ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

CAP. XXVIII.

An Act for the Relief of certain Insolvent Debtors in *England*. [14th *December* 1813.]

WHEREAS it may promote the beneficial Purposes of an Act, passed in the Fifty-third Year of His Majesty's Reign, intituled *An Act for the Relief of Insolvent Debtors in* England, and thereby to render it unnecessary hereafter to make temporary Laws for the Relief of Insolvent Debtors, if such Provisions should be made, by Law, as are herein-after enacted, for the Discharge of such Persons confined for Debt, as are herein-after mentioned, to the Intent that the Number of such Persons shall be thereby so reduced, as to render more effectual the Provisions of the said Act of the Fifty-third Year of His Majesty's Reign; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, all and every Keeper or Gaoler of any Prison in any County, Riding, Division, City, Town, Place or Liberty within *England*, shall and is and are hereby required to make a true, exact, and perfect List alphabetically of the Name or Names of all and every Person or Persons who upon the Sixth Day of *November* One thousand eight hundred and thirteen was or were, and have since continued to be, and at the Time of making out every such List shall be really an actual Prisoner or Prisoners in the Custody of any Keeper or Keepers, Gaoler or Gaolers of any Prison respectively, upon any Process whatsoever, for or by reason of any Debt, Damage, Costs, Sum or Sums of Money, or Contempt for Non-payment of Money; and an Account of the Time when such Prisoner was or were respectively charged in Custody or received in Prison, together with the Name or

53 G 3. c. 102.

Requiring Gaolers to make out Lists of Prisoners in their Custody on Nov. 6, 1813;

Names of the Perſon or Perſons at whoſe Suit or Proſecution ſuch Priſoner or Priſoners is or are detained, together with the Amount of ſuch Debts as the ſaid Priſoner or Priſoners are detained for; and ſhall deliver the ſame to the Juſtices of the Peace at their Firſt or Second General Quarter Seſſions or General Seſſions 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.

and to deliver the ſame to Juſtices of the Peace.

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*, 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 Seſſions of the Peace, or Adjournment thereof, to the Effect following; (that is to ſay),

Oath.

'I *A. B.*, upon my corporal Oath, in the Preſence of Almighty God, do ſolemnly ſwear, profeſs and declare, That all and every Perſon and Perſons whoſe Name or Names is or are inſerted and contained in the Firſt Part of the Liſt by me now delivered in and ſubſcribed, was or were, to the beſt of my Knowledge and Belief, upon the Sixth Day of *November* in the Year of Our Lord One thouſand eight hundred and thirteen, 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 Sixth Day of *November* One thouſand eight hundred and thirteen, 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 Sixth Day of November One thouſand eight hundred and thirteen, 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 Seſſions or General Seſſions 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.

III. And

III. And in order to discover any fraudulent Entries or Commitments of Prisoners in any Prison or Gaol Books, be it further enacted, That the Justices at any General or Quarter Session or Adjourned Session are hereby authorized, at the Request of any Creditor or Creditors of any Prisoner, to convene before them at some certain Time to be appointed by them, any Person or Persons who was or were Keeper or Gaoler, or deputed Keeper or Gaoler of any Prison or Gaol within their respective Jurisdictions, on the said Sixth Day of *November* One thousand eight hundred and thirteen, or at any Time, and examine every such Keeper or Gaoler or deputed Keeper or Gaoler on Oath, touching the Commitment and Continuance in Custody of any such Prisoner, as the Justices at any such General or Quarter Session or Adjourned Session shall think fit; and if any Sheriff, Gaoler or Keeper, or deputed Gaoler or Keeper, shall neglect or refuse to bring before any such Justices, at any Session of the Peace or Adjournment thereof, any such Prisoner as shall be directed and required by Warrant of any Justice or Justices as aforesaid, or to attend on being summoned for that Purpose, he shall on Conviction suffer Six Months Imprisonment; or if any Keeper or Gaoler attending shall refuse to make Answer and Discovery in the Premises as shall be reasonably required, at such General or Quarter Sessions or Adjourned Session, he, she, or they so offending in the Premises shall, for every such Offence, pay the Sum of Ten Pounds to any Person who shall sue for and recover the same in any of His Majesty's Courts of Record in *Westminster* by Action of Debt.

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

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

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

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

V. And be it further enacted, That if any Keeper or Keepers, Gaoler or Gaolers, or any Deputy Keeper or Gaoler of any Prison, shall, in taking of the afore-mentioned Oaths, forswear and perjure themselves, and shall thereof be lawfully convicted, such Keeper or Gaoler or deputed Keeper or Gaoler of such Prison or Prisons shall, over and above the Pe-

Punishing Gaolers for Perjury.

nalties to be inflicted on Perſons convicted of Perjury, upon every ſuch Conviction, forfeit and pay the Sum of Five hundred Pounds, to be recovered with full Coſts, by Bill, Plaint, or Information, or Action of Debt, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed, by and in the Name of ſuch Perſon or Perſons, his and their Executors and Adminiſtrators, to whom an Aſſignment or Conveyance in purſuance of this Act ſhall be made of the Eſtate and Effects of ſuch Priſoner or Priſoners; and if no ſuch Aſſignee or Aſſignees ſhall be living, then in the Name or Names of any other Creditor or Creditors who ſhall ſue for the ſaid Penalties, to be applied One Moiety to the Informer or Informers, and the other Moiety towards Satisfaction of the Debts of ſuch Creditor or Creditors.

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

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

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

VII. 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 Seſſions or General Seſſions of the Peace ſhall be held after the paſſing of this Act, for the County, City, Town, Place or Liberty in which any Priſon or Gaol ſhall be, or to which the ſame ſhall belong, to fix up in ſome conſpicuous Place or Places in every ſuch Priſon or Gaol, and at the moſt frequented or uſual Gate, Door or Entrance into every ſuch Priſon or Gaol, Three or more true Copies of the Liſt or Liſts propoſed or intended to be delivered in by any ſuch Keeper or Gaoler at the ſaid General Quarter Seſſions, or at ſome Adjournment thereof.

Priſoners for Debt on taking the Oaths, &c. to be diſcharged.

VIII. And be it further enacted, That all and every Perſon and Perſons who on the Sixth Day of *November* One thouſand eight hundred and thirteen were charged in any Priſon or Gaol for the Non-payment of any Debt or Debts, Sum or Sums of Money, 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.

IX. And

IX. 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*, 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 Seſſions next enſuing after every ſuch Petition, or ſome Adjournment thereof, (and at the Foot of which ſaid Schedule the Gaoler or other proper Officer ſhall ſet forth and ſign the Amount of the Debt or Debts with which ſuch Priſoner was charged on the ſaid Sixth Day of *November* One thouſand eight hundred and thirteen), 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 Seſſions or General Seſſions 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.

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

X. And whereas conſiderable Time may intervene between the paſſing of this Act and the next General Quarter Seſſions or General Seſſions 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.

For holding a Special Seſſions.

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

Schedules to remain with Clerk of the Peace.

XII. 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*, 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*,

Debtors not having given Notice under 53 G. 3. c. 102. intending to apply for Diſ-

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

Gazettes, previous to ſuch General or Quarter Seſſions or General Seſſions 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 one Gaol to another, then alſo in ſome Newſpaper which ſhall be publiſhed in or near the County, Riding, Diviſion, City, Town, Liberty or Place, in the Gaol whereof he or ſhe ſhall be or have 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 Seſſions or General Seſſions, or Adjournment thereof, ſhall be held as aforeſaid, ſo that as well all the Creditors who have not charged the ſaid Debtor or Debtors in Cuſtody, as thoſe Creditors who have charged ſuch Debtor or Debtors in Execution, or on Meſne Proceſs or otherwiſe, may have ſufficient Notice thereof.

Debtors to deliver Schedules to the Gaoler previous to the Firſt Notice.

XIII. 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 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

Thirty Days after Demand made; and if any such Keeper, Gaoler, or Deputy shall neglect or refuse to conform to the Directions hereby given him respecting such Schedule, every such Keeper, Gaoler, or Deputy so offending shall be liable to a Penalty of Ten Pounds, to be recovered by an Action of Debt in any of His Majesty's Courts of Record at *Westminster*, at the Suit of any Person who shall be aggrieved by such Neglect or Refusal.

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

Form of Notice.

'I [*insert the Name, Trade, Occupation, and Description, and the Two last Places of Abode, if so many*] now confined 'in [*insert the Name of the Prison and County*] and being charged in 'Custody on the Sixth Day of *November* One thousand eight hundred and 'thirteen, do hereby give this [First, Second, or Third] public Notice, 'that I intend to take the Benefit of an Act passed in the Fifty-fourth 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.

XV. And be it further enacted, That every such Debtor as aforesaid, being charged as aforesaid, on the said Sixth Day of *November* One thousand eight hundred and thirteen, who shall apply to the General or Quarter Sessions, or any Adjournment thereof, 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 Sessions 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 Sixth Day of *November* One thousand eight hundred and thirteen, 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 Sessions, or any Adjournment thereof, or in some other Prison or Gaol as aforesaid, in pursuance of this Act; shall in open Court at the said General Quarter Sessions or General Sessions, 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

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),

Oath.

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

'So help me GOD.'

Schedule and Oath to be ſubſcribed by the Debtors.

And before ſuch Oath ſhall be taken by every Debtor, the ſaid Juſtices ſhall examine, upon Oath, ſuch Debtor, touching the ſeveral Matters

contained

contained therein, as they ſhall think fit; and if ſuch Debtor ſhall, upon ſuch Examination, make Anſwer to the Satisfaction of the ſaid Juſtices, then the ſaid Schedule and Oath ſhall be by ſuch Debtor ſubſcribed in the Preſence of the Juſtices in open Seſſions 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.

XVI. And be it further enacted, That the Juſtices of the Peace within their reſpective Juriſdictions at any ſuch General Quarter Seſſions or General Seſſions, or Adjournment thereof, either at the Requeſt or without 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, either before or after ſuch Oath ſhall have been taken; 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 Seſſions or General Seſſions, or any Adjournment thereof, ſhall be ſatisfied with the Truth of the Oath taken by ſuch reſpective Debtors, then ſuch Juſtices ſhall, in ſuch Seſſions 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.

XVII. And be it further enacted by the Authority aforeſaid, That all the Eſtate, Right, Title, Intereſt, and Truſt of ſuch Debtor of, in, and unto all the Real Eſtate as well Freehold and Copyhold as Cuſtomary, and to all the Perſonal Eſtate, Debts and Effects of every ſuch Debtor, ſhall immediately after ſuch Adjudication be, and the ſame is hereby veſted in the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace of and for the County, Riding, City, Town Corporate, Diviſion, Liberty or Place where any Debtors ſhall be reſpectively diſcharged; and every ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, is hereby directed and required to make an Aſſignment and Conveyance of every ſuch Debtor's Eſtate and Effects, veſted in ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace as aforeſaid, to ſuch Creditor or Creditors of the ſaid Debtor, as the Juſtices at any General or Quarter Seſſion of the Peace, or at any Adjournment thereof, which ſhall be held by them within their reſpective Juriſdictions, ſhall order and direct; which

Aſſignment and Conveyance ſhall be good and effectual in the Law to all Intents and Purpoſes whatſoever, without being written on Parchment or Paper ſtamped, to veſt the Eſtates thereby aſſigned and conveyed in the Party or Parties to whom the ſame ſhall be ſo aſſigned and conveyed, his, her, and their Heirs, Executors, Adminiſtrators, and Aſſigns, according to the Eſtate and Intereſt which the Debtor had therein; and every ſuch Aſſignment and Conveyance ſhall be in Truſt for the Benefit of the Creditor or Creditors of every ſuch Debtor to whom the ſame ſhall be made, and the 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 public Auction, in ſuch Manner and at ſuch Place as the major Part of the Creditors of any ſuch Debtor, who ſhall aſſemble together on any Notice in Writing publiſhed in *The London Gazette*, or in ſome Daily Paper printed and publiſhed in *London*, if the Debtor before his or her going to Priſon reſided in *London* or within the Bills of Mortality, and if elſewhere, then in ſome printed Newſpaper which ſhall be publiſhed in or near the County, Riding, Diviſion, City, Town, Liberty, or Place in which ſuch Debtor reſided before he or ſhe was committed to Priſon, Thirty Days before any ſuch Sale ſhall be made, ſhall under his Hand or their Hands agree on; and every ſuch Aſſignee or Aſſignees, at the End of Three Months at the fartheſt from the Time of his or their accepting any ſuch Aſſignment or Conveyance as aforeſaid, ſhall make a fair and juſt Dividend of all ſuch Debtor's Eſtate and Effects which ſhall have been then recovered amongſt his or her Creditors, in proportion and in regard to each Creditor's reſpective Debt; but before any ſuch Dividend ſhall be made, ſuch Aſſignee or Aſſignees ſhall make up an Account of ſuch Debtor's Eſtate, and make Oath in Writing before One or more Juſtice or Juſtices of the Peace of the County, Riding, or Diviſion, Town, Liberty, or Place in which any ſuch Debtor ſhall have been diſcharged, that every ſuch Account contains a fair and juſt Account of the Eſtate and Effects of every ſuch Debtor got in by or for ſuch Aſſignee or Aſſignees, and of all Payments made in reſpect thereof, and that all Payments in every ſuch Account charged were truly and *bonâ fide* made and paid; and Notice of the making of every ſuch Dividend ſhall be publiſhed in like Manner as a Meeting of the Creditors is herein-before directed to be publiſhed, Thirty Days at leaſt before the ſame ſhall be made, and no Creditor ſhall be allowed to receive any Share of ſuch Dividend, until he ſhall have made out the Juſt-

Aſſignees to get in Debtors Effects;

and to make Dividends.

Notice of making Dividends to be given.

neſs

neſs and Identity of his Debt, by Oath, or due Proof in Writing before ſome ſuch Juſtice or Juſtices; and if any Creditor of ſuch Debtor ſhall be diſſatisfied with the Reality or Fairneſs of any Debt claimed by any other Creditor, then the ſame, at the Requeſt of any ſuch Creditor or Creditors ſo diſſatisfied, ſhall be examined into by the Juſtices of the County, Riding, Diviſion, City, Town, Liberty, or Place in which ſuch Debtor ſhall have been adjudged to have been entitled to the Benefit of this Act, at the next General or Quarter Seſſions, or at ſome Adjournment thereof.

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

XVIII. 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.

XIX. 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, Covenant, or other Securities of any Nature whatſoever, 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.

XX. 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 Con-

XXI. Provided always, and be it enacted, That no Perſon holding any Security whatſoever, for which ſuch Debtor never received any valuable Conſideration,

Conſideration, not entitled to any Benefit.

ſideration, ſhall be entitled to receive any Benefit from the Eſtate of ſuch Debtor, unleſs the Perſon holding ſuch Security ſhall make it appear to the Satisfaction of the Juſtices at ſome General or Quarter Seſſions or Adjournment thereof, that he or ſhe became poſſeſſed of the ſame *bonâ fide*, and for good or valuable Conſideration.

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

XXII. 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.

XXIII. 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.

XXIV. 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.

XXV. And whereas many Perſons who may be entitled to and claim the Benefit of this Act are ſeiſed and poſſeſſed of Lands, Tenements, and Hereditaments, to hold to ſuch Debtors for the Term of their natural Lives, with Power of granting Leaſes and taking Fines, reſerving ſmall Rents on ſuch Eſtates for One, Two, or Three Lives, in Poſſeſſion or Reverſion, or for ſome Number of Years determinable upon Lives, or have Powers over

Real or Perſonal Eſtate, which ſuch Debtors could execute for their own Advantage, and which ſaid Powers ought to be executed for the Benefit of the Creditors of ſuch Debtor; be it therefore enacted by the Authority aforeſaid, That in every ſuch Caſe all and every the Powers of leaſing ſuch Lands, Tenements and Hereditaments, and all other ſuch Powers as aforeſaid over Real or Perſonal Eſtate, which are or ſhall be veſted in any ſuch Priſoner or Priſoners as aforeſaid, ſhall be and are hereby veſted in the Aſſignee or Aſſignees of the Real and Perſonal Eſtate of ſuch Priſoner by virtue of this Act, to be by ſuch Aſſignee or Aſſignees executed for the Benefit of all and every the Creditors of ſuch Priſoners as aforeſaid.

Gaoler, on Requeſt of Creditor, to be ſworn.

XXVI. And be it further enacted, That the Juſtices at any General or Quarter Seſſions or Adjourned Seſſions 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, or if the ſaid Juſtices ſhall ſo think fit, 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 Sixth Day of *November* One thouſand eight hundred and thirteen, and that the Copy or Copies of the Cauſe or Cauſes of his [*or*, her] Commitment or Detainer, now by me brought, with the Body of the ſaid and produced to the ſaid Court, is or are a true Copy or Copies of the Cauſe or Cauſes of ſuch Commitment or Detainer, without any Fraud or Deceit by me or any other Perſon, to the beſt of my Knowledge and Belief. So help me GOD.'

If the Perſon delivering in Liſt was not Gaoler on the 6th Day of Nov. 1813, 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 Sixth Day of *November* One thouſand eight hundred and thirteen, 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 Seſſions or at any Adjourned Seſſions may and are hereby required to adminiſter to the reſpective Perſon or Perſons who ſhall be Keeper or Gaoler of any ſuch Priſon or Gaol, or deputed Keeper thereof, and deliver in ſuch Liſt as aforeſaid at any ſuch General or Quarter Seſſions or Adjourned Seſſions, 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, Riding, Diviſion, City, Town, Place, or Liberty,*] and that I do verily believe that the ſaid Commitments or Books of Commitment are really true and not fictitious, nor calculated for this Purpoſe; and by them it doth appear, that was on the Sixth Day of *November* One thouſand eight hundred and thirteen 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 falſely ſwearing ſhall ſuffer as for wilful Perjury.

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

Debtors diſcharged not liable to be impriſoned for Debts prior to the 6th Day of Nov. 1813.

XXVIII. 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 Judgment 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 Sixth Day of *November* One thouſand eight hundred and thirteen, but that upon every Arreſt upon every Judgment or ſuch Decree, or for ſuch Debts, Damages, Contempts, Coſts, Sum and Sums of Money, it ſhall and may be lawful for any Judge of the Court where the Proceſs iſſued, or for any Two Juſtices of the Peace, upon ſhewing the Copy of the Order of Adjudication as aforeſaid, to releaſe and diſcharge out of Cuſtody ſuch Priſoners as aforeſaid, and at the ſame Time to order the Plaintiff or Plaintiffs in ſuch Suit or Suits to pay ſuch Priſoner or Priſoners the Coſts 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 not diſcharged of Debts ſubſequent to the 6th Day of Nov. 1813.

XXIX. And whereas under former Acts of this kind, Doubts have ariſen what was to be done with ſuch Priſoners who applied at any Seſſion to be diſcharged, who owed and ſtood charged with Debts as well previous as ſubſequent to the Day limited by the reſpective Acts; to remedy which, be it therefore enacted, That no Priſoner or Priſoners ſhall be diſcharged of any Debts incurred ſubſequent to the Sixth Day of *November* One thouſand eight hundred and thirteen; and if it ſhall appear to the Juſtices at any Seſſions 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 Sixth Day of *November* One thouſand eight hundred and thirteen, 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 Sixth Day of *November* One thouſand eight hundred and thirteen, 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 Sixth Day of *November* One thouſand eight hundred and thirteen; 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

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.

XXX. And be it further enacted, That if any Action of Eſcape, or any Suit or Action to be brought againſt any Juſtice or Juſtices of the Peace, Sheriff, Keeper or Gaoler of any Priſon, for performing their Office in purſuance of this Act, they may plead the General Iſſue, and give this Act in Evidence; and if the Plaintiff be nonſuited or diſcontinue his Action, or Verdict paſs againſt him, or Judgment upon Demurrer, the Defendant ſhall have Treble Coſts.

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

XXXI. And be it further enacted, That if any *Scire Facias* or Action of Debt or upon Judgement ſhall be brought againſt any Priſoner, his or her Heirs, Executors, or Adminiſtrators, upon any Judgement obtained againſt any ſuch Priſoner, or on any Statute or Recognizance acknowledged by him or her before the ſaid Sixth Day of *November* One thouſand eight hundred and thirteen, with reſpect to Priſoners in actual Cuſtody on the ſaid Sixth Day of *November* One thouſand eight hundred and thirteen, 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 Sixth Day of *November* One thouſand eight hundred and thirteen, and was or were duly diſcharged according to this Act, at the General Quarter Seſſions or General Seſſions 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 Sixth Day of *November* One thouſand eight hundred and thirteen, 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 Sixth Day of *November* One thouſand eight hundred and thirteen, without pleading any other Matter ſpecially, whereto the Plaintiff ſhall or may reply generally, and deny the Matters pleaded as aforeſaid, or reply any other Matter or Thing which may ſhew the ſaid Defendant not to be entitled to the Benefit of this Act, or not duly diſcharged according to it; in the ſame Manner as the Plaintiff might have replied in caſe the Defendant had pleaded this Act, and his Diſcharge by virtue of this Act ſpecially; and if the Plaintiff be nonſuited, diſcontinue his Action, or Verdict paſs againſt him, or Judgement or Demurrer, the Defendant to have Treble Coſts.

Act may be pleaded generally by Priſoners.

XXXII. And be it further enacted by the Authority aforeſaid, That in caſe any Perſon being a Priſoner charged in Execution on the ſaid Sixth Day of *November* One thouſand eight hundred and thirteen, 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 ſhall remain in Execution

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

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 Sixth Day of *November* One thouſand eight hundred and thirteen, and before the Day whereon he or ſhe might otherwiſe have applied to take the Benefit of this Act, every ſuch Priſoner ſhall be entitled, notwithſtanding ſuch Diſcharge, to the ſame Relief and Advantage to all Intents and Purpoſes whatſoever, which he or ſhe might or could have otherwiſe obtained by virtue of this Act; any Thing herein contained to the contrary notwithſtanding.

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

XXXIII. Provided always, That nothing in this Act contained ſhall extend or be conſtrued to extend to releaſe or diſcharge any Attorney at Law, Solicitor, or any other Perſon or Perſons acting or pretending to act as ſuch, with regard to any Debt with which he or they ſhall ſtand charged, for any Money or other Effects recovered or received by him or them for the Uſe of any Perſon or Perſons, Bodies Corporate or Politic, 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 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 ſuch other Perſon or Perſons aforeſaid, 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: Provided, that nothing in this Act contained extend or be conſtrued to extend to releaſe any Sheriff's Officer, or Serjeant at Mace of the City of *London*, or to releaſe any other Perſon employed by any Sheriff, Bailiff, Gaoler or Keeper of any Priſon, with regard to any Debt or Demand for or on account of any Money, Goods, or other Effects, received or poſſeſſed by any ſuch Sheriff's Officer, Serjeant at Mace, or other Perſon as aforeſaid, for the Uſe or on the Account of his, her, or their Employer, and by ſuch Sheriff's Officer, Serjeant at Mace, or other Perſon as aforeſaid, embezzled, concealed, or converted to his, her, or their own Uſe.

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

XXXIV. 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

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.

Evidence of Objections to be given.

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

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:

Nor to Perſons removing Effects of the Value of 30l. liable to be diſtrained for Rent, except where they have been confined 10 Years:

XXXVI. 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:

XXXVII. 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 for 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 that ſuch Priſoner has ſold, transferred, conveyed, or aſſigned to any Perſon or Perſons all or any Part of his Eſtate or Effects, with an Intent to defraud or delay his or her Creditors, or without juſt Cauſe for ſo doing, to be determined by the Juſtices before whom ſuch Priſoner ſhall be brought up to take the Benefit of this Act, every ſuch Debtor ſhall loſe all the Benefits and Advantages that he might have otherwiſe claimed under the Authority of this Act, and ſhall be remanded in Manner herein-before mentioned; and every ſuch Sale, Transfer, Conveyance, or Aſſignment is hereby declared null and void, except where ſuch Perſon ſhall have been confined in Priſon for the Space of Ten Years laſt paſt.

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

XXXVIII. 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 Sixth Day of *November* laſt, the Sum or Value of Twenty Pounds, or in the Whole ſince ſuch Commitment as aforeſaid, the Sum of One hundred Pounds, in playing at or with Cards, Dice, Tables, Tennis, Bowls, Billiards, or other Game or Games whatſoever, or in or by bearing a Share or Part in the Stakes, Wagers, or Adventures, or in or by betting on the Sides or Hands of ſuch as do play as aforeſaid; but on due Proof thereof, to the Satisfaction of the Juſtices aſſembled at ſuch Quarter Seſſions or Adjourned Seſſions before which ſuch Priſoner ſhall be brought, it ſhall be lawful for ſuch Juſtices, and they are hereby required to remand ſuch Priſoner to Gaol, any Thing herein-before contained to the contrary notwithſtanding, except where ſuch Perſon ſhall have been confined in Priſon for the Space of Ten Years laſt paſt.

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

XXXIX. And be it further enacted, That every Gaoler or Keeper of any Priſon ſhall and is hereby required to ſuffer any Perſon or Perſons deſiring the ſame, to ſee and ſpeak with in the Day-time, either in the Lodge or other convenient Room in the ſaid Priſon, any Priſoner or Priſoners whoſe Names are inſerted in the before-mentioned Liſt or Liſts, or *The London Gazette* or other Newſpapers, in Manner aforeſaid, and alſo to ſee in the true and genuine Books of the ſaid Priſon the Entries made of the Name or Names of ſuch Priſoner or Priſoners, Debtor or Debtors, together with the Name or Names of the Perſon or Perſons at whoſe Suit or Suits he, ſhe, or they are or were detained; and if any ſuch Keeper or Gaoler ſhall refuſe or neglect to comply with what is hereby above required, every ſuch

ſuch Gaoler or Keeper who ſhall ſo offend in the Premiſes, ſhall forfeit and pay to the Perſon ſo refuſed and aggrieved the Sum of Forty Pounds, to be recovered with Coſts of Suit by Action of Debt, Bill, Plaint, or Information, in any of the Courts of *Weſtminſter*, wherein no Eſſoign Protection, Wager of Law, or more than One Imparlance ſhall be allowed, by and in the Name or Names of the Perſons ſo refuſed and aggrieved.

Penalty on Gaoler making falſe Entries.

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

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

XLI. 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 Seſſions 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.

Juſtices for Surrey may adjourn to the Seſſion Houſe in Horſemonger Lane.

XLII. Provided always, and be it hereby enacted, That it ſhall not be lawful for any Juſtice or Juſtices of the Peace for the ſaid County of *Surrey*, to iſſue his or their Warrant or Warrants for the bringing up of any Priſoner or Priſoners in order to his, her, or their Diſcharge under the Proviſions of this Act, at any Quarter Seſſions or Adjourned Seſſion of the Peace, other than ſuch as ſhall be holden at the Seſſions Houſe in *Horſemonger-lane*, in the Pariſh of *Newington* aforeſaid.

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

XLIII. 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 Seſſions 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 Seſſions there by Adjournment from their reſpective Quarter Seſſions, 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.

XLIV. 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 Seſſions for the ſole Purpoſe of diſcharging ſuch Priſoners, Notice of the Adjournment of ſuch original Seſſions being given by the Clerk of the 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.

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

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

XLVI. 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 of 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 the 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 Seſſions or Adjournment thereof, for the Diſcharge of ſuch Priſoner as aforeſaid.

XLVII. And

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

XLVII. And whereas under former Acts Creditors have been put to great Expence and Trouble in attending every Seſſions and Adjournment, during the whole Continuance of this Act, to oppoſe the Diſcharge of Debtors clearly excluded from any Benefit under the ſaid reſpective Acts, but who, after having been before one Seſſions and refuſed a Diſcharge, or having given Notice of his or her Intention to be brought up as required by this Act, and not procuring himſelf or herſelf to be brought up conformably to ſuch Notice, gave freſh Notices for each ſubſequent Seſſions 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 Seſſions 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 Seſſions within the Space of Twelve Calendar Months after he ſhall have been ſo remanded, upon Application of the Priſoner, and due Proof on Oath or otherwiſe to the Satisfaction of the Juſtices in Seſſions 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, or on ſatisfactory Reaſons being given to the ſaid Court why he or ſhe was not brought up conformably to ſuch Notice, and of Notice likewiſe inſerted in *The London Gazette* in Manner before directed by this Act, to order ſuch Priſoner to be brought before them, and if they then ſhall be of Opinion that the ſaid Debtor is entitled to the Benefit of this Act, to adjudge him or her to be entitled thereto, and if a Priſoner to order him or her to be diſcharged, he or ſhe taking the Oath, and in all other Reſpects conforming to the Directions of this Act.

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

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

Aſſignees may apply for further

XLIX. 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

Examination of Debtors to Two Juſtices.

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

L. 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.

LI. 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

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.

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

LIII. And, to the Intent and Purpoſe that the Eſtate and Effects of ſuch Debtor or Debtors as ſhall be diſcharged by virtue of this Act, may be duly and faithfully applied for the Benefit of his, her, or their real Creditors, be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the reſpective Courts at *Weſtminſter*, and the Courts of Great Seſſions in *Wales*, and the Counties Palatine of *Cheſter*, *Lancaſter*, and *Durham* reſpectively, from whence any Proceſs iſſued upon which any ſuch Debtor or Debtors was or were committed, or where the Proceſs iſſued out of any other Court, to and for the Judges of the Court of King's Bench, Common Pleas, and Exchequer, or of Great Seſſions, or Counties Palatine aforeſaid, within their reſpective Juriſdictions, or any one of them, from Time to Time upon the Petition of any ſuch Debtor, or the Creditor or Creditors

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.

LIV. 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 Politic or Corporate, before the Delivery of ſuch Schedule or Inventory of the Eſtate and Effects of ſuch Debtor or Debtors upon Oath as aforeſaid, the reſpective Aſſignee or Aſſignees of ſuch Debtor or Debtors is and are hereby authorized and required on his and their Parts to ſtate and allow an Account between them and the other Party or Parties concerned; and nothing more ſhall be deemed to be veſted in ſuch Clerk of the Peace, or Town Clerk, or other Officer acting as Clerk of the Peace, or ſuch Aſſignee or Aſſignees as aforeſaid, as the Eſtate or Effects of ſuch Debtor or Debtors than what ſhall appear to be juſtly due to him, her, or them reſpectively, as and for the Balance of ſuch Account when truly ſtated.

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

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

Affirmation of Quakers to be taken.

LVI. And be it further enacted, That in all Caſes wherein by this Act an Oath is required, the ſolemn Affirmation of any Perſon being a Quaker ſhall and may be accepted and taken in lieu thereof; and every Perſon making ſuch Affirmation, who ſhall be convicted of wilful and falſe

falſe Affirmation, ſhall incur and ſuffer ſuch and the ſame Penalties as are inflicted and impoſed by this Act upon Perſons convicted of wilful and corrupt Perjury.

Juſtices may amend Notices and Schedules in Matters of Form.

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

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

LVIII. 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.

LIX. 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 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

LX. Provided always, and be it further enacted, That no Perſon who ſhall have taken the Benefit of any Act heretofore paſſed for the Relief of

Insolvent Act within Five Years, not entitled to Relief.

Insolvent Debtors, within the Space of Five Years last past, shall have or receive any Benefit or Advantage of or under this Act, nor be deemed to be within the Intent and Meaning thereof, so as to be discharged under the same; any Thing herein-before contained to the contrary thereof notwithstanding.

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

LXI. 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 such Commission, Two Years at the least before the passing of this Act, and shall in all Things have duly conformed himself or herself to the several Statutes concerning Bankrupts; and unless the major Part of the Commissioners named in such Commission shall specially certify, which they are hereby authorized to do if they shall think fit, that such Bankrupt has so duly conformed, and has in their Opinion made a full and fair Disclosure of all his or her Estate or Effects, and in all Things conducted himself or herself properly under such Commission; and in all such Cases such Bankrupt shall be capable of being discharged in respect of all Debts which cannot be proved under such Commission, in the same Manner and upon the same Terms as any other Prisoner may be discharged by virtue of this Act, and shall and may be discharged as to personal Arrest for Debt in respect of all Debts proved or capable of being proved under such Commission; but nevertheless such Bankrupt, and his or her Effects, shall in all other Respects whatsoever remain subject to the Laws in force concerning Bankrupts, as he or she would have been if this Act had not been made.

Notices of such Bankrupt, how to be regulated.

LXII. Provided always, That in the Notices to be given by such Bankrupt as aforesaid, and in 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.

LXIII. 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.

This Act not to repeal nor affect 53 G. 3. c. 102.

LXIV. Provided also, That nothing in this Act contained shall be deemed or construed to repeal or affect any of the Provisions contained in the Act herein-before mentioned, of the Fifty-third Year of His Majesty's Reign,

or

or any Act paſſed to amend the ſame; or to prevent any Perſon from having or taking the Benefit of the ſaid Act, or of any Act paſſed to amend the ſame.

LXV. Provided alſo, That this Act may be altered, varied, or amended, during this Seſſion of Parliament. Act may be altered this Seſſion.

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