaning thereof, ſo as to gain any Diſcharge, unleſs compelled by any Creditor to diſcover and deliver up his or her Eſtate and Effects: And whereas it is expedient that the ſaid recited Proviſions in the ſaid Act ſhould be repealed, be it enacted by the Authority aforeſaid, That the ſame ſhall be and is hereby repealed.

Such Part of 32 G. 2. c. 28. as provides that no Perſon taking the Benefit of any Act for the Relief of Inſolvent Debtors ſhould have any Benefit under that Act, repealed.

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