

ANNO PRIMO

GEORGII IV. REGIS.

***

Appointment of Officers.

visional Assignee, a Receiver, and such other Officers as the Lord Chancellor, and the Chief Justices of the Courts of King's Bench and Common Pleas, and the Lord Chief Baron of the Exchequer, shall

Power of the Court.

judge to be necessary, and in such Manner as they shall direct; and that the said Court, or any of the Commissioners acting under the Powers of this Act, may adjourn any Meeting under this Act as often as the said Court or Commissioners shall think necessary, and may administer Oaths and examine all Parties and Witnesses upon Oath for the Purposes of this Act, and shall have such like and the same Powers of compelling the Attendance of Witnesses, and of requiring and compelling the Production of Books, Papers, and Writings, as now are possessed by any of the Superior Courts at *Westminster*, and to order any Prisoner who shall have petitioned for Relief under this Act, or any Prisoner who shall be a necessary and material Witness in any Matter pending in the said Court, or before any Commissioner thereof, to be brought before the said Court or such Commissioner as often as the said Court or such Commissioner shall think fit; and that the said Court shall also have the Power of committing all Persons guilty of any Contempt to the said Court, to the Prison of the King's Bench, or to the Common Gaol of any County in which such Person shall be, and the Power of fining in a summary Way, or removing any of the Officers of the said Court who shall be guilty of any Negligence, wilful or unnecessary Delay, or other Misconduct whatsoever: Provided always, that the said Court shall not have the Power of awarding Costs against any Person or Persons whomsoever, except in such Cases only where such Costs are hereinafter expressly mentioned and permitted to be awarded by this Act: Provided always, that nothing herein contained shall extend to the compelling the Attendance of any Witness, unless the Party on whose Behalf such Witness shall be required to attend shall have previously tendered to such Witness such Allowance for Expences for his Attendance as in the Judgment of the said Court or of a Commissioner shall appear to be reasonable.

Court not to award Costs but in certain Cases.

Witnesses shall not be compelled to attend, unless Expences are previously tendered.

Sittings of the Court Twice a Week.

II. And be it further enacted, That the said Court shall sit for the Dispatch of Business Twice in every Week throughout the Year, and One at least of the said Commissioners shall attend for such Purpose.

No Fees to be taken except such as shall be established.

III. And be it further enacted, That no Fee or Gratuity shall be received or taken by the said Court, or any Officer thereof, of or from any Person whomsoever, on any Pretence whatsoever, except such as shall at any Time be specified in a List thereof, to be signed by the Commissioners of the said Court, a Copy of which List shall always be exposed to View in the Office of the said Court.

Persons in Custody for Debt, &c. may apply by Petition in a summary Way for Discharge.

IV. Provided always, and be it further enacted, That when and as soon as the said Court shall be fully constituted and established, it shall be lawful for any Person in that Part of the United Kingdom called *England*, who shall be in actual Custody upon any Process whatsoever, for or by reason of any Debt, Damage, Costs, Sum or Sums of Money, or for or by reason of any Contempt of any Court whatsoever for Nonpayment of any Sum or Sums of Money, or of Costs, taxed or untaxed, either ordered to be paid or to the Payment of which such Persons would be liable in purging such Contempt,

or in any Manner in consequence of or by reason of such Contempt, at any Time within the Space of Fourteen Days next after such Court shall have been so fully constituted and established, or within the Space of Fourteen Days next after the Commencement of such actual Custody, or within such further Time as the said Court shall think reasonable, to apply by Petition in a summary Way to the Court to be established by virtue of this Act, for his or her Discharge from such Confinement, according to the Provisions of this Act; and in such Petition shall be stated the Place wherein such Prisoner shall be then confined, the Time when such Prisoner was first charged in Custody, together with the Name or Names of the Person or Persons at whose Suit or Prosecution he or she shall, at the Time of presenting such Petition, be detained in Custody, and the Amount of the Debts and Sums of Money, and also of such Costs as aforesaid, so far as the Amount of such Costs is ascertained, for which such Prisoner shall be so detained; and shall pray to be discharged from Custody, and to have future Liberty of his or her Person against the Demands for which such Prisoner shall be then in Custody, and against the Demands of all other Persons who shall be or claim to be Creditors of such Prisoner at the Time of presenting such Petition; which Petition shall be subscribed by the said Prisoner, and shall forthwith be filed in the said Court; and such Prisoner shall at the Time of subscribing such Petition duly execute a Conveyance and Assignment, in such Manner and Form as the said Court shall direct, of all the Estate, Right, Title, Interest, and Trust of such Prisoner to all the Real and Personal Estate and Effects of every such Prisoner, except to the Wearing Apparel, Bedding, and other such Necessaries of such Prisoner and his or her Family not exceeding in the whole the Value of Twenty Pounds, so as to vest all such Real and Personal Estate and Effects in the Provisional Assignee of the said Court, subject to a Proviso that in case such Prisoner shall not obtain his Discharge by virtue of this Act, such Conveyance and Assignment shall, from and after the Dismission of the Petition of such Prisoner praying for his Discharge, be null and void to all Intents and Purposes.

Petition to state Debts and other Particulars.

Petition to be filed.

Prisoner to make an Assignment of his Estate, &c. except Wearing Apparel, &c. not exceeding the Value of 20*l*.

V. Provided always, and be it further enacted, That the said Court shall and may order and direct such Provisional Assignee or such Assignee or Assignees as are herein-after mentioned, to pay out of the said Estate and Effects before mentioned to the said Prisoner such Allowance for his or her Support and Maintenance during such Prisoner's Confinement in actual Custody as to the said Court shall seem reasonable and fit.

Court may order an Allowance for Support of Prisoner during Confinement.

VI. Provided always, and be it further enacted, That such Prisoner shall, within the Space of Fourteen Days next after such Petition shall have been filed, or within such further Time as the said Court shall think reasonable, deliver into the said Court a Schedule, containing a full and true Description of all and every Person and Persons to whom such Prisoner shall be then indebted, or who to his or her Knowledge or Belief shall claim to be his or her Creditors, together with the Nature and Amount of such Debts and Claims respectively, distinguishing such as shall be admitted from such as shall be disputed by such Prisoner, and also a full, true, and perfect Account

When Petition is filed, Prisoner to deliver in a Schedule of Debts, Property, &c.

Account of all the Estates and Effects, Real and Personal, in Possession, Reversion, Remainder, or Expectancy; and also of all Places of Benefit or Advantage, whether the Emoluments of the same arise from fixed Salaries or from Fees; and also of all Pensions or Allowances of the said Prisoner in Possession or Reversion, or held by any other Person or Persons for or on behalf of the said Prisoner, or of and from which the said Prisoner derives or may derive any Manner of Benefit or Advantage; and also all Rights and Powers of every Nature and Kind whatsoever, which such Prisoner, or any other Person or Persons in trust for such Prisoner, or for his or her Use, Benefit or Advantage in any Manner whatsoever, shall be seised or possessed of, or interested in, or entitled unto, or which such Prisoner, or any Person or Persons in trust for him or her, or for his or her Benefit, shall have any Power to dispose of, charge or exercise for the Benefit or Advantage of such Prisoner at the Time of presenting such Petition; together with a full, true, and perfect Account of all Debts at such Time owing to such Prisoner, or to any Person or Persons in trust for him or her, or for his or her Benefit or Advantage, either solely, or jointly with any other Person or Persons; and the Names and Places of Abode of the several Persons from whom such Debts shall be due or owing, and of the Witnesses who can prove such Debts, so far as such Prisoner can set forth the same; and such Schedule shall also fully and truly describe the Wearing Apparel and Bedding of such Prisoner, and his or her Family, and the Working Tools and Implements, and other such Necessaries, not exceeding in the whole the Sum of Twenty Pounds, which may be excepted by such Prisoner from the Operation of this Act, together with the Values of such excepted Articles respectively; and the said Schedule shall be subscribed by such Prisoner, and shall forthwith be filed in the said Court.

Court may appoint Assignees.

VII. And be it further enacted, That when the said Court shall adjudge any Prisoner to be entitled to his Discharge, such Court shall appoint a proper Person or proper Persons to be Assignee or Assignees of the Estate and Effects of such Prisoner for the Purposes of this Act; and when such Assignee or Assignees shall have signified to the said Court their Acceptance of the said Appointment, every such Prisoner's Estate, Effects, Rights, and Powers, vested in such Provisional Assignee as aforesaid, shall immediately be assigned by such Provisional Assignee to such Assignee or Assignees, in Trust for the Benefit of such Assignee or Assignees and the rest of the Creditors of every such Prisoner, in respect of or in proportion to their respective Debts, according to the Provisions of this Act; and in case any Prisoner who shall be discharged by virtue of this Act shall be entitled to any Copyhold or Customary Estate, the Assignment to such Assignee or Assignees as aforesaid shall be entered on the Court Rolls of the Manor of which such Copyhold or Customary Estate shall be holden; and thereupon it shall be lawful for the Assignee or Assignees of the Estate and Effects of such Prisoner, to surrender or convey such Copyhold or Customary Estate to any Purchaser or Purchasers of any such Copyhold or Customary Estate from such Assignee or Assignees, as the said Court shall direct, and the Rents and Profits thereof shall be in the meantime received by such Assignee or Assignees, for the Benefit of the Creditors of such Prisoner, without

Their Acceptance to be signified to the Court.

Copyhold or Customary Estates to be assigned.

Prejudice nevertheless to the Lord or Lords of the Manor of which any such Copyhold or Customary Estate shall be holden; and such Assignee or Assignees 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, obtaining, and enforcing any Estate, Effects, or Rights of any such Prisoner; and also to execute any Trust or Power vested in or created for the Use or Benefit of any such Prisoner, but in trust for the Benefit of such Assignee or Assignees and the rest of the Creditors of every such Prisoner, according to the Provisions of this Act, and to give such Discharge and Discharges to any Person or Persons who shall respectively be indebted to such Prisoner, as may be requisite; and every such Assignment as aforesaid, whether to a Provisional or other Assignee or Assignees, shall be entered on the Proceedings of the said Court, and an Office Copy of every such Assignment shall be sufficient Evidence thereof in all Courts, and to all Intents and Purposes; and every such Assignee or Assignees shall, with all convenient Speed, after his, her, or their accepting such Assignment as aforesaid, use his, or her, or their best Endeavours to receive and get in the Estate and Effects of every such Prisoner, and shall, with all convenient Speed, make Sale of all the Estate and Effects of such Prisoner vested in such Assignee or Assignees; and if such Prisoner 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, or within such other Time as the said Court shall direct, shall be sold by public Auction, in such Manner, and at such Place or Places, as the major Part of the Creditors of such Prisoner entitled to the Benefit thereof, who shall assemble together on any Notice in Writing published in the *London Gazette*, and in some daily Paper printed and published in *London*, or within the Bills of Mortality, if the Prisoner before his or her going to Prison resided in *London* or within the Bills of Mortality, and if such Prisoner resided elsewhere, then in some printed Newspaper which shall be published and generally circulated in or near the County, Riding, Division, City, Town, Liberty, or Place in which such Prisoner resided before he or she was committed to Prison, Thirty Days before any such Sale shall be made, shall, under his, her, or their Hand or Hands, approve; and every such Assignee or Assignees, at the End of Three Months at the farthest from the Time of his, her, or their accepting any such Assignment or Conveyance as aforesaid, and so from Time to Time as Occasion shall require, shall make up an Account of such Prisoner's Estate, and make Oath in Writing, before an Officer of the said Court to be appointed for that Purpose, or before One or more Justice or Justices of the Peace of the County, Riding, Division, City, Town, Liberty, or Place in which such Assignee or Assignees shall reside, that such Account contains a fair and just Account of the Estate and Effects of every such Prisoner 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, which Account so sworn shall be filed with the proper Officer of the said Court; and if it shall appear that such Assignee or Assignees has in his or their Hands any Balance where-

Sale of Estate and Effects of the Prisoner to be immediately made.

Creditors to meet 30 Days before Sale.

At the End of Three Months Dividends to be made:

with a Dividend may be made amongst the Creditors of such Prisoner, whose Debts are expressed in the Schedule delivered by such Prisoner, such Assignee or Assignees shall forthwith declare the Amount of the Balance in his Hands, wherewith such Dividend may be made; and Notice of the making of every such Dividend shall be published, in like Manner as a Meeting of Creditors is herein-before directed to be published, Thirty Days at least before such Dividend shall be made; and every Creditor whose Debts shall be stated admitted in the Prisoner's Schedule shall be allowed to receive a Share of such Dividend, unless such Prisoner, or his or her Assignee or Assignees, or any other Creditor of such Prisoner, shall object to any such Debt, in which Case the same shall be examined into by the said Court, who shall have full Power for that Purpose to require and compel the Production of all Books, Papers, and Writings which may be necessary to be produced, as well by the Person or Persons claiming such Debt, as by the Prisoner against whom the same shall be claimed, or his or her Assignee or Assignees, and to examine all such Persons and their Witnesses on Oath, as the Nature of the Case may require, and to take all other Measures necessary for the due Investigation of such Claim; and the Decision of the said Court upon such Claim shall be conclusive with respect to any Dividend of the Effects of such Prisoner, under the Provisions of this Act.

Notice of which shall be given.

Debt to be proved.

Court to give Directions as to the Disposal of Property in the Cases herein mentioned.

VIII. And whereas Prisoners discharged by virtue of this Act may be entitled to Annuities for their own Lives, or other uncertain Interests, or to reversionary or contingent Interests, or to Property under such Circumstances that the immediate Sale thereof, for Payment of their Debts, may be very prejudicial to them, and deprive them of the Means of Subsistence which they might otherwise have after Payment of their Debts; and it may be proper in some Cases to authorize the raising of Money by way of Mortgage, for Payment of the Debts or Part of the Debts of a Prisoner discharged by virtue of this Act, and defraying the Expences attending the Execution of this Act, instead of selling the Property of such Prisoner for such Purposes; be it enacted, That in all such Cases it shall be lawful for the said Court to take into Consideration all Circumstances affecting the Property of any Prisoner who shall be discharged by virtue of this Act, either at the Time of the Discharge of such Prisoner or at any subsequent Time; and if it shall appear to the said Court that it would be reasonable to make any special Order touching the same, it shall be lawful for the said Court so to do, and to direct that such Property as it may be expedient not to sell, or not to sell immediately, according to the Provisions of this Act, shall not be so sold, and from Time to Time to order and direct in what Manner such Property shall be managed for the Benefit of the Creditors of such Prisoner, until the same can be properly sold, or until Payment of all such Creditors according to the Provisions of this Act, and to make such Order touching the Sale or Disposition of such Property as to the said Court shall seem reasonable, considering the Rights of the Creditors of such Prisoner to Payment of their Demands, and the future Benefit of such Prisoner after Payment of his or her Debts, and upon such Terms and Conditions with respect to the Allowance of Interest on Debts not bearing Interest, or other Circumstances, as

to the said Court shall seem just; and if it shall appear to the said Court that the Debts of such Prisoner can be discharged by means of Money raised by way of Mortgage on any Property of such Prisoner, instead of raising the same by Sale, it shall be lawful for the said Court so to order, and to give all necessary Directions for such Purpose, and generally to direct all Things which may be proper for the Discharge of the Debts of such Prisoner, in such Manner as may be most consistent with the Interests of such Prisoner in any Surplus of his or her Effects after Payment of such Debts.

Property may be mortgaged if more beneficial.

IX. And be it further enacted, That in case such Prisoner, or any of his or her Creditors, or the said Court, shall at any Time be dissatisfied with the Account of any Assignee or Assignees, so rendered upon Oath as aforesaid; or in case any such Assignee or Assignees shall neglect to render such Account, or shall neglect to dispose of the Property, or collect the Effects of such Prisoner, or shall in any Manner waste or mismanage the Estate or Effects of such Prisoner, or neglect to make a due Distribution thereof; it shall be lawful for such Court, or of any such Creditor as aforesaid, to require such Assignee or Assignees to render such Account, on Oath, as is directed by this Act, if not before rendered, and to examine any Account so rendered, and to inquire into any Waste, Mismanagement, or Neglect of the Estate or Effects of such Prisoner, and direct a proper Administration thereof, and ascertain the Produce of such Estate and Effects, to be divided amongst the Creditors of such Prisoner, and direct the Distribution thereof accordingly; and to require and compel the Production of all Books, Papers, and Writings necessary for such Purposes, and to examine all Parties, and their Writings, on Oath, as the Case may require; and to take all such Measures as shall be necessary for the compelling and rendering of such Account, and the due Investigation thereof, and the proper Disposition and Distribution of the Effects of such Prisoner, according to this Act, and to award Costs against any of the Parties, as Justice shall require; and the Decisions of the said Court upon all such Matters shall be final and conclusive.

In case Prisoner shall be dissatisfied with the Assignees Account, or if they neglect to do their Duty, Court may direct Inquiry.

Books to be produced.

X. Provided always, and be it further enacted, That all and every Creditor and Creditors of any such Prisoner, for any Sum and 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 Prisoner, 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 Prisoner had become Bankrupt; the Amount upon which such Dividend shall be calculated, and the Terms and Conditions on which the same shall be received, being first settled by the said Court; 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 a Creditor under a Commission of Bankrupt, and a Certificate obtained by the Bankrupt under such Commission.

Creditor for Annuity may receive Dividend, &c.

XI. Pro-

Suit not to be commenced without Consent of Majority of Creditors.

XI. Provided, and be it also enacted, That no Suit in Law be proceeded in further than an Arrest on Mesne Process, or Suit in Equity be commenced by any Assignee or Assignees of any such Prisoner's Estate and Effects, without the Consent of the major Part in Value of the Creditors of such Prisoner, who shall meet together pursuant to a Notice to be given, at least Fourteen Days before such Meeting, in the *London Gazette*, or other Newspaper which shall be published in the Neighbourhood of the last Residence of such Prisoner, for that Purpose, and without the Approbation of One of the Commissioners of the said Court.

Where Persons claiming the Benefit of Act are seised of Lands, and have Power to lease, like Power extended to Assignee.

XII. And whereas many Persons who may claim the Benefit, or be brought within the Operation of this Act, are seised and possessed of Lands, Tenements, and Hereditaments, to hold for the Term of their natural Lives, with Power of granting Leases and taking Fines, reserving small Rents on such Estate, for One, Two, or Three Lives, in Possession or Reversion, or for some Number of Years determinable upon Lives, or have Powers over such Real or Personal Estate which such Prisoners could execute for their own Advantage, and which said Powers ought to be executed for the Benefit of the Creditors of such Prisoners; be it therefore enacted, 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 such Real or Personal Estates, which are or shall be vested in any such Prisoner as aforesaid, shall and are hereby vested in the Assignee or Assignees of the Real and Personal Estate of such Prisoner, by virtue of this Act, so far as the Prisoner could by Law vest such Power in any Person to whom he might lawfully have conveyed such Property, to be by such Assignee or Assignees executed for the Benefit of all and every the Creditors of such Prisoner as aforesaid.

Assignees, after giving Notice in Gazette, &c. may make Composition for Debts owing to Prisoner.

XIII. 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 Prisoner, by and with the Consent of the major Part in Value of the Creditors of such Prisoner, who shall be present at a Meeting to be had on Fourteen Days Notice previously given for the Purpose hereafter mentioned in the *London Gazette*, if the Prisoner was in Custody in *London* or within the Weekly Bills of Mortality, and if not, then also in some Newspaper which shall be published in the County, City, or Place in or near which such Prisoner shall have been in such actual Custody, and with the Approbation of one of the Commissioners of the said Court, to make Compositions with any Debtors or Accountants to such Prisoner, where the same shall appear necessary or reasonable, and to take such reasonable Part of any such Debts as can upon such Composition be gotten in full Discharge of such Debts and Accounts; and to submit to Arbitration 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 Prisoner; 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.

XIV. And

XIV. And be it further enacted, That in case any Assignee so appointed shall be unwilling to act, or in case of the Death or Incapacity or Misconduct of any such Assignee, it shall be lawful to and for any Creditor of such Prisoner to apply to the said Court to appoint a new Assignee or Assignees, with like Powers and Authorities as are given by this Act to the original Assignee or Assignees; and the said Court shall have Power to remove such Assignees, and to appoint such new Assignee or Assignees, and to oblige any Assignee who shall be removed, and the Heirs, Executors, Administrators, and Assigns of any deceased Assignee, to account for and deliver up all such Estate and Effects, Books, Papers, Writings, Deeds, and all other Evidences relating thereto, as shall remain in his or her Hands, to be applied for the Purposes of this Act, and the Decision of the said Court thereupon shall be final and conclusive; and from and immediately after such Appointment, all the Estate, Effects, Rights, and Powers of the said Prisoner, vested either in the Provisional Assignee or such Assignee or Assignees as aforesaid, shall become and the same are hereby vested in such new Assignee or Assignees.

Court may appoint new Assignees in case of Death or Removal.

XV. And be it further enacted, That in case any such Assignee or Assignees, 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 to be established by virtue of this Act to order the Person or Persons so offending to be arrested and committed to the County Gaol nearest to the Place where they shall reside, there to remain, without Bail or Mainprize, until such Person or Persons shall have fulfilled the Duty required by this Act, or until this Court shall make other Order to the contrary.

When Assignees shall not deliver over Balance of Property, Court may order them to be arrested, &c.

XVI. And be it further enacted, That the said Court shall forthwith, after such Petition and Schedule shall have been respectively filed in the said Court, cause Notice thereof to be given to the Creditor or Creditors at whose Suit such Prisoner shall be detained, or the Attorney or Agent of such Creditor or Creditors, and to the other Creditors named in the Schedule of such Prisoner, or such of them as the said Court shall think fit, and to be inserted in the *London Gazette*, and also, if the said Court shall think necessary, in some other Newspaper or Newspapers, and shall appoint a Day and Place for the hearing of the Matter of such Petition; and in case such Notice as the said Court shall direct shall have been given by any Creditor, of his or her Intention to oppose such Prisoner's Discharge, it shall and may be lawful both for the said Creditor, and any other of the Creditors of the said Prisoner, to oppose such Prisoner's Discharge, and for that Purpose to put such Questions to such Prisoner and examine such Witnesses as the said Court shall think fit, touching the Matters contained in such Petition and Schedule, and touching such other Matters as the said Court shall be of Opinion that it may be fit and proper to enquire into, in order to the due Execution of this Act; but

Court to give Notice in the London Gazette, &c. to Creditors after Petition and Schedule shall have been filed.

Creditors may oppose Prisoner's Discharge, &c.

no Creditor shall examine or oppose the Discharge of such Prisoner, until he shall make Oath or Affidavit of his Debt, or otherwise satisfy the Court of his Right to oppose such Prisoner's Discharge, if required so to do by such Prisoner: Provided always, that at such Hearing, any Creditor or Creditors so opposing may require, or the Court may, if it shall deem it necessary, order that it shall be referred to an Officer of the said Court, to investigate the Accounts of the said Prisoner, and to examine into the Truth of the Schedule of such Prisoner, and to report thereon to the said Court; and the said Court may at such Hearing proceed on the other Matters in opposition to the Discharge of such Prisoner, or adjourn the said Hearing thereof until such Officer shall have so made his Report; and in case such Prisoner shall not be opposed, and the Court shall be satisfied with the said Schedule, and that such Prisoner is entitled to the Benefit of this Act, then and in such Case such Court shall so declare, and shall order such Prisoner to be discharged from Custody forthwith, or so soon as such Prisoner shall have been in Custody at the Suit of One or more of the Persons who were Creditors at the Time of petitioning, or who have since become Creditors in respect of Debts then growing due, for such Period or Periods not exceeding Six Months in the whole, as the said Court shall direct, to be computed from the Time of filing the Petition of such Prisoner, and shall in such Order specify the several Debts of the said Prisoner to which such Charge shall apply; and such Discharge shall extend to all Process issuing from any Court for any Contempt of any Court, Ecclesiastical or Civil, by Non-payment of Money, or of Costs or Expences in any Cause or Proceeding in any Court, Ecclesiastical or Civil; and in case it shall appear to such Court, that the Opposition to the Petition of such Prisoner, by any of such Creditors, is frivolous and vexatious, that then it shall and may be lawful for such Court to award such Costs to such Prisoner as shall appear unto the Court to be just and reasonable.

Accounts of Prisoner may be referred to an Officer of the Court.

If Court satisfied with Schedule, Prisoner to be discharged forthwith, or so soon as he shall have been in Custody Six Months.

When it shall appear to the Court that such Prisoner shall have destroyed Books or acted fraudulently, &c. Term of Imprisonment may be extended to Three Years.

XVII. And be it further enacted, That in case it shall appear to the said Court, that such Prisoner shall, with Intent to conceal the State of his Affairs, or to defeat the Objects of this Act, have destroyed or otherwise wilfully prevented or purposely withheld the Production of any Books, Papers, or Writings, relating to such of his Affairs as are subject to Investigation under this Act; or shall have kept or caused to be kept false Books, or made false Entries, or have wilfully and fraudulently altered or falsified any such Books, Papers, or Writings; or shall in any respect have been guilty of Fraud, in discharging or concealing any Debt due to or from the said Prisoner; or shall have fraudulently made away with, charged, mortgaged, or concealed any Part of his or her Property of what Kind soever, either before or after the Commencement of his or her said Imprisonment, for the Purpose of diminishing the Sum to be divided among his or her Creditors, or of giving an undue Preference to any of the said Creditors; then it shall and may be lawful for the said Court to order that such Prisoner shall not be discharged out of Custody by virtue of this Act, or receive or be entitled to any Protection under the same, until he shall have been in Custody at the Suit of some one or more of the Persons who were Creditors at the Time of his petitioning the said Court, or had since become Creditors in respect of Debts then growing

ing due, and from whose Claims he shall be discharged by the Judgment of the said Court, for such Period or Periods, not exceeding Three Years in the Whole, as the said Court shall direct, to be computed from the filing of such Prisoner's Petition to the said Court.

When Prisoners shall have contracted Debts fraudulently, &c. or put their Creditors to any unnecessary Expence, the Court may extend Time of Imprisonment to Two Years.

XVIII. And be it further enacted, That in case it shall appear to the said Court that any such Prisoner shall have contracted any of his Debts fraudulently, or by means of false Pretences, or without having had any reasonable or probable Expectation at the Time when contracted of paying the same, or shall be indebted for Damages recovered in any Action for Criminal Conversation, or for seducing the Daughter of the Plaintiff in such Action, or in any Action for a malicious Prosecution, or for any other malicious Injury, or shall have put any of his or her Creditors to any unnecessary Expence, by any vexatious or frivolous Defence to any Suit for recovering the same, it shall and may be lawful for such Court to order that such Prisoner shall not be discharged out of Custody by virtue of this Act, or be entitled to any Benefit or Protection under the same, as to any Debt so contracted, or as to any Damages so incurred, or as to any Debt for recovering of which he shall so have occasioned unnecessary Expence as aforesaid, until he shall have been in Custody at the Suit of the Creditor or Creditors whose Debts shall have been so contracted or Damages so incurred, or who shall have been so put to Expence, for such Period or Periods, not exceeding Two Years in the whole, as the said Court shall direct, to be computed as aforesaid.

Court may order Creditors to pay Prisoners any Sum not exceeding 4s. per Week

XIX. Provided always, and be it enacted, That in all Cases where such Prisoner shall not be ordered to be discharged forthwith, but to be liable to Imprisonment at the Suit of his Creditor or Creditors, or of any or either of them, it shall be lawful for the said Court, on the Application of such Prisoner, to order the Creditor or Creditors at whose Suit such Prisoner shall be imprisoned, to pay to such Prisoner such Sum or Sums of Money, not exceeding the Rate of Four Shillings by the Week in the whole, at such Times and in such Manner as the said Court shall direct; and that on Failure of Payment thereof as directed by the said Court, such Prisoner shall be forthwith discharged from Custody at the Suit of the Creditor or Creditors so failing to pay the same.

Justices of the Peace to appoint in their Districts Examiners, &c.

XX. And be it further enacted, That the Justices of the Peace for every County, Riding, City, Cinque Port, antient Town or Members, Division, Liberty, or Place, assembled at the General Quarter Sessions or General Sessions of the Peace, or at any Adjournment thereof, and from Time to Time afterwards as Occasion may require, shall and may in open Court appoint as many fit Persons as they shall judge sufficient, to be Examiners for the Purposes of this Act, within their respective Jurisdiction.

The Court may direct final Examinations to be taken at Quarter Sessions.

XXI. And be it further enacted, That the Court established by virtue of this Act shall and may in all Cases, as they shall think fit, order and direct that any Prisoner, instead of being brought before such Court for final Examination, shall be examined by the Justices of the Peace in open Court, at their General or General Quarter Sessions of

of the Peace, or at some Adjournment thereof, for any County, Riding, City, Cinque Port, antient Town or Member, Division, Liberty, or Place, who are hereby respectively empowered and required to take such Examination pursuant to such Order; and the said Court shall forthwith cause Twenty-one Days Notice to be given in the *London Gazette*, and in such one or more Newspapers as the said Court shall direct, of the Day on which, and the Place where, the said Prisoner shall be brought before the said Justices for his Examination; and such Prisoner shall, according to such Order, be carried before such Justices, for which such Order shall be a sufficient Warrant; and in case any One Creditor shall give Two Days Notice to such Prisoner of his or her Intention to oppose such Prisoner's Discharge, then it shall and may be lawful for such Creditor, or for any other Creditor to oppose such Prisoner's Discharge, and to put to such Prisoner all such Questions as to such Justices shall appear relevant and proper, and such Prisoner shall answer, upon Oath, all such Questions; and if it shall appear to such Justices to be expedient and proper that the Accounts of such Prisoner, and the Matters of the Schedule of such Prisoner, should be further investigated and examined, then it shall be lawful for such Justices to adjourn the Hearing of the Petition of such Prisoner to some subsequent General or Quarter or Adjourned Sessions, and at the Request of any one or more Creditors to order and direct that some one of the Examiners appointed by the said Justices by virtue of this Act, shall examine into the Matters of the said Schedule, and certify his Opinion thereon to the said Justices at such General or Quarter or Adjourned Sessions to which the Hearing of such Petition shall have been adjourned, and of which Adjournment all Parties interested shall take Notice; and that such Examiner shall and may receive for his Trouble the Sum of One Pound and no more for every Meeting under such Order, to be paid for by the Person or Persons requiring the same; and in case it shall appear to the said Justices upon such Examination, or by Evidence, that such Prisoner is entitled to the Benefit of this Act, then the said Justices shall so declare and adjudge, and shall certify the same to the Court to be established by virtue of this Act; and in case it shall appear to the said Justices by such Examination, or by Evidence, that such Prisoner shall have contracted any Debts, against which he shall seek to be discharged, fraudulently, or without any reasonable or probable Expectation, at the Time of contracting the same, of being able to pay the same, or shall, with Intent to conceal the State of his Affairs, or to defeat the Objects of this Act, have destroyed or otherwise wilfully prevented the Production of any Books, Papers, or Writings, relating to such of his Affairs as are subject to Investigation under this Act, or shall have kept, or cause to be kept, false Books or made false Entries, or have wilfully and fraudulently altered or falsified any such Books, Papers, or Writings, or shall in any respect have been guilty of Fraud, in contracting, discharging, or concealing any Debt due from the said Prisoner to any of his or her Creditors, or shall have fraudulently made away with, charged, mortgaged, or concealed any Part of his or her Property, of what Kind soever, either before or after the Commencement of his or her said Imprisonment, for the Purpose of diminishing the Sum to be divided among his or her Creditors, or of

Notice to be given in the London Gazette, &c.

Prisoner's Discharge may be opposed.

Schedule may be further investigated.

Examiner to receive 1*l.* for every Meeting.

Justices to certify to the Court if Prisoner is entitled to Discharge; but if Prisoner shall have acted fraudulently, &c. Justices shall adjudge accordingly.

giving an undue Preference to any of the said Creditors, or that such Prisoner shall have put any of such Creditors as shall have proved their Debts to unnecessary Expence, by any vexatious or frivolous Defence, or improper Delay in any Suit for recovering the same, or that such Prisoner shall have wilfully or fraudulently omitted any Effects or Property whatsoever, to the Value of not less than Twenty Pounds in the whole, in the Schedule which the said Prisoner shall first have delivered in to the said Court, then such Justices shall so declare and adjudge, and shall also declare and adjudge in like Manner, and subject to the same Limitations as are herein-before mentioned and imposed in such Cases upon the Court to be established by virtue of this Act, for what Period of Time such Prisoner shall remain in actual Custody before such Prisoner shall be discharged from Custody by virtue of this Act; and such Justices shall forthwith certify the same to the Court to be established by virtue of this Act; and thereupon such Court shall accordingly order and direct, that the said Prisoner shall be discharged from Custody when and so soon as he shall have been in such actual Custody for the full Period of Time expressed in such Certificate as aforesaid.

After Prisoner's Committal, Affidavits of Creditors may be received in Opposition to Discharge, except in Surrey, Middlesex, or the City of London.

XXII. And be it further enacted, That in case any such Prisoner, after his Commitment to such actual Custody as aforesaid, shall be removed by any Writ of *Habeas Corpus* or otherwise, from the Place of such actual Custody, or shall be rendered in discharge of his Bail, it shall and may be lawful for the said Court to receive the Affidavits of any Creditor or Creditors, or of any other Person or Persons, in Opposition to the Discharge of such Prisoner under this Act; and also, if such Court shall think fit, to permit Interrogatories to be filed for the Examination or Cross-examination of every Person making or joining in such Affidavit, and also to stay the Discharge of every such Prisoner until such Interrogatories shall be fully answered, to the Satisfaction of such Court: Provided always, that this shall not extend to any Prisoner who shall have been in such actual Custody, or arrested, within the Counties of *Middlesex* or *Surrey*, or the City of *London*.

Order of Court for Discharge of Prisoner to be final, unless obtained upon false Evidence, &c.

XXIII. And be it further enacted, That such Order of the said Court for the Discharge of such Prisoner shall in all Cases be final and conclusive, and shall not be reviewed by the said Court, unless such Court so making the said Order shall, after such Order made, see good and sufficient Cause to believe that such Adjudication, and the Order founded thereon, shall have been made on false Evidence, or otherwise fraudulently obtained; in which Case it shall and may be lawful for any Creditor of the said Prisoner, to apply to the said Court to direct the said Prisoner to be brought again before them; and it shall and may be lawful for the said Court, upon due Notice to be given by such Creditor, to rehear the said Matter, and make such further Order as to them shall seem fit in Execution of the Powers in this Act contained: Provided always, that in case such Court, or such Justices of the Peace as aforesaid, shall entertain any Doubt, touching any Matter alledged against such Prisoner at the Time of his final Examination before mentioned, to prevent his or her Discharge, or touching the Examination of such Prisoner, it shall be lawful for such Court, or such Justices, to remand such Prisoner to Custody,

Prisoner may be remanded, and afterwards brought up for Examination.

Custody, and afterwards to cause such Prisoner to be again brought up for Examination, as often as to the said Court or the said Justices shall seem fit.

In case of false Swearing, Prisoner subject to Punishment inflicted for Perjury.

XXIV. And be it further enacted, That if any Prisoner who shall apply for his or her Discharge, under the Provisions of this Act, or any other Persons taking an Oath under the Provisions of this Act, shall wilfully forswear and perjure himself or herself in any Oath to be taken under this Act, and shall be lawfully convicted thereof, he or she so offending shall suffer such Punishment as by Law may be inflicted on Persons convicted of wilful and corrupt Perjury.

When Order for Discharge of Prisoner is made, Court may order that Judgment shall be entered up against the Prisoner in one of the Superior Courts, &c.

XXV. And be it further enacted, That when any Order for the Discharge of any Prisoner shall be made, the said Court may also order that a Judgment shall be entered up against such Prisoner in some one of the superior Courts of *Westminster*, in the Name of the Assignee or Assignees of such Prisoner, or of such Provisional Assignee as aforesaid, if no other Assignee shall then have been appointed and shall have accepted such Office, for the Amount of the Debts of such Prisoner which shall at the Time of such Order remain due and unpaid to the said Creditors, and from which such Prisoner shall be discharged by such Order; and the said Prisoner shall execute a Warrant of Attorney to authorize the entering up such Judgment; and such Judgment shall have the Force of a Recognizance; and such Order of the Court to be established by virtue of this Act, shall be a sufficient Authority to the proper Officer for entering up such Judgment; and when it shall appear to the Satisfaction of the said Court that such Prisoner is of Ability to pay such Debts, or any Part thereof, or that he is dead, leaving Assets for that Purpose, the Court may permit Execution to be taken out upon such Judgment, or put in force any other Power given by this Act against the Property acquired by such Prisoner after his Discharge, for such Sum of Money as under all the Circumstances of such Prisoner the Court shall order; such Sum to be distributed rateably amongst the Creditors; and such further Proceeding shall and may be had, according to the Discretion of the said Court, from Time to Time, until the whole of the Debts due to the several Persons against whom such Discharge shall have been obtained shall be fully paid and satisfied, together with such Costs as such Court shall think fit to award; and no *Scire facias* shall be necessary to revive such Judgment on account of any Lapse of Time, but Execution shall at all Times issue thereon by virtue of the Order of the said Court: Provided always, that in case any such Application against such Prisoner shall appear to the Court to be ill founded and vexatious, it shall be lawful for the Court not only to refuse to make any Order on such Application, but also to dismiss the same with such Costs as to the Court shall appear reasonable.

Court may permit Execution to be taken out on such Judgment where there are Assets, and the Prisoner of Ability to pay.

No Scire Facias necessary.

Prisoner after Judgment is entered up, not to be subject to Imprisonment by reason of the same.

XXVI. And be it further enacted, That no Prisoner who shall have obtained his or her Discharge by virtue of this Act, shall at any Time after such Discharge be imprisoned by reason of the Judgment so as aforesaid entered up against him in the Name of such Assignee or Assignees as aforesaid, or of any Judgment or Decree or Order obtained for Payment of Money only, or for Debt, Damages, Contempt of any Court, Ecclesiastical or Civil, by Nonpayment of Money

or Costs contracted, incurred, occasioned, owing, or growing due at the Time of the Commencement of such actual Custody, and expressed in such Discharge, or shall be in Prison for any Costs, taxed or untaxed, to the Payment of which he may be then liable in consequence of or by reason of any Contempt, or in order to the purging the same; but that upon every Arrest or Detainer in Prison upon any such Judgment or Decree or Order, or for or on account of any such Debt, Damage, Contempt, Costs, Sum and Sums of Money, it shall and may be lawful for any Judge of the Court from which any such Process shall have issued, upon shewing to such Judge a Copy of the Order for such Discharge as aforesaid, attested by the proper Officer of the said Court, to release from Custody such Prisoner as aforesaid, and at the same Time, if such Judge shall in his Discretion think fit, to order the Plaintiff in such Suit or Suits, or any Person or Persons suing out such Process, to pay such Prisoner the Costs which he or she shall have incurred on such Occasion, or so much thereof as to such Judge shall seem just and reasonable, such Prisoner causing a common Appearance to be entered for him or her in the Action or Suit for any such Debt as aforesaid.

In case of an Action for Escape, this Act to be given in Evidence.

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

Where Prisoner shall be declared entitled to the Benefit of the Act, no Execution shall issue against such Prisoner for Debt contracted prior to his actual Confinement.

XXVIII. And be it further enacted, That after the said Court shall have declared any Prisoner to be entitled to the Benefit of this Act as aforesaid, no Writ of *Fieri facias* shall issue on any Judgment before then obtained against such Prisoner, for any Debt contracted or Cause of Action arising before the Time of the Commencement of such actual Custody as aforesaid, except upon the Judgment entered up by Order of the Court as aforesaid; and that if any *Scire facias*, or Action of Debt, or any other Suit or Action, shall be brought against any Prisoner, his or her Heirs, Executors, or Administrators, upon any Judgment obtained against any such Prisoner, or any Statute or Recognizance acknowledged by him or her, or any other Cause of Action arising before the Commencement of such actual Custody by virtue of this Act, except upon the Judgment entered up against such Prisoner under the Order of the Court as aforesaid, it shall and may be lawful for any such Prisoner, his or her Heirs, Executors, or Administrators, to plead generally, that such Prisoner was duly discharged according to this Act, by the Order by which such Discharge shall have been obtained, and that such Discharge remains in force, without pleading any other Matter specially, whereto the Plaintiff or Plaintiffs shall or may reply generally, and deny the Matters pleaded as aforesaid, or reply any other Matter or Thing which may shew the Defendant or Defendants not to be entitled to the Benefit of this Act, or that such Prisoner was not duly discharged according to the Provisions of this Act,

Act, in the same Manner as the Plaintiff or Plaintiffs might have replied, in case the Defendant or Defendants had pleaded this Act and his Discharge by virtue of this Act specially; and if the Plaintiff or Plaintiffs be nonsuited, discontinue his or her Action, or Verdict pass against him, her, or them, or Judgment shall be had on Demurrer, the Defendant or Defendants shall have Double Costs: Provided always, that it shall be lawful to proceed against any Prisoner so discharged upon any Judgment, Recognizance, or other Security obtained or given, and which could not have been put in force against such Prisoner at the Time of his obtaining such Discharge; any thing in this Act contained to the contrary notwithstanding.

Prisoner may be proceeded against on that which could not be put in force at his Discharge.

When Prisoner shall, after Discharge, become entitled to Property which cannot be taken in Execution,

XXIX. Provided always, and be it further enacted, That in case any such Prisoner shall, after his Discharge out of Custody as aforesaid, become entitled to or possessed in his or her own Right of any Stock in the Public Funds of this Country, or of any Bills of Exchange, Promissory Notes, Bank Notes, or other Choses in Action, or other Property which by Law cannot be taken in Execution under the said Judgment so to be entered up in the Names of the said Assignee or Assignees as aforesaid, and such Prisoner shall have refused to convey, assign, or transfer such Stock, Bills of Exchange, Promissory Notes, Bank Notes, or other Choses in Action, or other Property, or so much of them as may be sufficient to satisfy the said Judgment, then and in such Cases it shall and may be lawful for the Assignee or Assignees of such Prisoner to apply by Petition in a summary Way, setting forth the Facts of the Case, to the Court, and to pray that the said Prisoner may be taken and remanded to Custody notwithstanding any such Discharge; and thereupon, if upon Examination by the said Court, and hearing as well the said Assignee or Assignees as the said Prisoner, in case he shall appear, or the said Assignee or Assignees only, in case such Prisoner, due Notice having been given to him, shall not appear, it shall appear to the said Court that the Contents of such Petition are true, then and in such Case such Court shall so declare and adjudge, and shall thereupon order the said Prisoner to be apprehended and remanded to Custody, which shall in such Cases always be within the Walls of the Prison from whence such Prisoner shall have been discharged, and not within any Rules or Liberties thereof, until he shall convey, assign, and transfer such Stock, Bills of Exchange, Promissory Notes, Bank Notes, or other Choses in Action, or other Property, or as much thereof as the Court shall direct, towards the Satisfaction of such Judgment, to such Assignee or Assignees, for the general Benefit of the Creditors of such Prisoner.

Assignee may apply by Petition to the Court for Relief.

Court may order Prisoner to be apprehended.

When Prisoners, after Discharge, become entitled to Stock in the Public Funds, &c. Court to make further Order.

XXX. Provided always, and be it further enacted, That in case any Person or Persons, Body Politic or Corporate, shall after the Discharge of any such Prisoner out of Custody as aforesaid, become possessed of, or have under his or their Power or Control, any Stock in the Public Funds of this Country, or any Legacy, Money due or growing due, Bills of Exchange, Promissory Notes, Bank Notes, Securities for Money, Goods and Chattels, or any other Property whatsoever belonging to such Prisoner, or held in trust for him, or for his Use and Benefit, or to which such Prisoner shall be in any way entitled;

or in case any such Person or Persons, Body Politic or Corporate, shall be in any Manner indebted to such Prisoner, it shall and may be lawful for the said Court, upon the Application of any Assignee or Creditor of such Prisoner, to cause Notice to be given to such Person or Persons, Body Politic or Corporate, directing him or them to hold and retain the said Property till the said Court shall make such further Order concerning the same; and thereupon it shall be lawful for the said Court further to order such Person or Persons, Body Politic or Corporate, to deliver over such Property, and to pay such Debts as aforesaid, or any Part thereof, to the Receiver of the said Court, or to the Assignee or Assignees of such Prisoner, for the general Benefit of his Creditors entitled to claim under such Judgment entered up by Order of the said Court as aforesaid.

Court to appoint Attornies to practise in it.

XXXI. And be it further enacted, That the said Court to be established by virtue of this Act shall and may admit at their Discretion any Number of fit Persons to practise in the said Court as Attornies or Agents, on Behalf of such Prisoners in such actual Custody as aforesaid, which Admissions shall in all Cases be made without the Payment of any Fee or Gratuity whatsoever, and shall be filed of Record in the said Court; and that in case any Person not admitted on the Files of the said Court shall practise in the said Court as an Attorney or Agent, on the Behalf of any Prisoner in such actual Custody as aforesaid, he shall be deemed and taken to be guilty of a Contempt of the said Court.

False Affirmation punished as Perjury.

XXXII. And be it further enacted, That in 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 false Affirmation, shall incur and suffer such and the same Penalties as are inflicted and imposed upon Persons convicted of wilful and corrupt Perjury.

Persons wilfully omitting any thing in Schedule as finally amended, except Wearing Apparel, &c. not exceeding 20*l.* subject to Three Years Imprisonment.

XXXIII. And be it further enacted, That from and after the passing of this Act, in case any Prisoner shall, with Intent to defraud his Creditor or Creditors, wilfully and fraudulently omit in his Schedule, as finally amended and filed in the said Court, at the Time of the Order for his Discharge from such actual Custody as aforesaid, any Effects or Property whatsoever, or retain or except out of the Schedule, as Wearing Apparel, Bedding, Working Tools and Implements, and other Necessaries, more in Value than Twenty Pounds, every such Person so offending, and any Person aiding and assisting him to do the same, shall, upon being thereof convicted by due Course of Law, be adjudged guilty of a Misdemeanor, and thereupon it shall and may be lawful for the Court before whom such Offender shall have been so tried and convicted, to sentence such Offender to be imprisoned and kept to hard Labour for any Period of Time not exceeding Three Years.

All Affidavits used, to be sworn before the Court, &c.

XXXIV. Provided always, and be it further enacted, That all Affidavits to be used before the said Court, or any Commissioner thereof, or any Justices of the Peace, at their General or Adjourned Sessions,

or any Examiner appointed under this Act, shall and may be sworn before the said Court, or any Commissioner appointed by the said Court for the Purpose of taking Affidavits, or any Master Extraordinary in Chancery, or Commissioner for taking Affidavits in any of the Superior Courts of *Westminster Hall;* and that no Conveyance, Assignment, Letter of Attorney, Affidavit, or other Proceedings whatsoever before or under any Order of the said Court, or before any Justices of the Peace acting in the Execution of this Act, shall be liable to the Payment of or be chargeable with the Payment of any Stamp or other Duty whatsoever.

No Proceeding liable to Stamp Duty.

Rate of Payment for the Insertion of Advertisements, 3*s*.

XXXV. Provided always, and be it further enacted, That the Sum of Three Shillings, and no more, shall be paid to any Printer or Proprietor of any Newspaper, for the Insertion of any Advertisement herein-before directed to be inserted in any Newspaper, and all Printers and Proprietors of Newspapers are hereby required to insert the same on Payment of the said Sum of Three Shillings for the Insertion thereof, in such Form as the said Court shall from Time to Time direct; and that no such Advertisement shall be liable to the Payment of or chargeable or charged with any Stamp or other Duty whatsoever.

Not liable to Stamp Duty.

Commissioners Powers under the Act 53G.3.c.102. extended to this Act.

XXXVI. And whereas it is expedient, that the Powers given to the Court established by virtue of an Act passed in the Fifty-third Year of His late Majesty's Reign, intituled *An Act for the Relief of Insolvent Debtors in* England, and Two Acts of the Fifty-fourth and Fifty-sixth Years of His said late Majesty's Reign, to amend the said Act, should be continued and vested in the Court to be established by virtue of this Act, in so far as any of the same relate to the Persons who have already obtained their Discharge by virtue of that Act, and their Estate and Effects; be it further enacted, That the Court to be established by virtue of this Act shall and may exercise all such Powers, and do all such Acts, and make all such Orders respecting Persons who have already obtained their Discharge by virtue of the said recited Act, or their Estate and Effects, or their respective Assignee or Assignees, or the Provisional Assignee appointed by the Court established by virtue of the said recited Act, as might have been exercised, done, and made by the Court established by virtue of the said recited Act, in case the said recited Act had been continued by this Act.

Former Records to be delivered over to Officers appointed by this Act.

XXXVII. And be it further enacted, That all the Records, Papers, Documents, and Money, of and belonging to or received under the Authority of the Court established by virtue of the said recited Act, shall immediately after the Time when the Court to be established by virtue of this Act shall have been fully constituted and established as aforesaid, be delivered over to the Chief Clerk of the said last-mentioned Court, by the Officer or Officers, or other Persons having the Custody of the same; and which said Records shall be deemed and taken to be the Records of the Court to be established by virtue of this Act.

XXXVIII. Pro-

Assignees Power not to extend to the Effects of Officers of the Army or Navy, &c. or beneficed Clergymen.

XXXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to entitle the Assignee or Assignees of the Estate and Effects of such Prisoner, being an Officer of the Army or Navy, or in the Naval or Military Service of the *East India* Company, or a beneficed Clergyman or Curate, to the Pay or Pension of such Officer, or to the Income of such Benefice or Curacy, for the Purposes of this Act: Provided always nevertheless, that it shall be lawful for such Assignee or Assignees to apply for and obtain a Sequestration of the Profit of any such Benefice, for the Payment of the Debts of any such Clergyman, and the Order for such Discharge shall be a sufficient Warrant for granting of such Sequestration, without any Writ or other Proceedings to authorize the same, and such Sequestration shall accordingly be issued, as the same might have been issued upon any Writ of *Levare facias*, founded upon any Judgment against such Clergyman: Provided also, that it shall be lawful for the said Court to order such Portion of the Pay or Half-pay or Pension of any such Officer of the Army or Navy, or Naval or Military Service of the *East India* Company, as on Communication from the said Court to the Secretary at War, or the Lords Commissioners of the Admiralty, or the Court of Directors of the United *East India* Company, he or they may respectively consent to, by Writing under the Hand of the said Secretary at War, or the Lords Commissioners or Secretary of the Admiralty, or the said Secretary of the Court of Directors, to be applied in Payment of his Debts, and for that Purpose to be paid to his Assignee or Assignees; and such Order and Consent being lodged in the Office of the Paymaster of His Majesty's Forces, or of the Treasurer of the Navy, or the said Secretary of the said Court of Directors, as the Case shall require, such Paymaster or Treasurer or Secretary shall give Directions accordingly, and such Portion of the Pay, Half-pay, or Pension of such Officer, as shall be specified in such Order and Consent, shall be paid to his Assignee or Assignees, until the said Court shall make Order to the contrary.

Sequestration of the Profit of Benefice may be applied for.

Portion of Pay of Officers may be obtained by Application.

Justices of Kesteven, &c. may hold their Quarter Sessions for the Purposes of this Act in the Division of Lindsey.

XXXIX. And be it further enacted, That the Justices of the Peace acting for the several Parts of *Kesteven* and *Holland* in the County of *Lincoln*, shall and may hold their several General Quarter Sessions or other Sessions of the Peace for such Parts or Divisions respectively, by Adjournment or otherwise, in the Parts or Division of *Lindsey*, in the said County of *Lincoln*, for the Purposes of this Act, and shall and may meet and act therein for such Purposes only, and they are hereby empowered to meet and act accordingly.

Act not to extend to Crown Debtors, unless Treasury give Consent.

XL. Provided always, and be it further enacted, That this Act shall not extend, or be construed to extend, to discharge any Prisoner seeking the Benefit of this Act, with respect to any Debt due to His Majesty, or His Successors, or to any Debt or Penalty with which he or she shall stand charged at the Suit of the Crown, or of any Person for any Offence committed against any Act or Acts of Parliament relative to His Majesty's Revenues of Customs, Excise, Stamp 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

secuted for any Offence committed against any Act or Acts of Parliament relative to His Majesty's said Revenues of Customs, Excise, Stamps, or Salt Duties, or any other Branches of Public Revenue, unless Three of the Lords Commissioners of His Majesty's Treasury for the Time being shall certify under their Hands their Consent to such Discharge.

Prisoners under Writ of Capias in Cases of Extents, as herein mentioned, may apply to the Barons of Exchequer to be discharged.

XLI. And be it further enacted, That it shall and may be lawful for any Person or Persons who may now or shall hereafter be imprisoned under or by virtue of any Writ of *Capias*, in any immediate Extent or Extents issued and remaining in force at the Instance or for the Benefit and Reimbursement of any Surety or Sureties, or other Person or Persons, or the Inhabitants of any Parish, Ward, or Place, who shall or may have advanced and paid the Debt to the Crown, and by reason whereof the Lords Commissioners of His Majesty's Treasury may not be authorized to give their Consent last aforesaid, to apply to the Barons of His Majesty's Court of Exchequer in *England* or *Scotland*, for his, her, or their Discharge, giving One Month's previous Notice in Writing to the Surety or Sureties, or Person or Persons aforesaid, or to the Churchwardens or Overseers of the Parish, Ward, or Place, at whose Instance or for whose Benefit respectively such Extent or Extents shall remain in force, of the Intention of such Person or Persons so imprisoned to make such Application, and an Enumeration and Description of all and every the Property, Debts, and Effects whatsoever, of such Person or Persons, in his, her, or their own Possession or Power, or in the Possession or Power of any other Person or Persons for his, her, or their Use; and for the said Court to whom such Application shall be made, to order such Person or Persons to be brought before them, or before any Baron of the said Court, to be examined upon Oath touching and concerning his, her, or their Property and Effects; and if such Person or Persons respectively shall upon such Examination make a full Disclosure of all his, her, or their Property and Effects, and it shall otherwise appear to the Satisfaction of the said Court reasonable and proper that such Person or Persons should be no longer imprisoned under such Writ, for such Court or Baron to order a Writ of *Supersedeas quoad Corpus* to be issued out of the said Court for the Liberation of such Person or Persons from such Imprisonment: Provided always, that no such Liberation as aforesaid shall be held or deemed to satisfy or supersede such Extent or any Proceedings thereon, except as to such Imprisonment as aforesaid, or the Debt or Debts seized under and by virtue thereof, and for which such Person or Persons shall be so imprisoned.

Bankrupts not entitled to Discharge under this Act, unless in Custody for Three Years.

XLII. Provided also, 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, shall be entitled to be discharged by virtue of this Act from any Debt for which such Prisoner shall be detained in Custody, and which might have been proved under such Commission, unless such Prisoner shall have been so detained in Prison for the

Space of Three Years before the Time when such Prisoner shall apply for his or her Discharge under this Act.

No Person having the Benefit of an Insolvent Act shall be entitled to further Relief within Five Years, unless Three-fourths in Number and Value of the Creditors consent.

XLIII. Provided always, and be it further enacted, That no Person who shall have been at any Time discharged by virtue of this Act, or of any other Act for the Relief of Insolvent Debtors, shall again be entitled to the Benefit thereof within the Space of Five Years after such Discharge, unless Three-fourths in Number and Value of the Creditors against whom such Person shall seek to be discharged by virtue of this Act, shall signify his, her, or their Assent to such Discharge, or it shall be made appear, to the Satisfaction of the Court to be established by virtue of this Act, that such Person has, since his or her former Discharge, endeavoured by Industry and Frugality, to pay all just Demands upon him or her, and has incurred no unnecessary Expence, and that the Debts which such Person has incurred, subsequent to such former Discharge, have been necessarily incurred for the Maintenance of such Person, or his or her Family, or that the Insolvency of such Person has arisen from Misfortune, or from Inability to acquire Subsistence for himself or herself, and his or her Family.

Mode of Proceeding with Prisoners of unsound Mind.

XLIV. And be it further enacted, That if any Person who shall at any Time be a Prisoner in any such Prison as aforesaid, upon any such Process as aforesaid, shall be or become of unsound Mind, and therefore incapable of taking the Benefit of this Act in such Manner as he or she might have done if of sound Mind, the Gaoler or Keeper of such Prison shall forthwith require One or more Justice or Justices of the Peace for the County, Riding, Division, or Place wherein such Prison shall be, to attend at the said Prison and enquire into the State of Mind of such Prisoner; and thereupon, and also in case any such Justice or Justices shall receive Information by other Means, that any such Prisoner is of unsound Mind as aforesaid, such Justice or Justices shall go to the said Prison, and by his, her, or their own View, and by Examination on Oath of such Person or Persons as he or they shall think fit to examine, shall enquire into the State of Mind of such Prisoner; and if it shall appear to such Justice or Justices upon such Enquiry, that such Prisoner is of unsound Mind, and therefore incapable of taking the Benefit of this Act, in such a Manner as a Person of sound Mind might do, such Justice or Justices shall forthwith make a Record of the Fact, and certify the same to the Court to be established by virtue of this Act; and thereupon it shall be lawful for such Court, at the Instance of any Person or Persons on behalf of such Prisoner, to order Notice to be inserted in the *London Gazette*, and in Two or more public Newspapers usually circulated in the Neighbourhood of such Prison, and in the Neighbourhood of the usual Residence of such Prisoner before he or she was committed to such Prison, as the said Court shall see fit, and shall in such Order specify and direct, that Application will be made to such Court for the Discharge of such Prisoner, on a Day to be specified in such Order, being Twenty Days at least from the Day of Publication of such One of such Gazette and Newspapers containing such Notice as shall be last published; which Notice, together with Service of the like Notice on the Creditor or Creditors at whose Suit such Prisoner shall be detained in Custody, or his, her, or their Attorney

or Attornies in such Suit, shall be deemed sufficient to authorize the said Court to proceed to the Discharge of such Prisoner, if otherwise entitled to such Discharge, according to the true Intent and Meaning of such Act; and such Court shall proceed accordingly, and shall discharge such Prisoner, and do all other Acts under this Act, in case it shall appear that such Prisoner might have obtained his or her Discharge under this Act if of sound Mind.

Officer of the Court to produce Schedules and Proceedings of Court, when required.

XLV. And be it further enacted, That the proper Officer of the Court to be established by virtue of this Act, shall, on the reasonable Request of such Prisoner, or of any Creditor or Creditors of such Prisoner, or his, her, or their Attorney, produce and shew to such Prisoner, Creditor or Creditors, or his, her, or their Attorney, at such Times as the said Court shall direct, such Petition, Schedule, Order, and Judgment, and all other Orders and Proceedings made and had in such Matter; and that a true Copy of every such Petition, Schedule, Order, Judgment, and other Proceedings, signed by the Officer in whose Custody the same shall be, or his Deputy, certifying the same to be a true Copy of such Petition, Schedule, Order, Judgment, or other Proceeding, as the Case may be, without being written on stamped Paper, shall at all Times be admitted, in all Courts whatever, as legal Evidence of the same respectively.

Prisoners may, after their Discharge, be examined as to their Estate and Effects, on Application of Assignees.

XLVI. And whereas the Estates both Real and Personal of any Prisoner who may be discharged by virtue of this Act, may not be sufficiently described or discovered in the Schedule before directed to be delivered upon Oath by such Prisoner, or the Assistance of such Prisoner may be necessary to adjust, make out, recover, or manage his Estate or Effects, for the Benefit of his or her Creditors; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the Assignee and Assignees of the Estate and Effects of any such Prisoner, who shall obtain his or her Discharge in pursuance of this Act, from Time to Time to apply to the Court to be established by virtue of this Act, that such Prisoner may be further examined as to any Matters or Things relating to his or her Estate and Effects, either by such Court, or by any Justice of the Peace for the County, Riding, Division, or Place where such Prisoner shall then reside; and if such Court shall direct any such Examination before any such Justice, such Justice shall send for or call before him such Prisoner, by such Warrant, Summons, Ways, or Means as he shall think fit; and if such Prisoner shall appear before such Justice, such Justice shall examine him or her, upon Oath or otherwise, as to such Matters and Things as such Assignee or Assignees shall desire, relating to the Estate and Effects of such Prisoner; and if any such Prisoner, on Payment or Tender of Payment of such reasonable Charges as such Justice shall judge sufficient, shall neglect or refuse to appear before such Justice, not having a lawful Excuse allowed by such Justice, or being come before such Justice shall refuse to be sworn, or to answer such Questions as by such Justice shall be put to him or her, relating to the Discovery of his or her Estate and Effects, vested or intended to be vested in such Assignee or Assignees as aforesaid, as required by the Order of the said Court, such Justice shall certify such Default to the said Court;

Such Persons refusing to appear or to answer Questions, &c. may be committed.

Court; and thereupon, and also in case such Prisoner shall neglect or refuse to appear before such Court to be examined by such Court, if the Court shall think fit so to order, or appearing before such Court shall refuse to be sworn, or to answer such Questions as shall be put to him or her, relating to the Discovery of his or her said Estate or Effects, then and in any of such Cases it shall be lawful for such Court by Warrant to commit such Prisoner so offending to the Common Gaol of any County or Place, there to remain without Bail or Mainprize until such Time as he or she shall submit himself or herself to such Court, and answer upon Oath or otherwise, as shall be required, to all such lawful Questions as shall by such Court be put, or ordered to be put to him or her, for the Purposes aforesaid.

Assignees to be examined within Six Months after Appointment.

XLVII. And be it further enacted, That the said Court to be appointed by virtue of this Act, shall immediately after the End of Six Months next after the Appointment of an Assignee or Assignees under this Act, at the Request of any One or more Creditors, summon such Assignee or Assignees before him, and examine him, her, or them, upon Oath or otherwise, touching his, her, or their Receipts and Payments, and shall thereupon order the Money in the Hands of such Assignee or Assignees to be paid into the said Court, and that such Dividend be made of the Estate and Effects of such Prisoner as it may think proper; and in case any Dividend or Dividends shall remain in the Hands of such Assignee or Assignees for the Space of Twelve Months next following the declaring thereof, it shall and may be lawful to and for such Court, and it is hereby authorized, to order and direct that such unclaimed Dividend or Dividends shall be immediately paid into Court; and in Default of Payment of such Dividend or Dividends by the Time by the said Court to be for that Purpose limited, it shall and may be lawful to and for the said Court to make such summary Remedy for the Purpose, by a Distress and Sale of the Goods and Chattels of such Assignee or Assignees, as to them shall seem proper; and if no sufficient Distress can be found, then and in such Case the said Court shall be at Liberty to commit the Offender to the Common Gaol or House of Correction, without Bail or Mainprize, there to remain until the said Court shall make other Order to the contrary.

Dividends remaining in their Hands for 12 Months shall be immediately paid into Court.

Costs how to be recovered.

XLVIII. And be it further enacted, That in all Cases in which the said Court is by this Act authorized to award Costs against any Person or Persons, it shall and may be lawful for the said Court to cause such Costs to be recovered from such Person or Persons in the same Manner as Costs awarded by a Rule of any of the Superior Courts at *Westminster* may be recovered.

Places where Petitions and Proceedings relating to Persons in Custody shall be heard.

XLIX. And whereas it may be convenient that the Hearing of the Petition, and other Proceedings relating thereto, of all Persons confined for Debt, Damages, Costs, Sum or Sums of Money, or Contempt for Non-payment of Money, in the Custody of the Sheriffs of the City of *London* and Sheriff of the County of *Middlesex*, and of the Warden of the *Fleet Prison*, should be heard and determined in some convenient Place the nearest to the Prisons of such Sheriffs; be it therefore enacted, That all Petitions and other Proceedings relating thereto,

thereto, of all Persons confined as aforesaid, and in the Custody of the Sheriffs of *London* and Sheriff of *Middlesex*, and of the Warden of the *Fleet Prison*, may, if the said Court shall think fit, be heard and determined at the *Guildhall* in and for the said City of *London*, or at the Sessions House in the *Old Bailey*, or at such other Place in the City of *London* as the said Commissioner for the Time being shall appoint for that Purpose.

Persons discharged from Contempts of Court for Non-payment of Costs to be relieved from other Costs, &c.

L. And be it further enacted by the Authority aforesaid, That all Persons who have been discharged under any Act for the Relief of Insolvent Debtors from Contempts of any Court for Non-payment of Money or Costs, shall be deemed and taken to have been discharged, not only from Costs ordered to be paid, but also from all Costs which such Persons would be liable to pay in consequence or by reason of such Contempts, or on paying the same; and also that all Persons from whose Demands for Costs any Persons shall be discharged by virtue of this or any former Act or Acts, shall be deemed and taken to be Creditors of such last-mentioned Persons, and entitled to the Benefit of all the Provisions made for Creditors by such Act or Acts.

This Act not to defeat the Proceedings in any Commission of Bankrupt.

LI. Provided always, That nothing in this Act contained shall extend or be construed to extend to defeat the Proceedings in any Commission of Bankrupt which may be issued against any Prisoner who may claim the Benefit of this Act, before such Prisoner shall have obtained an Order for his Discharge under this Act, but that every such Commission shall have relation to avoid any Assignment of the Estate and Effects of the said Prisoner under this Act, as such Commission would have had to avoid any Assignment by such Prisoner if this Act had not been made.

Continuance of Act.

LII. And be it further enacted, That this Act shall continue in force until the First of *June* One thousand eight hundred and twenty-five, and thenceforth until the End of the next Session of Parliament, and no longer.

Act may be altered this Session.

LIII. Provided always, and be it further enacted, That this Act, or any Part thereof, may be repealed or altered by any Act or Acts to be made in this present Session of Parliament.

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