ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

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CAP. CII.

An Act to amend the Act of the Fifty-third Year of His present Majeſty, intituled *An Act for the Relief of Inſolvent Debtors in* England; and to give further Powers to the Court appointed by the ſaid Act. [1ſt *July* 1816.]

53 G. 3. c. 102.

WHEREAS an Act paſſed in the Fifty-third Year of His preſent Majeſty's Reign, intituled *An Act for the Relief of Inſolvent Debtors in* England; and it is expedient to amend the ſaid Act, and to diſtinguiſh between the Caſes of ſuch Inſolvent Debtors who ſhall have been guilty of groſs Injuſtice towards their Creditors, and the Caſes of thoſe who ſhall not have ſo conducted themſelves; be it therefore enacted and declared 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 if it ſhall appear to the Court eſtabliſhed by virtue of the ſaid recited Act, upon the Examination of any Priſoner, or otherwiſe, that ſuch Priſoner has acted with groſs Injuſtice towards his or her Creditor or Creditors, either in contracting any Debts, or entering into any Engagements, without any fair Proſpect or probable Means of paying ſuch Debts, or fulfilling ſuch Engagements, or by ſquandering or otherwiſe improperly diſpoſing of his or her Monies, Effects, or other Property, which he or ſhe might have applied in paying ſuch Debts or fulfilling ſuch Engagements, either wholly or in Part, ſuch Priſoner ſhall not be entitled to his or her Diſcharge by virtue of the ſaid recited Act, unleſs the whole of the Creditors of ſuch Priſoner ſhall conſent to his or her Diſcharge, or ſuch Priſoner ſhall have been confined within the Walls of any Priſon for the Space of Five Years, to be computed from the Time when ſuch Priſoner ſhall have applied for his or her Diſcharge.

In caſe Priſoner has acted with groſs Injuſtice, &c. he ſhall not be entitled to his Diſcharge, unleſs the whole of the Creditors conſent.

II. And

Prisoner to make a Declaration, that he is willing to be examined touching the Justice of his Conduct.

II. And be it further enacted, That in every Notice directed to be given by the said recited Act, by any Prisoner, to his or her Creditor or Creditors, such Prisoner shall declare that he or she is ready and willing to submit to be fully examined touching the Justice of his or her Conduct to his or her Creditor or Creditors.

Prisoner not to be examined by Justices out of Session.

III. And be it further enacted, That from and after the passing of this Act it shall not be lawful for the said Court to order that any Prisoner shall be examined at any Session of the Peace for the Counties of *Middlesex* or *Surrey*, or for the Cities or Liberties of *London* and *Westminster*, or by any One or more Justice or Justices of the Peace, out of Session, for any County, Riding, Division or Place whatsoever.

Quarter Sessions shall examine Prisoner;

IV. And be it further enacted, That the Court established by virtue of the said recited Act, and the Courts of Quarter Sessions, shall examine each and every Prisoner touching the Justice of his or her Conduct towards his or her Creditor or Creditors.

and declare in open Court whether he has acted with Injustice or not.

V. And be it further enacted, That the Courts of Quarter Sessions for any County, Riding, Division or Place, at which any Prisoner shall be examined, shall declare in open Court whether such Prisoner has acted with gross Injustice towards his or her Creditor or Creditors, or not, and shall also certify their Determination thereon to the Court established by virtue of the said recited Act.

Prisoner not to be examined but at the Quarter Session of which he shall have given Notice to his Creditors.

VI. Provided always, and be it further enacted, That no Prisoner hereafter shall be entitled to be examined under the Provisions of the said recited Act at any Quarter Sessions except at such Quarter Sessions for such County, Division, Riding or Place, and at such Time whereof he shall have given Notice to each and every of his or her Creditors; and no Prisoner who shall not appear to be examined pursuant to such Notice shall be brought up before any Court to be examined without having given the like Notice at least Six Months previous to the Time at which he or she shall appear in order to be examined.

Not to repeal former Acts, except as herein excepted.
54 G. 3. c. 23.

VII. Provided always, That nothing in this Act contained shall extend to repeal or alter any of the Powers or Provisions of the said recited Act, or of another Act passed in the Fifty-fourth Year of His Majesty's Reign, intituled *An Act to amend an Act of the Fifty-third Year of His Majesty's Reign, for the Relief of Insolvent Debtors in* England, further than any of the Powers or Provisions in the said Acts are hereby expressly repealed or altered respectively.

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