

ANNO TERTIO

GEORGII IV. REGIS.

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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 so much of the said Act as limits the said Salaries to the Sum of Two hundred Pounds *per Annum*, shall be and the same is hereby repealed; and that in lieu thereof the Sum of Three thousand Pounds by the Year shall be, and be deemed, taken, and considered as the Limit which the Salaries of the several Officers of the said Court so appointed or to be appointed as aforesaid shall not exceed, and that such Salaries, not exceeding in the whole the said last-mentioned Sum of Three thousand Pounds by the Year, shall be paid and payable out of the Fund and in the Manner by the said Act provided in that Behalf, and as if the said Sum of Three thousand Pounds had been mentioned in the said Act as the Limit of the Amount of the said Salaries.

Repealing so much of recited Act as limits the Sum for Officers Salaries to 200*l.* per Ann. and extending the same to 3,000*l.* per Ann.

II. And whereas no Provision is made in the said Act for procuring in the City of *Dublin* a Court House for the said Court, and proper and sufficient Offices and Accommodations for the Business of the said Court, and for the safe keeping of the Records thereof, and it is necessary to make Provision in that Behalf; be it therefore enacted, That it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, to order that now and at all other Times when he or they shall think proper or necessary, a suitable and sufficient Court House with suitable and sufficient Offices for the Purposes aforesaid respectively, shall be provided and maintained in good and sufficient Order and Repair, and that for that Purpose such Building or Buildings as may be necessary for such Court House and Offices shall be taken at a Rent or Rents, and Repairs, Alterations, and Additions shall be made therein respectively, according to such Plans, Estimates, and Contracts as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being shall direct.

A Court House to be provided in Dublin.

III. And be it further enacted, That all and every Sum and Sums of Money which shall from Time to Time be required and be necessary for the Rent or Rents of any such Building, or for such Alteration, Addition, or Repairs, shall from Time to Time be paid out of the Consolidated Fund, by or under the Orders and Directions of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

Money necessary for Rent or Repairs to be paid out of the Consolidated Fund.

IV. And whereas in and by the said recited Act it is provided, that the said Court in *Dublin* shall not at any Time be adjourned for any longer Time than One Week; and it is thereby also provided, that while one of the said Commissioners shall be making and attending in such Circuit as therein mentioned, the other of the said Commissioners shall be attendant and presiding in the said Court in *Dublin*; and it may sometimes be highly expedient that both the said Commissioners should be absent from *Dublin* in different Cities, Towns, or Places at the same Time; be it therefore enacted, That on any particular Occasion, when the said Commissioners, or either

Allowing the Absence of both Commissioners from the Court in Dublin in certain Cases.

of them, shall be of Opinion that it would be expedient that both the said Commissioners should be absent from *Dublin* in different Places at the same Time, it shall and may be lawful to and for such Commissioners or Commissioner to state such Opinion, together with the Grounds and Reasons thereof, in Writing, to the Chief Secretary or Under Secretary, for the Information of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being; and thereupon if such Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, shall approve thereof, and the same shall be notified in Writing to such Commissioners or Commissioner by such Chief or Under Secretary, it shall and may be lawful to and for such Commissioners to be both absent from *Dublin* at the same Time, in such Places respectively as shall be so mentioned and allowed, and for that Purpose to adjourn the said Court in *Dublin* for such Time as shall be permitted in and by such Notification; any thing in the said Act to the contrary notwithstanding.

Repealing so much of recited Act as relates to Time allowed for Prisoners to petition the Court, and making other Provisions therein.

V. And whereas in and by the said recited Act it was provided that it should be lawful for any Prisoner in actual Custody, as therein mentioned, at any Time within Fourteen Days next after the Commencement of such actual Custody, or next after such Prisoner should have been removed to the *Marshalsea*, or within such further Time as such Court should think reasonable, to petition the said Court for his or her Discharge, as therein mentioned; and it is not reasonable, and is found inconvenient in Practice, that the Time of so petitioning should in any Degree depend on the Removal of such Prisoner to the *Marshalsea*, more especially as in case of any particular Hardships the Court has Power to afford Relief; be it therefore enacted, That so much of the said recited Act as permits any such Prisoner to present such Petition for his or her Discharge, within Fourteen Days after his or her Removal to the *Marshalsea*, shall be and the same is hereby repealed; and that from and after the Commencement of this Act, no Petition shall be permitted after Fourteen Days from the Commencement of the actual Custody, save under the special Order of the said Court for permitting the same as aforesaid.

On Taxation of Costs Officers of Court may administer Oaths.

VI. And be it further enacted, That on the Taxation of Costs in the said Court, the proper Officer in that behalf, and in every Matter of Inquiry duly referred by the said Court to any Officer or Officers thereof, any such Officer shall have full Power to administer Oaths, and to examine all Persons concerned, or who shall come or be produced before him on Oath concerning the Matter of such Taxation or Inquiry respectively; and it shall and may be lawful to and for such Court to order and enforce the Attendance of Witnesses, and Production of Books, Papers, Documents, and Vouchers before such Officer on such Taxation and Inquiries respectively, in the same Manner in all respects as such Court could or might order or enforce the same on any Inquiry or Trial before the said Court.

When Commissioner does not at-

VII. And whereas in and by the said recited Act it is provided, that on the Day appointed by the said Court in manner in the said Order

tend on the Day appointed, the Court shall stand adjourned to the next Day.

Order mentioned, any One Commissioner of the said Court might and should attend at the Court House in such Assize Town, and proceed to the Dispatch of Business in manner therein mentioned: And whereas it may from various Causes happen that One of the said Commissioners, proceeding or intending to proceed to such Assize Town, may be prevented from arriving there on the Day so appointed, and it is expedient that the Business of the said Court should not be thereby unnecessarily delayed; be it enacted, That if, upon the Day appointed for the Arrival of any such Commissioner, such Commissioner shall not have arrived, or shall not attend at such Court House, then and in every such Case the said Court shall be considered as adjourned to the ensuing Day (which shall not be a *Sunday*), and so on from Day to Day until the Arrival of One of the said Commissioners; and that all Persons summoned or bound, or having occasion to attend the said Court, shall thereupon be bound to attend the same according to every such Adjournment, in the same manner in all respects as if such Commissioner had regularly sat, and so adjourned the same; and that any such Commissioner who shall so arrive, shall proceed to sit and dispatch the Business of the said Court in the same Manner in all respects as if he had duly and regularly sat, and had been occupied by other Business thereof, and had himself made such Adjournments of the said Court; any thing in the said Act contained to the contrary notwithstanding.

The Non-attendance of the Commissioner on the Day appointed shall be accounted for to Government.

VIII. Provided always, and be it enacted, That every such Commissioner who shall not arrive at any such Assize Town on the Day so appointed by the said Court in that behalf as aforesaid, shall at such next subsequent Day or Time as he shall so arrive thereat, state in Writing the Reason or Cause which prevented him from so arriving, and shall send the same forthwith by His Majesty's Post, subscribed by himself, to the Chief Secretary, or in his Absence, to the Under Secretary, at *Dublin Castle*, to be laid before the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, or before either Houses of Parliament when called for.

Before whom Affidavits to be made.

IX. And whereas, in and by the said Act, it is provided, that all Affidavits to be used before the said Court, or any Commissioner thereof, shall and may be sworn before some One of the Courts or Persons therein named in that behalf, and great Mischief has, in many Instances, been found to arise from the Difficulty and Expence to Persons not residing in *Dublin*, having their Affidavits herein-after specified taken exclusively by the Persons so named in that behalf; be it enacted, That any Affidavit to be used before the said Court, may be made before some One of the Courts or Persons in the said Act named, and also before any Inspector of any County Gaol in *Ireland*, or any Justice of the Peace in his proper Jurisdiction, or any Commissioner appointed by the said Court for the Purpose of taking Affidavits, or in *England* or *Scotland*, before a Magistrate of the County, Division, City, Town, or Place, where the said Affidavit shall be sworn, or any Commissioner of the Court for Relief of Insolvent Debtors

Debtors in *England*, or any Officer of the said Court in *England* authorized to take Affidavits in the said Court in *England*, and the said Persons are hereby authorized and required to administer the same accordingly; and that every such Affidavit so made shall and may be filed, read, and used in the said Court, and for all the Purposes of the Evidence, as fully and effectually, and the same respectively shall be of the same Force, Validity, and Effect, as if the same had been duly made before any of the Persons in the said Act mentioned in that behalf.

No Fee to be taken for such Affidavit.

X. And be it further enacted, That no Fee whatever shall be taken or received by any Court, Officer, or Person whatsoever, for or in respect of the swearing of any such Affidavit of the Service of any such Notice.

Provisional Assignee to take possession of Estate, &c. conveyed to him;

and out of the Proceeds to pay the Expences of taking possession.

All Property vested in him shall go to his Successor.

XI. And be it further enacted, That it shall and may be lawful for the Provisional Assignee, or any Officer of the said Court, or other Person or Persons appointed for that Purpose, if the said Court shall so order, to take possession of all the Real and Personal Estate and Effects of every such Prisoner as shall subscribe such Petition, and execute such Conveyance and Assignment as in the said recited Act mentioned; and, if the said Court shall so order, to sell or otherwise dispose of such Goods, Chattels, and Personal Estate, or any Part thereof, and if the Court shall so order, of the Real Estate of such Prisoner, according to the Provisions of the said recited Act, for the Purposes of the said recited Act, and out of the Proceeds of such Real or Personal Estate, to defray, in the First Place, all such Costs and Expences of taking possession of or seizing and selling the same, as shall be allowed by the said Court, and account for the Produce thereof to the said Court; and all and every the Real or Personal Estate, Money, and Effects, vested in or possessed by such Provisional Assignee by virtue of the said recited Act or this Act, shall not remain in him, if he shall resign or be removed from his Office, or in his Heirs, Executors, or Administrators, in case of his Death, but shall, in every such Case, go to and be vested in his Successor in Office.

Nothing in recited Act or this Act to prevent any Mortgage, &c. on the Estate of Prisoners from taking Effect, or any Statute Staple, &c. from taking place, &c.;

XII. Provided always, and be it further enacted, That nothing in the said recited Act or in this Act contained shall extend or be construed to prevent any Mortgage, Charge, or Lien upon any Estate of such Prisoner, or any Part thereof, made prior to the presenting the Petition of such Prisoner for the Discharge of such Prisoner by virtue of the said Act or this Act, from taking place upon the Lands, Tenements, or Hereditaments, or Personal Estate and Effects, comprised in or charged or affected by such Mortgage, Charge, or Lien respectively; nor to prevent any Statute Staple, Statute Merchant, Recognizance, or Judgment acknowledged by or obtained against any such Prisoner, prior to the presenting of such Petition, from taking place upon the Lands, Tenements, or Real Estates of such Prisoner; and that where any Inquisition shall have been taken upon any Statute or Recognizance, or any Writ of Execution shall have been

been taken out and delivered to the Sheriff or proper Officer upon any such Judgment, before such Prisoner shall have presented his or her Petition for Discharge as aforesaid, the Personal Estate of such Prisoner shall be subject thereto, for so much as shall remain due upon such Statute, Recognizance, or Judgment respectively, in like Manner as the same would have been respectively, if the said recited Act or this Act had not been made, any thing in the said recited Act or this Act contained to the contrary notwithstanding; unless in any of the said Cases the Creditor or Creditors having such Mortgage, Charge, Lien, Statute Staple, Statute Merchant, Recognizance, Judgment, or Execution, shall elect to take and receive any Dividend under this Act in respect of such Debt, and shall cause such Election to be entered on the Files of the Court, discharging such Prisoner: Provided nevertheless, that no such Creditor who shall not have so made and entered such Election, shall be entitled to receive any Dividend under this Act, in respect of any Debt so secured.

unless the Creditors having such Mortgage or Statute Staple, &c. shall elect to take Dividend under this Act.

Prisoners obtaining Discharge shall be discharged against any Creditor for any Sum payable at a future Time.

XIII. And be it further enacted, That any Prisoner who shall have been or shall be declared entitled to the Benefit of the said recited Act, and who shall have obtained or shall obtain a Discharge under the said Acts, shall be discharged against every Creditor for any Sum of Money payable at any future Time or Times, who shall under the said recited Act have become entitled to a Dividend of the Estate of such Prisoner in respect to any Debt or Claim so growing due and payable, and which shall not be due or payable at or before the Time of such Prisoner obtaining his or her Discharge, in like Manner to all Intents and Purposes as if such Debt or Claim were payable presently, and not at a future Day.

When Assignees accept of Leases, Prisoners not liable to the Conditions.

XIV. And be it further enacted, That in all Cases where any Prisoner shall be discharged by virtue of the said recited Act or this Act, and such Prisoner shall be entitled to any Lease or Agreement for a Lease, and the Assignee or Assignees of such Prisoner shall accept such Lease or Agreement, and the Benefit therefrom, as Part of the Estate and Effects of such Prisoner, the said Prisoner shall not be liable to pay the Rent accruing due after such Acceptance of such Lease or Agreement as aforesaid; and after such Acceptance such Prisoner shall not be liable to be in any manner sued in respect or by reason of any subsequent Non-observance or Non-performance of the Conditions, Covenants, or Agreements in any such Lease or Agreement contained: Provided always, that in all such Cases as aforesaid, it shall be lawful for the Lessor or Person agreeing to make such Lease, his Heirs, Executors, Administrators, or Assigns, if the Assignees of such Prisoner shall decline, upon their being required so to do, to determine whether they will or will not so accept such Lease or Agreement for a Lease, to apply by Petition to the said Court, praying that such Assignees shall either so accept such Lease or Agreement for a Lease, or shall deliver up the same, and the Possession of the Premises demised or intended to be demised; and the said Court

shall thereupon make such Order as under all the Circumstances of the Case shall seem meet and just, and such Order shall be binding on all Parties; and in all Cases where the Assignee or Assignees of any such Prisoner shall refuse or decline to accept such Lease, or Agreement for a Lease, it shall and may be lawful for such Prisoner to surrender such Lease, or Agreement for a Lease, to his Lessor or Landlord, and such Lessor or Landlord shall be bound to accept such Surrender accordingly.

Provisional Assignee to sue in his own Name.

All his Acts done before Dismissal of Petition shall be valid.

XV. And be it further enacted, That it shall be lawful for the Provisional Assignee to sue in his own Name, if the said Court shall so order, for the recovery, obtaining, and enforcing of any Estate, Debts, Effects, or Rights of any such Prisoner; and in case of the Dismission of the Petition of any such Prisoner praying for his Discharge, which the said Court is hereby empowered to dismiss whenever it shall seem fit, all the Acts done before such Dismission by the said Provisional Assignee, or other Persons acting under his Authority, under the Order of the said Court, shall be good and valid.

Court may appoint an Assignee at any Time after filing Petition.

Power to all Assignees to exercise the Powers given to Provisional Assignee.

Assignment to Assignees to vest by relation from Time of First Assignment.

XVI. And whereas it is enacted by the said recited Act, that when the said Court shall adjudge any Prisoner to be entitled to his Discharge, such Court shall appoint a proper Person or Persons to be Assignee or Assignees of the Estate and Effects of such Prisoner, for the Purposes of the said recited Act; be it enacted, That it shall and may be lawful for the said Court, as often as it shall see cause, for the better preserving and securing the Property of any Prisoner, to appoint at any Time after the filing of such Prisoner's Petition, and before the said Court shall adjudge him entitled to his Discharge, as well as after such Adjudication, One or more Assignee or Assignees of the Estate and Effects of such Prisoner for the Purposes aforesaid; and when such last-mentioned Assignee or Assignees shall have signified to the said Court his or their Acceptance of the last-mentioned Appointment, every such Prisoner's Estate, Effects, Rights, and Powers vested in such Provisional Assignee, shall immediately be assigned by such Provisional Assignee to such last-mentioned Assignee or Assignees, in trust, for the Benefit of such last-mentioned 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 the said recited Act; and the Assignee or Assignees of every such Prisoner, at any Time appointed, shall be, and is and are hereby empowered to use and exercise all the Powers, Authorities, and Rights, and shall be subject to all the Duties, Liabilities, and Punishments, given or ordained by this or the said recited Act with respect to the Provisional or other Assignee or Assignees of any Prisoner; and in all Cases after Assignment by the Provisional Assignee, all the Estate and Effects of every such Prisoner shall be to all Intents and Purposes as effectually and legally vested by Relation in all and every such Assignee or Assignees, as if the First Assignment had been made by such Prisoner to such Assignee or Assignees, but no Act done under or by virtue of such First Assignment shall be thereby rendered void or defeated, but shall remain as valid as if no such Relation had taken place.

XVII. And

Court to charge Assignees with Interest after the Rate of 20*l.* per Cent. for using the Money belonging to Insolvent's Estate.

XVII. And be it further enacted, That from and after the passing of this Act, in all Cases in which any Assignee or Assignees of any Insolvent's Estate shall wilfully retain in his or their Hands, or otherwise employ for his or their own Benefit, any Sum or Sums of Money, Part of the Estates of such Insolvent, the said Court shall have full Power and Authority to order such Assignee or Assignees to be charged, in his or their Accounts with the Estates of such Insolvents, with such Sum or Sums of Money as shall be equal to the Amount of Interest, computed at a Rate not exceeding Twenty Pounds *per Centum per Annum*, on all Sums of Money appearing to the said Court to be so retained or employed by him or them for the Time or Times during which he or they shall have so retained or employed the same; and the said Court shall, in pursuance of such Order, charge such Assignee or Assignees, in their Accounts, with such Sum or Sums of Money accordingly.

Court to have Power to examine Debts, whether admitted or disputed in the Schedule.

XVIII. And be it further enacted, That the said Court shall have the same Power to examine into all Debts in the Prisoner's Schedule, whether the same shall be therein stated to be admitted or disputed, or to be admitted in part and disputed in part, as is enacted by the said recited Act as to the Debts stated to be admitted therein; and the Court shall enquire whether any of such Debts have been improperly admitted or disputed by the Prisoner before they shall grant any Discharge of such Prisoner.

Directing to refer to Schedule as to Creditors instead of specifying them in Adjudication, and to enable the Court to adjudicate generally, without naming particular Creditors, &c.

XIX. And be it further enacted, That in the Adjudication of the said Court, that any Prisoner is entitled to the Benefit of the said Act and the Order thereon, it shall not be necessary to specify the several Creditors and Persons claiming to be Creditors of such Prisoner, as required by the said recited Act; but it shall be sufficient, if the said Court shall think fit, to refer in such Order to the Schedule of such Prisoner, as specifying such Creditors or Persons claiming to be Creditors of such Prisoner, as to whom the said Court shall adjudge the said Prisoner to be entitled to the Benefit and Protection of the Act, and to be discharged forthwith; and that in all Cases where it shall appear to the said Court that any Prisoner shall have done or committed any Act for which the said Court is by the said recited Act authorized to order that such Prisoner shall not be discharged out of Custody by virtue of the said recited Act, or receive or be entitled to any Protection, until he or she shall have been in Custody at the Suit of some One or more of the Persons who were Creditors at the Time of petitioning the said Court, or had since become Creditors in respect of Debts then growing due, and from whose Claims he or she shall be discharged by the Judgment of the said Court, for a Period or Periods not exceeding Three Years in the whole; the said Court may adjudicate thereon in the Words of the said recited Act, without naming any such One or more Creditor or Creditors in such Adjudication, and thereupon the said Insolvent shall, under such Adjudication, be subject and liable to be detained in Prison by his or her then detaining Creditor or Creditors, and to be arrested or charged in Custody by any of the other Creditors

in his or her Schedule, until he or she shall have been in Custody for such Period or Periods in the whole as shall be specified in such Adjudication.

The Court may order Expences of Reference to be paid out of the First Proceeds.

XX. And be it further enacted, That where it shall have been referred to an Officer of the said Court, by virtue of the said recited Act, to investigate the Accounts of any Prisoner, and to examine into the Truth of the Schedule of such Prisoner, or the Matters thereof, it shall be lawful for the said Court, if it shall see cause, to order all Expences thereof paid by any Creditor or Creditors to be repaid to him or them out of the first Money received by the Provisional or other Assignee or Assignees of such Prisoner, from or by his Estate or Effects.

Court may order Prisoners to be confined within the Walls.

XXI. And be it further enacted, That in all Cases in which the said Court shall order any Prisoner to be discharged from Custody so soon as such Person shall have been in Custody during a certain Period, or not to be discharged until he shall have been in Custody during a certain Period, according to the Provisions and Limitations in the said recited Act, the said Court may, if it shall see Cause, order any Prisoner to be confined during any such Period within the Walls of such Prison, and not within any Rules or Liberties thereof.

In case of collusive Arrest in Dublin of Prisoner residing in another County, Affidavits may be used in Opposition.

XXII. And be it further enacted, That where it shall appear to the Satisfaction of the said Court, that any Prisoner in actual Custody, or arrested within the County of *Dublin*, or County of the City of *Dublin*, had at or immediately before such Arrest his usual Place of Abode in some other County or Place, and had been arrested in the said County of *Dublin*, or County of the City of *Dublin*, it shall and may be lawful for the said Court to receive Affidavits of any Creditor or Creditors, or of any other Person or Persons not resident within the said County of *Dublin*, or County of the City of *Dublin*, in Opposition to the Discharge of such Prisoner under the said recited Act, and if the said Court shall think fit, to permit Interrogatories to be filed for the Examination or Cross-examination of any 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 the said Court, or until the Expiration of Six Weeks from the filing of such Interrogatories.

No Prisoner shall be discharged as to any Action for any Debt admitted in his Schedule, &c. for want of the Plaintiff proceeding therein.

XXIII. And be it further enacted, That no Prisoner who shall have petitioned the said Court for Relief under and by virtue of the said recited Act, shall be discharged out of Custody as to any Action, Suit, or Process in or by which he or she shall be charged or detained in Custody, for any Debt or Damages which are or shall be admitted by such Prisoner in his or her Schedule filed in the said Court under the said recited Act, or which shall be disputed therein only as to the Amount of such Debt or Damages, by or by virtue of any Supersedeas, Judgment of Non-pros, or Judgment as in the Case of a Non-

suit, for want of the Plaintiff or Plaintiffs in such Action, Suit, or Process proceeding therein.

Petitions from Married Women petitioning to be discharged from Debt may be received by the Court without requiring the Conveyance required by the recited Act: but Conveyance for vesting Property shall be made to Provisional Assignee, &c.

XXIV. And whereas, by the Provisions in the said Act, any Prisoner petitioning for the Benefit of the said Act must execute a Conveyance and Assignment of all the Estate, Right, Title, Interest, and Trust of such Prisoner, to all the Real and Personal Estate and Effects of such Prisoner (except as therein excepted), so as to vest all such Real and Personal Estate and Effects in the Provisional Assignee of the said Court; and the said Court is empowered to order a Judgment to be entered up against such Prisoner in one of the superior Courts in *Dublin*, for the Amount of the Debts of such Prisoner which shall at the Time of such Order remain due and unpaid, from which such Prisoner shall be discharged by the said Court; and such Prisoner is required to execute a Warrant of Attorney to authorize the entering up such Judgment: And whereas a Married Woman being a Prisoner for Debt cannot execute such Conveyance or Assignment, or such Warrant of Attorney for the Purposes aforesaid, and therefore cannot petition for and obtain a Discharge under the said Act, without special Provision being made for such Purposes; be it therefore enacted, That if any Married Woman, being a Prisoner within the Intent and Meaning of the said Act, shall petition to be discharged from any Debt or Debts under the Provisions of the said Act, it shall be lawful for the said Court to receive such Petition, without requiring such Married Woman to execute such Conveyance or Assignment, or such Warrant as aforesaid, according to the Provisions of the said Act; but instead thereof that the said Court shall require such Married Woman to execute a Conveyance and Assignment for vesting in such Provisional Assignee as aforesaid all Property, Real and Personal, to which she may be entitled for her separate Use, or over which she shall have any Power of Disposition notwithstanding her Coverture, or which shall be vested in any Trustees or Trustee or other Persons or Person for her Benefit, and to deliver up all Personal Estate and Effects of which she shall have the actual Possession, except her Wearing Apparel, Bedding, and other such Necessaries, not exceeding in the Whole the Value of Twenty Pounds, and also all other Real and Personal Estate and Effects to which she shall be entitled in any Manner whatsoever, in Possession, Remainder, or Reversion, subject only to such Right, Title, or Interest as her Husband may have therein; all which Acts she is hereby empowered to do without her Husband notwithstanding her Coverture, so nevertheless as not to prejudice any Rights of her Husband in such Real and Personal Estate and Effects respectively; and all such Estate and Effects, Real and Personal, in Possession, Reversion, or Remainder, shall, by such Conveyance and Assignment so to be executed under the Order of the said Court, be as effectually vested in such Provisional Assignee as aforesaid, as the same might have been vested in such Assignee by the Conveyance or Assignment of such Woman if she had been sole and unmarried, subject only to the Rights of her Husband therein as aforesaid; and all Provisions in the said Act or in this Act contained, touching the Real and Personal Estate of any

any Prisoner seeking to be discharged under the Authority of the said Act, shall apply to such Real and Personal Estate and Effects respectively, in the same Manner as the same would apply to such Personal Estate and Effects if such Woman had been sole and unmarried, subject only to the Rights of her Husband therein; and such Married Woman shall also execute a Warrant of Attorney to confess Judgment in one of the superior Courts aforesaid, for the Amount of the Debts remaining unpaid, from which she shall be discharged under the Authority of the said Act as aforesaid; and such Warrant of Attorney so executed shall be sufficient Authority for entering up Judgment against such Woman accordingly, notwithstanding her Coverture; but such Judgment shall not in any Manner prejudice or affect the Rights of her Husband, except that the same shall be deemed and taken to be her Debt in case she shall die in the Life-time of such Husband, to the End that the same may be discharged out of her Personal Assets in a due Course of Administration, or out of her Real Estate, if any she shall have at the Time of her Death, but without Prejudice to any Estate or Interest of her Husband therein as Tenant by the Curtesy; and in case such Woman shall during the Life-time of her Husband become entitled to any Property for her separate Use, such Judgment may be enforced against such separate Property, by Suit in Equity or otherwise, under the Order of the said Court, for the Purpose of obtaining Payment of so much of the Debts from which such Woman shall have been discharged by such Court as shall then remain unpaid; and in case such Woman shall survive her said Husband, such Judgment may be after his Death enforced against such Woman or her Property, Real and Personal, in such and the same Manner and with the same Effect as it might have been if she had been sole and unmarried at the Time she executed such Warrant to confess Judgment, and at the Time when such Judgment shall have been entered up as aforesaid: Provided always nevertheless, that the Discharge of any Married Woman under the Authority of the said Act, or of this Act, shall not operate to discharge her Husband from any Debt from which his Wife shall be so discharged, but such Debt, so far as the same shall remain unpaid or unsatisfied, shall be chargeable upon and in force against such Husband, as fully, to all Intents and Purposes, as if his Wife had not obtained such Discharge.

Court may cause Insolvent to be apprehended and remanded when he refuses to appear before Court at the rehearing.

XXV. And whereas by the said recited Act the said Court is authorized in certain Cases, upon the Application of any Creditor of a Prisoner, to direct such Prisoner, after his Discharge, to be brought again before them, and upon due Notice to be given by such Creditor, to rehear the Matter, and make such further Order as to them shall seem fit, in Execution of the Powers in the said recited Act contained; be it further enacted, That where, in any such Case, the Insolvent, after his Discharge, shall refuse or neglect to appear before the said Court on the Day and at the Time specified in any Rule of the said Court, a Copy whereof shall have been duly served on such Insolvent, it shall and may be lawful for the said Court to order the said Insolvent to be apprehended, and remanded into Custody in such Prison as the said Court shall direct, and to issue their Warrant accordingly, and to cause

cause him to be brought up for Examination as often as to the said Court shall seem fit.

Persons who have been discharged under any previous Act within Five Years, shall state the same, and the Reasons for again applying, to be verified by Affidavit.

XXVI. And be it further enacted, That every Person who shall have been once discharged under any Act for the Relief of Insolvent Debtors, and shall petition again within Five Years after such Discharge, for his or her Discharge from Confinement, according to the Provisions of the said recited Act or this Act, shall state therein the Time and Place of his or her former Discharge, and 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, or his or her Family, or such and so much thereof as shall or may be applicable to the Case of every such Person; and to every such Petition shall be annexed an Affidavit verifying the Matters stated in such Petition.

All Estates, &c. of insane Persons who may be discharged to be vested in Provisional or other Assignees.

XXVII. And be it further enacted, That in every Case where a Prisoner shall be or become of unsound Mind, and Proceedings shall be had under the said recited Act for the Discharge of such Prisoner by the said Court, all and every Estate, Right, Title, Interest in Law and Equity, Real and Personal, Power, Benefit, and Emolument whatsoever, which, if such Prisoner were of sound Mind, could or ought to be assigned by such Prisoner, pursuant to the Provisions of the said recited Act or this Act, shall, by force and virtue of the Order for the Discharge of such Prisoner, be vested in the Provisional Assignee of the said Court, or in other Assignee or Assignees appointed by the said Court, and named in the said Order, as fully and effectually, and in the same Manner, and with all and every the same Consequences and Effects, both in Fact and Law, to all Intents and Purposes whatsoever, as if such Prisoner had been of sound Mind, and had duly conveyed the same to such Provisional Assignee at the Time and in the Manner in the said recited Act provided; and every Assignment hitherto made in such Case by the said Court is and shall be good and effectual to all Intents and Purposes; and that it shall be lawful for the said Court to order Judgment to be entered up against such Prisoner, in the same Manner as if he or she had been of sound Mind, and had executed a Warrant of Attorney to authorize the entering up of such Judgment, in the Manner by the said recited Act provided.

Assignments hitherto made shall be good.

Court may order Judgments to be entered up.

After Assignment avoided by Commission of Bankrupt, no Action to be brought, except to recover Property.

XXVIII. And be it further enacted, That when any Assignment shall be avoided by a Commission of Bankrupt being issued against any Prisoner, no Action or Suit shall be commenced for any thing done under or by virtue of the said Assignment, except to recover any Property, Estate, Money, or Effects of the said Bankrupt, detained after Demand thereof.

XXIX. And

XXIX. And whereas it may happen, that Money may remain in the said Court, produced by the Estate and Effects of Insolvent Debtors who have taken the Benefit of the said recited Act, or some other Act for the Relief of Insolvent Debtors, which has not been, or may not be claimed by the Assignees or Creditors of such Insolvent; be it further enacted, That it shall and may be lawful for the said Court to cause the same, or any Part thereof, to be invested in Government Securities, and to apply the Interest and Profit arising therefrom towards defraying the Expences of the said Court: Provided always, that no such Money shall be so invested until the same shall have been in the said Court for Twelve Months at the least.

Court may invest unclaimed Money, and apply the Profits towards the Expences of the Court.

Money not to be invested until after 12 Months.

XXX. And be it further enacted, That in all Rules, Orders, Warrants, and other Proceedings of the said Court, under the said recited Act or this Act, or any Act for the Relief of Insolvent Debtors, it shall be sufficient to set forth such Rule, Order, or Warrant; or in case of a Warrant for the Apprehension or Detention of any Person for a Contempt in disobeying any Order or Rule of the said Court, or for the Apprehension or Detention of any Person for compelling the Appearance of such Person before the said Court, or for the enforcing any Rule or Order of the said Court, it shall be sufficient to set forth such Rule or Order, and the Warrant thereon, and that the Insolvent in any Order, Rule, Warrant, or other Proceeding mentioned has been duly discharged under the said recited Act or this Act, or some other Act for the Relief of Insolvent Debtors, if he has been discharged, or if he has not been discharged, that the Prisoner has applied by Petition to the said Court for his or her Discharge from Confinement, according to the Provisions of the said Acts, without setting forth in any such Order, Rule, Warrant, or other Proceeding, the Petition, Conveyance or Assignment to the Provisional Assignee, Appointment of Assignee or Assignees, or any Assignment whatever, or the Schedule, Balance Sheet, Order for Hearing, Adjudication, Order for Discharge, or any other Rule, Order, or Proceeding of or in the said Court, or any Part thereof, except as aforesaid.

In all Rules, &c. it shall be sufficient to set out the Substance, without setting out the other Proceedings.

XXXI. And be it further enacted, That in every Information or Indictment against any Person for having, with Intent to defraud his Creditors, wilfully and fraudulently omitted in his Schedule, as finally amended and filed in the said Court, at the Time of the Order for his Discharge from actual Custody, any Effects or Property whatsoever, or retained or excepted out of the Schedule, as Wearing Apparel, Bedding, working Tools and Implements, and other Necessaries, more in Value than Fifteen Pounds, or against any Person for aiding and assisting to do the same, it shall be sufficient to set forth the Substance of the Offence charged on the Defendant, without setting forth the Petition, or Conveyance, or Assignment to the Provisional Assignee, Appointment of Assignee or Assignees, or any Assignment whatever, or Balance Sheet, Order for Hearing, Adjudication, Order for Discharge or Remand, or any Warrant, Rule, Order, or Proceeding of or in the said Court, except so much of his Schedule as may be necessary for that Purpose.

In Indictments, &c. for omitting Property from Schedule, &c. it shall be sufficient to set out the Substance of the Offence charged.

Act may be altered or repealed this Session.

XXXII. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

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