

ANNO SEPTIMO

GEORGII IV. REGIS.

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their Discharge by virtue of an Act passed in the Fifty-third Year of
53G.3. c.102. His late Majesty's Reign, intituled *An Act for the Relief of Insolvent Debtors in* England; and that all Things shall and may be done by all Persons relating to the Matters of all such Petitions, which such Persons might have done if the said Three first-recited Acts had been continued by this Act; and that the said Three first-recited Acts (except as is herein-before provided) shall be, from and after the passing of this Act, repealed, and the same are hereby repealed, except as aforesaid.

Otherwise the said Acts repealed.

Court now established, and Commissioners and Officers, to be continued.

II. And be it further enacted, That the Court now established for the Relief of Insolvent Debtors in *England* shall be continued, and that the several Persons appointed by His Majesty to be Chief and other Commissioners of the said Court, shall continue to be the Chief and other Commissioners of the said Court so hereby continued, and to preside therein; and that it shall and may be lawful for His Majesty, from Time to Time, upon any Vacancy in any of the said Offices of Chief or other Commissioner, by Death or otherwise, to appoint other fit and proper Persons, being Barristers at Law of Ten Years standing at the least, to be such Chief or other Commissioners, and to preside in the said Court accordingly; and that the several Persons appointed by the said Court to be Chief Clerk, Provisional Assignee, or any other Officer of the said Court, according to the Provisions of the said first-recited Act, shall continue to be the Chief Clerk, Provisional Assignee, and other Officers of the said Court, so hereby continued; and that it shall be lawful for the said Court, from Time to Time, upon any Vacancy in any of the said Offices, by Death or otherwise, to appoint other fit and proper Persons to be such Chief Clerk, Provisional Assignee, and other Officers; and that the said Court to be continued as aforesaid shall at all Times have Power to appoint such Officers as the Lord Chancellor, and the Lords Chief Justices of the Courts of King's Bench and Common Pleas, and the Lord Chief Baron of the Exchequer, shall judge to be necessary, and in such Manner as they shall direct.

Court to be a Court of Record.

Seal of the Court.

III. And be it further enacted, That the said Court so continued as aforesaid shall be a Court of Record for the Purposes of this Act; and that the said Court shall cause to be made a Seal of the said Court, and shall cause to be sealed therewith all such Records, Proceedings, Documents, and Copies of the same, as are herein-after expressly required to be so sealed, and such other Records, Proceedings, Documents, and Copies of the same, as the said Court shall at any Time direct; and that the said Court, or any Commissioner thereof, acting under the Powers of this Act, may adjourn any Sitting of the said Court or Commissioner, as may be requisite, 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, both before the said Court, and before any Commissioner thereof, acting as aforesaid, and before an Officer of the Court or Examiner, as herein-after mentioned, and before such Justices as are herein-after mentioned, and of requiring and compelling the Production of Books and Writings, as are now possessed by any of the superior Courts

Powers of Court and Commissioners.

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, to be brought before the said Court or Commissioner, or Officer or Examiner, or Justices, as often as shall be requisite; and that the said Court, or any Commissioner thereof, acting as aforesaid, shall have the Power of committing all Persons guilty of any Contempt of 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 or shall usually reside; and that the said Court shall have 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, or any Commissioner thereof, shall not have the Power of awarding Costs against any Person or Persons whomsoever, except in such Cases only where such Costs are herein-after expressly mentioned and permitted to be awarded by this Act; and 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 thereof, shall appear to be reasonable.

Court to sit at the Court House in Portugal Street, and elsewhere, if necessary.

IV. And be it enacted, That all Proceedings and Matters to be heard by the said Court shall be heard and determined by the said Court at the Court House of the said Court in *Portugal Street, Lincoln's Inn Fields*, unless the said Court shall at any Time see Cause to appoint its Sittings in any other Place, and shall appoint the same accordingly, which it is hereby empowered to do; and that it shall be lawful for any One Commissioner to hear and determine out of Court, upon Summons to the proper Parties, all Matters and Things relating to any Person who shall have petitioned the said Court for Relief under this Act, or to his or her Estate, Property, and Effects, or the Assignee or Assignees thereof, except the Hearing, Re-hearing, or any Examination of any such Person; and the Order made in any such Behalf by such Commissioner shall be of as full Force and Effect, to all Intents and Purposes, as if the same had been made by the said Court, unless the same shall, upon Application to the said Court at the next following Sitting thereof, be by the said Court altered or rescinded.

One Commissioner may hear Matters out of Court upon Summons.

Court to sit Twice a Week.

V. And be it enacted, That the said Court shall sit for the Dispatch of Business Twice at least in every Week throughout the Year, and One or more of the said Commissioners shall attend for that Purpose: Provided nevertheless, that from and after the Expiration of Six Weeks from the last Day of *Trinity* Term until the First Day of *November* in every Year, the said Court shall have full Power and Authority to regulate and appoint the Sittings of the said Court, at such Times as to the said Court shall appear fit and necessary for the due Administration of Justice in the said Court; and that no Adjournment of the said Court, during the Period aforesaid, shall be at any Time for more than Six Weeks.

Power to regulate Sittings otherwise during certain Periods.

VI. And

Commissioners to make Circuits.

VI. And be it enacted, That Three of the said Commissioners shall from Time to Time severally make Circuits, and give their Attendance at the several Assize or other Towns or Places, at which any Prisoner or Prisoners shall be ordered to appear, as herein-after provided; and that upon the Hearing of the Matters of any such Prisoner's Petition by such Commissioner on his Circuit, it shall and may be lawful for such Commissioner to make all such Orders, and to give all such Directions, and to do all such Matters and Things requisite for the discharging or remanding of such Prisoner, and for the Assignment and Application of the Estate and Effects of such Prisoner, and otherwise respecting such Prisoner, and his or her Petition and Schedule, and his or her Creditors and Assignees, as the said Court for the Relief of Insolvent Debtors may make, give, or do in the Matters of Petitions heard by the said Court, according to this Act; and that in each and every Matter to be heard and inquired into by such Commissioner, according to the Provisions of this Act, such Commissioner shall have the same Power as the said Court would have therein if the same were heard and inquired into by the said Court; and that all Judgments, Rules, Orders, Directions, and Proceedings, pronounced, made, and done in all and every the Matters aforesaid, by such Commissioners, shall be transmitted to the said Court, signed by such Commissioner, to be a Record of the said Court, and to be kept as such among the Records thereof.

Power of Commissioner on Circuit.

Time and Manner of making Circuits.

VII. And be it further enacted, That the said Circuits shall be made Three Times in each Year, if requisite, and that the Time and Manner of making the same, and the Officers necessary to attend the Commissioners thereupon, shall be regulated in such Manner as shall be appointed by the Commissioners of the said Court, with the Approbation of One of His Majesty's Principal Secretaries of State for the Time being; and that it shall and may be lawful for the Lord High Treasurer or Lords Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, to direct that such Sum or Sums shall be paid as may appear fit and necessary for the defraying the travelling Expences of such Commissioners and Officers, in execution of their Duties under this Act; and that during the said Circuits One of the said Commissioners shall be attendant and presiding in the said Court: Provided always, that if on any particular Occasion the said Commissioners shall be of Opinion that it would be expedient that all the said Commissioners should be absent from the said Court on Circuits, in different Places at the same Time, it shall and may be lawful to and for such Commissioners to state such Opinion, together with the Grounds and Reasons thereof, in Writing, to One of His Majesty's Principal Secretaries of State for the Time being; and thereupon, if such Secretary of State shall approve thereof, and such Approval shall be notified in Writing to such Commissioners by such Secretary of State, it shall and may be lawful to and for all the said Commissioners to be so absent from the said Court as aforesaid, at the same Time in such Places respectively as shall be so stated and approved, and for that Purpose to adjourn the said Court for such Time as shall be approved in and by such Notification.

Travelling Expences to be paid by the Treasury.

One Commissioner to remain in London.

Proviso for all Commissioners to be on Circuit, if necessary.

VIII. And

VIII. And be it enacted, That the said Court shall cause Notice of the Time and Place or Places of the Attendance of such Commissioner in each Assize, or other Town or Place, according to this Act, to be given in the *London Gazette*, and in some public Journal or Newspaper circulated in the County wherein such Town or Place is situate, Once in each of the Two Weeks immediately preceding the Time appointed for such Attendance: Provided always, that if on the Day appointed for such Attendance such Commissioner shall not attend at the Court House or other Place appointed for such Attendance, then and in every such Case the Court to be held by such Commissioners shall be considered as adjourned to the ensuing Day, not being a *Sunday*; and if the ensuing Day should be a *Sunday*, then to the next Day, *Monday*, and so on from Day to Day, until the said Commissioner shall give his Attendance; and that all Persons summoned or bound, or having Occasion to attend such Court, shall thereupon be bound to attend the same, according to every such Adjournment, in the same Manner in all respects as if the said Commissioner had regularly sat and so adjourned the said Court; and that when such Commissioner shall so give his Attendance, he shall proceed to dispatch the Business of the said Court in the same Manner in all respects as if he had regularly sat, and had himself made such Adjournment or Adjournments of the same; and that he shall thereupon without Delay state in Writing the Reason or Cause which prevented his Attendance on the Day appointed for such Attendance, and shall subscribe such Statement, and shall send the same forthwith by His Majesty's Post to One of His Majesty's Principal Secretaries of State.

Time of Circuits to be advertised.

Commissioner not arriving, Court to stand adjourned.

Cause of Non-arrival to be signified to Secretary of State.

IX. And be it 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 Fees 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.

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

X. And be it enacted, That from and after the passing of this Act it shall be lawful for any Person who shall be in actual Custody, within the Walls of any Prison in that Part of the United Kingdom called *England*, 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 Non-payment 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 Person would be liable in purging such Contempt, or in any Manner in consequence or by reason of such Contempt, at any Time within the Space of Fourteen Days next after the Commencement of the actual Custody of such Prisoner, whether such Commencement shall have been in the same Prison, or in any other Prison, or the Rules or Liberties of any Prison; or afterwards, if the said Court shall in any Case think reasonable to permit the same, to apply by Petition in a summary Way to the said Court, for his or her Discharge from such Custody, according to the Provisions of this Act; and in such Petition shall be stated the Time and Place of the First Arrest of such Prisoner,

Persons imprisoned for Debt may apply to the Court in a summary Way for Discharge.

Time of petitioning.

What shall be stated in the Petition.

Prisoner, in the Cause or Causes wherein he or she shall then be detained, and the Time of his or her Commitment to the Prison where he or she shall then be confined; and if such Prisoner shall not have been in the same Custody from the Time of such First Arrest, then the Means and Manner by which the Change of Custody of such Prisoner has taken place, and also the Name or Names of the Person or Persons at whose Suit or Prosecution such Prisoner shall at the Time of presenting such Petition be detained in Custody, and the Amount of the Debt or Debts, Sum or Sums of Money, and of such Costs as aforesaid, so far as the Amount of such Costs is ascertained, for which he or she shall be so detained; and it shall also be stated, whether such Prisoner has at any prior Time, and when, petitioned the said Court, or any other Court, for his or her Discharge, under any Act for the Relief of Insolvent Debtors, or under an Act passed in the Thirty-second Year of the Reign of His late Majesty King
32 G. 2. c. 28. *George* the Second, intituled *An Act for the Relief of Debtors with respect to the Imprisonment of their Persons, and to oblige Debtors who shall continue in Execution in Prison beyond a certain Time, and for Sums not exceeding what are mentioned in the Act, to make Discovery of, and deliver upon Oath their Estates for the Creditors Benefit;* and whether such Prisoner has or has not obtained any such Discharge, in pursuance of any such Petition, and whether such Prisoner has at any prior Time been declared a Bankrupt, and in such Case, whether such Prisoner has obtained his or her Certificate; and such Prisoner shall in such Petition state whether such Prisoner has given Notice to the Keeper of the Gaol or Prison in which he or she shall be confined, of his or her Intention to present the said Petition, which Notice the said Prisoner is hereby required to give in Writing to the Keeper of such Gaol or Prison; and such Prisoner shall in such Petition 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.

Petition to be signed and filed.

Prisoner at the Time of petitioning to make Assignment of Estate and Effects, except Wearing Apparel, &c. not exceeding 20*l.*; and of future Estate;

XI. And be it further enacted, That such Prisoner shall, at the Time of subscribing the said Petition, duly execute a Conveyance and Assignment to the Provisional Assignee of the said Court, in such Form as is to this Act annexed, of all the Estate, Right, Title, Interest, and Trust of such Prisoner, in and to all the Real and Personal Estate and Effects of such Prisoner, both within this Realm and Abroad, except the Wearing Apparel, Bedding, and other such Necessaries of such Person, and his or her Family, and the Working Tools and Implements of such Prisoner, not exceeding in the whole the Value of Twenty Pounds, and of all future Estate, Right, Title, Interest, and Trust of such Prisoner, in or to any Real and Personal Estate and Effects within this Realm or Abroad which such Prisoner may purchase, or which may revert, descend, be devised or bequeathed, or come to him or her, before he or she shall become entitled to his or her final Discharge in pursuance of this Act, according to the Adjudication made in that Behalf; or in case such Prisoner shall obtain his or her Discharge from Custody without any Adjudication being

made in the Matter of his or her Petition, then before such Prisoner shall be at large and out of Custody, and of all Debts due or growing due to such Prisoner, or to be due to him or her before such Discharge as aforesaid; which Conveyance and Assignment, so executed as aforesaid, in Form aforesaid, shall vest all the Real and Personal Estate and Effects of such Prisoner, and all such future Real and Personal Estate and Effects as aforesaid, of every Nature and Kind whatsoever, and all such Debts as aforesaid, in the said Provisional Assignee; and the same shall be made subject to a Proviso, that in case the Petition of any such Prisoner shall be dismissed by the said Court, such Conveyance and Assignment shall, from and after such Dismission, be null and void to all Intents and Purposes; and the said Court is hereby empowered to dismiss any such Petition in the Matter whereof a final Adjudication shall not have been made in pursuance of this Act, at any Time when it shall seem fit to the said Court to dismiss the same: Provided always, that where in any Case, by Leave of the said Court, any Amendment shall be made in any such Petition, or an amended Petition shall be filed as of the Date of the original Petition, which the said Court is hereby empowered to do and authorize without dismissing such original Petition, the Assignment and Conveyance executed in such Case shall not thereby be affected, but shall stand good to all Intents and Purposes, notwithstanding such Amendment or amended Petition so filed as aforesaid.

and of Debts.

Proviso for Assignment to be void, if Petition dismissed.

Power to dismiss Petition.

XII. Provided always, and be it enacted, That this Act shall not extend to any Person who shall not be at the Time of filing his or her Petition, and during all the Proceedings thereon, in actual Custody within the Walls of the Prison, without any Intermission of such Imprisonment by Leave of any Court or otherwise: Provided always, that if after any such Prisoner shall have obtained an Order for hearing the Matters of his or her Petition, it shall appear, to the Satisfaction of the said Court, by the Oath or Affidavit of a Physician, Surgeon, or Apothecary, and such other Evidence as the said Court may require, that such Prisoner cannot continue to reside within the Walls of any such Prison without serious Injury to the Health of such Prisoner, or that, for the Sake of the Health of the Prisoners in general, it is necessary that the Number thereof within the Walls of any such Prison should be reduced, it shall be lawful for the said Court to dispense with such actual Custody of any such Prisoner within the Walls, as is herein-before mentioned: Provided nevertheless, that if any such Prisoner, having obtained such Dispensation, shall go beyond the Rules and Liberties in which he or she shall in pursuance thereof be confined, such Prisoner shall thereby be deprived of all Benefit of this Act.

Act only to extend to Prisoners within the Walls;

except in certain Cases.

XIII. And be it further enacted, That the filing of the Petition of every Person in actual Custody, who shall be subject to the Laws concerning Bankrupts, and who shall apply by Petition to the said Court for his or her Discharge from Custody, according to this Act, shall be accounted and adjudged an Act of Bankruptcy from the Time of filing such Petition; and that any Commission issuing against such Person,

Filing Petition an Act of Bankruptcy, if acted upon within a certain Time; in which Case Assignment avoided.

Person, and under which he or she shall be declared bankrupt before the Time appointed by the said Court, and advertised in the *London Gazette*, for hearing the Matters of such Petition, or at any Time within Two Calendar Months from the Time of filing such Petition, shall have Effect to avoid any Conveyance and Assignment of the Estate and Effects of such Person, which shall have been made in pursuance of the Provisions of this Act: Provided always, that the filing of such Petition shall not be deemed an Act of Bankruptcy, unless such Person be so declared bankrupt before the Time so advertised as aforesaid, or within such Two Calendar Months as aforesaid; but that every such Conveyance and Assignment shall be good and valid, notwithstanding any Commission of Bankrupt under which such Person shall be declared bankrupt after the Time so advertised as aforesaid, and after the Expiration of such Two Calendar Months as aforesaid.

Assignment to be filed, although avoided by Commission of Bankruptcy;

and Court shall proceed to hear and adjudicate as in other Cases.

If Insolvent obtains Certificate, Rights of Assignees afterwards to be the same as in other Cases.

Not to affect Title of Assignees of Bankrupt, or Operation of Certificate.

XIV. Provided always, and be it enacted, That where the Conveyance and Assignment executed by any such Prisoner to the Provisional Assignee of the said Court, in pursuance of the Provisions of this Act, shall be or become void by reason of such Prisoner being declared bankrupt within such Period as above-mentioned, or being an uncertificated Bankrupt at the Time of such Execution, the said Conveyance and Assignment shall nevertheless, together with the Petition of such Prisoner, remain of Record in the said Court; and the said Court shall and may require such Prisoner to file his or her Schedule, and shall and may cause all Things to be done in order to the Hearing of the Matters of such Petition, and of all Oppositions to be made to his or her Discharge, and such Hearing shall and may be proceeded in, and all Things be done thereupon as in other Cases, according to this Act; and the said Court shall and may, at any Time when it shall seem fit, appoint other Assignee or Assignees in such Case in the same Manner as in other Cases; and that if at any Time after the Execution of the said Conveyance and Assignment by such Prisoner, he or she shall obtain his or her Certificate under any such Commission of Bankrupt, the Rights, Powers, Title, and Interest of the Provisional Assignee, and other Assignee or Assignees, appointed under this Act, in, over, and respecting any Property, Real or Personal, whatsoever, remaining to such Prisoner after the obtaining of such Certificate, or thereafter in any way coming to him or her, and under or in pursuance of the Warrant of Attorney to be executed by such Prisoner under the Provisions of this Act, shall from and after the obtaining of such Certificate be the same as if the Conveyance and Assignment executed by such Prisoner under this Act had been valid at the Time of the Execution thereof: Provided always, that nothing herein contained shall be construed to affect the Title, Rights, and Interests of the Assignees under any such Commission of Bankrupt, or to alter or diminish the Effect of any such Certificate as aforesaid, but that the Title, Rights, and Interests of such last-mentioned Assignees, and the Benefit of such Certificate to such Prisoner, shall be the same to all Intents and Purposes as if this Act had not been made.

XV. And

XV. And be it further enacted, That no Prisoner who shall have so petitioned the said Court for Relief under this Act shall, after the filing of his or her Petition, be discharged out of Custody, as to any Action, Suit, or Process for or concerning any Debt, Sum of Money, Damages, or Claim, with respect to which an Adjudication in the Matter of such Petition can, under the Provisions of this Act, be made by or by virtue of any Supersedeas, Judgment of Non-pros, or Judgment as in the Case of a Nonsuit, for want of the Plaintiff or Plaintiffs in such Action, Suit, or Process proceeding therein.

Prisoner petitioning not to be discharged for want of Plaintiff proceeding in his Action.

XVI. And be it further enacted, That it shall and may be lawful for the Provisional Assignee of the said Court to take Possession himself, or by means of a Messenger of the said Court, or other Person or Persons appointed by him, 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 aforesaid; 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 of the Real Estate of such Prisoner, according to the Provisions herein-after made with regard to the Sale of such Real Estate, and out of the Proceeds of such Real and Personal Estate to defray in the first Place all such Costs and Expences of taking Possession or of seizing and selling the same, as shall be allowed by the said Court, and to account for the Produce of such Sale or Disposition to the said Court; and it shall be lawful for the said Provisional Assignee to sue in his own Name, if the said Court shall so order, for the recovering, obtaining, and enforcing of any Estate, Debts, Effects, or Rights of any such Prisoner; and all and every the Real and Personal Estate, Money and Effects, vested in or possessed by such Provisional Assignee, by virtue of such Conveyances and Assignments so to be made by such Prisoners as aforesaid, shall not remain in him if he shall resign or be removed from his Office, nor 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, appointed by the said Court as aforesaid.

Provisional Assignee to take Possession of Estates, &c. conveyed to him, and sell the same if the Court directs;

paying the Expences out of Proceeds;

to sue in his own Name, if Court directs.

Property vested in him to go to his Successor in Office.

XVII. And be it further enacted, That the said Court may order and direct such Provisional Assignee as aforesaid, or such Assignee or Assignees as are herein-after mentioned, to pay to any such Prisoner, out of his or her Estate and Effects, such Allowance for his or her Support and Maintenance during such Prisoner's Imprisonment, and previous to the Adjudication in the Matter of his or her Petition, as to the said Court shall seem reasonable and fit.

Court may order an Allowance to Prisoner during his Confinement.

XVIII. Provided always, and be it enacted, That in case of the Dismission of the Petition of any such Prisoner seeking Relief under this Act, all the Acts done before such Dismission by the said Provisional Assignee, or other Assignee or Assignees, appointed as herein-after provided, or other Person or Persons acting under his or their Authority, according to the Provisions of this Act, shall be good and valid; and that in such Case, or in case the Conveyance and Assignment made by such Prisoner as aforesaid shall be avoided by any Commission of Bankrupt thereafter issuing against such Prisoner, as herein-

Where Petition is dismissed, Acts of Assignees valid.

No Action to be brought against them where Assignment avoided.

herein-before provided, no Action or Suit shall be commenced against such Provisional Assignee, nor against any Assignee or Assignees appointed under this Act, nor against any Person duly acting under his or their Authority, except to recover any Property, Estate, Money, or Effects of such Prisoner, detained after an Order made by the said Court for the Delivery thereof, and Demand made thereupon.

Court may appoint Assignees.

XIX. And be it further enacted, That it shall and may be lawful for the said Court, at any Time after the filing of the Petition of any such Prisoner as aforesaid, as to the said Court shall seem expedient, to appoint a proper Person or Persons, being a Creditor or Creditors of such Prisoner, 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 his or their Acceptance of the said Appointment, the Estate, Effects, Rights, and Powers of such Prisoner, vested in such Provisional Assignee as aforesaid, shall immediately be conveyed and assigned by such Provisional Assignee to the said Assignee or Assignees, in trust for the Benefit of such Assignee or Assignees, and the rest of the Creditors of such Prisoner, in respect of or in proportion to their respective Debts, according to the Provisions of this Act; and after such Conveyance and Assignment by such Provisional Assignee, all the Estate and Effects of such Prisoner shall be to all Intents and Purposes as effectually and legally vested by Relation in such Assignee or Assignees, as if the said Conveyance and Assignment had been made by such Prisoner to him or them: Provided nevertheless, that no Act done under or by virtue of such first Conveyance and Assignment shall be thereby rendered void or defeated, but shall remain as valid as if no such Relation had taken place; and that every such Conveyance and Assignment as aforesaid to such Provisional Assignee, and a Counterpart of every such Conveyance and Assignment by such Provisional Assignee to such other Assignee or Assignees, shall be filed of Record in the said Court; and a Copy of any such Record, made upon Parchment, and purporting to have the Certificate of the Provisional Assignee of the said Court, or his Deputy, appointed for that Purpose, endorsed thereon, and to be sealed with the Seal of the said Court, shall be recognised and received as sufficient Evidence of such Conveyance and Assignment, and of the Title of the Provisional and other Assignee or Assignees under the same, in all Courts, and before Commissioners of Bankrupt and Justices of the Peace, to all Intents and Purposes, without any Proof whatever given of the same, or of any other Proceeding in the said Court, in the Matter of such Prisoner's Petition.

Their Acceptance to be signified to the Court.

Assignment to them, by Provisional Assignee, to vest Estate, &c.

What shall be Evidence of Assignment.

Sale of Estate and Effects to be made immediately.

XX. And be it further enacted, That the Assignee or Assignees of the Estate and Effects of any such Prisoner shall, with all convenient Speed, after his or their accepting such Conveyance and Assignment as aforesaid, use his or their best Endeavours to receive and get in the Estate and Effects of such Prisoner, and shall, with all convenient Speed, make Sale of all such Estate and Effects; and if such Prisoner shall be interested in or entitled to any Real Estate, either in Possession, Reversion, or Expectancy, such Real Estate, within the Space of Six Months after the Conveyance and Assign-

ment

ment made to such Assignee or Assignees in that Behalf, 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 shall Thirty Days before any such Sale be approved, in Writing under their Hands, by the major Part in Value of the Creditors of such Prisoner entitled to the Benefit thereof, who shall meet together on Notice of such Meeting, published Fourteen Days previous thereto in the *London Gazette*, and also in some daily Newspaper, 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 within the United Kingdom, then in some printed Newspaper which shall be generally circulated in or near the Place where such Prisoner resided at the Time aforesaid; and in case such Prisoner shall be entitled to any Copyhold or Customary Estate, the Conveyance and Assignment by such Provisional Assignee 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 such Assignee or Assignees to surrender or convey such Copyhold or Customary Estate to any Purchaser or Purchasers of the same, 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 Prejudice nevertheless to the Lord or Lords of the Manor of which any such Copyhold or Customary Estate shall be holden.

Creditors to meet 30 Days before Sale of Real Estate.

Meeting to be advertised.

Assignee may surrender or convey Copyhold or Customary Estate.

XXI. And whereas Persons petitioning the said Court for Relief under 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 such Person, instead of selling the Property of such Person for that Purpose; 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 such Person; 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 Person, until the same can be properly sold, or until Payment of all such Creditors, according to the Provisions of this Act, shall have been made, and to make such Orders touching the Sale or Disposition of such Property as to the said Court shall seem reasonable, considering the Rights of the Creditors of such Person to Payment of their Demands, and the future Benefit of such Person, after Payment of his or her Debts, and upon such Terms and Conditions, with respect to the Allowance of

Discretion in Court as to the Disposal of Property in certain Cases.

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 Person can be discharged by means of Money raised by way of Mortgage on any Property of such Person, 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 Person, in such Manner as may be most consistent with the Interests of such Person, in any Surplus of his or her Effects after Payment of such Debts.

Property may be mortgaged, if more beneficial.

XXII. And whereas many Persons who may petition the said Court for Relief under this Act may be 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 Persons could execute for their own Advantage, and which said Powers ought on such Persons petitioning the said Court for Relief under this Act to be executed for the Benefit of the Creditors of such Persons; 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 Prisoner who shall petition the said Court for Relief under this Act, and all Trusts or Powers whatever vested in such Prisoner, or created for his or her Use or Benefit, which such Prisoner might legally execute for his or her own Benefit, (except the Right of Nomination to any vacant Ecclesiastical Benefice), shall be and are hereby vested in the Assignee or Assignees of the Real and Personal Estate of such Prisoner, by virtue of this Act, so far as such Prisoner could by Law vest such Power in any Person to whom he or she 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 under this Act.

Assignees may execute Powers which Insolvent might have executed for his own Benefit.

XXIII. And be it further enacted, That in all Cases in which any such Prisoner so petitioning the said Court as aforesaid shall be entitled to any Lease or Agreement for a Lease, and his Assignee or Assignees shall accept the same, and the Benefit thereof, as Part of such Prisoner's Estate and Effects, the said Prisoners shall not be or be deemed to be liable to pay any subsequent Rent to which his or her Discharge, adjudicated according to this Act, may not apply, nor be in any Manner sued after such Acceptance in respect or by reason of any subsequent Non-observance or Non-performance of the Conditions, Covenants, or Agreements therein contained: Provided, 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 said Assignee or Assignees shall decline, upon his or their being required so to do, to determine whether he or they will or will not accept such Lease or Agreement for a Lease, to apply to the said Court, praying that he or they may either so accept

Where Lease accepted by Assignees, Insolvent not to remain liable for subsequent Rent.

Assignees not determining whether to accept Lease, Lessor may apply to the Court.

the

the same, or deliver up such Lease or Agreement for a Lease, and the Possession of the Premises demised or intended to be demised; and the said Court shall thereupon make such Order as in all the Circumstances of the Case shall seem meet and just, and such Order shall be binding on all Parties.

Assignees may sue in their own Names;

XXIV. And be it further enacted, That it shall and may be lawful for the Assignee or Assignees of any such Prisoner, and such Assignee or Assignees is and are hereby empowered to sue from Time to Time, as there may be Occasion, in his or their own Name or Names, for the recovery, obtaining, and enforcing of any Estate, Effects, or Rights of such Prisoner, but in Trust for the Benefit of such Assignee or Assignees, and the rest of the Creditors of such Prisoner, according to the Provisions of this Act; and to give such Discharge and Discharges to any Person or Persons who shall be respectively indebted to such Prisoner, as may be requisite; and to make Compositions with any Debtors or Accountants to such Prisoner, where the same shall appear necessary; 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: Provided nevertheless, that no such Composition, or Submission to Arbitration, shall be made, nor any Suit in Equity be commenced by any such Assignee or Assignees, without the Consent in Writing of the major Part in Value of the Creditors of such Prisoner, who shall meet together pursuant to a Notice of such Meeting, to be published at least Fourteen Days before such Meeting in the *London Gazette*, and also in some Newspaper most usually circulated in the Neighbourhood of the Place where such Prisoner had his or her last usual Residence before his or her Imprisonment as aforesaid, nor without the Approbation of the said Court, or of One of the Commissioners thereof.

may make Composition for Debts;

may submit Differences to Arbitration.

Proviso for Consent of Creditors to Compositions and Arbitrations.

Creditors to vote according to Balance due to them, on Account fairly stated.

XXV. And be it further enacted, That in all Matters wherein Creditors shall vote, or wherein the Assent or Dissent of Creditors shall be exercised in pursuance of or in carrying into effect this Act, every Creditor shall be accounted such in respect of such Amount only as upon an Account fairly stated between the Parties, after allowing the Value of mortgaged Property, and other such available Securities and Liens, shall appear to be the Balance due; and that all Disputes arising in such Matters concerning any such Amount shall upon Application duly made in that Behalf be examined into by the said Court, or any Commissioner thereof on his Circuit, who shall have Power to determine the same, and if it seem fit, to refer the Examination thereof to an Officer of the said Court, or to an Examiner duly appointed in pursuance of this Act: Provided always, that the Amount in respect of which any such Creditor shall vote in any such Matter shall not be conclusive of the Amount of his or her Debt for any ulterior Purposes, in pursuance of the Provisions of this Act.

Suits not to be abated by Death or Removal of Assignees.

XXVI. And be it further enacted, That whenever any such Assignee or Assignees shall die or be removed, or a new Assignee or Assignees shall be appointed, in pursuance of the Provisions of this Act, no Action at Law or Suit in Equity shall be thereby abated, but the Court in which any Action or Suit is depending may, upon the Suggestion of such Death or Removal, and new Appointment, allow the Name or Names of the surviving or new Assignee or Assignees to be substituted in the Place of the former; and such Action or Suit shall be prosecuted in the Name or Names of the said surviving or new Assignee or Assignees, in the same Manner as if he or they had originally commenced the same.

Where Prisoner beneficially entitled to Stock, Court may order Transfer.

XXVII. And be it enacted, That if any Person so petitioning the said Court as aforesaid shall, at the Time of filing such Petition, or at any Time before he or she shall become entitled to his or her final Discharge, according to this Act, have any Government Stocks, Funds, or Annuities, or any of the Stock of any public Company, either in *England*, *Scotland*, or *Ireland*, standing in his own Name in his own Right, it shall be lawful for the said Court, whenever it shall deem fit so to do, to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name of such Assignee or Assignees as aforesaid; and all such Persons whose Act or Consent is so necessary as aforesaid are hereby indemnified for all Things done or permitted pursuant to such Order.

Assignees' Power not to extend to the Income of a Benefice or Curacy. Sequestration of Profit of Benefice may be obtained.

XXVIII. 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 any such Prisoner, being a Beneficed Clergyman or Curate, 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 such Prisoner; and the Order of Adjudication made in the Matter of such Prisoner's Petition, in pursuance of this Act, shall be a sufficient Warrant for the 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 Levari facias, founded upon any Judgment against such Prisoner.

Assignees' Power not to extend to the Pay or Pension of Naval, Military, or Civil Officers.

XXIX. 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 any such Prisoner, being or having been an Officer of the Army or Navy, or an Officer or Clerk, or otherwise employed or engaged in the Service of His Majesty, in the Customs or Excise, or any Civil Office, or other Department whatsoever, or being or having been in the Naval or Military Service of the *East India* Company, or an Officer or Clerk, or otherwise employed or engaged in the Service of the Court of Directors of the said Company, or being otherwise in the Enjoyment of any Pension whatever, under any Department of His Majesty's Government, or from the said Court of Directors, to the Pay, Half Pay, Salary, Emoluments, or Pension of any such Prisoner, for the Purposes of this Act: Provided

always nevertheless, that it shall be lawful for the said Court to order such Portion of the Pay, Half Pay, Salary, Emoluments, or Pension of any such Prisoner, as on Communication from the said Court to the Secretary at War, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the chief Officer of the Department to which such Prisoner may belong or have belonged, under which such Pay, Half Pay, Salary, Emoluments, or Pension may be enjoyed by such Prisoner, or the said Court of Directors, he or they may respectively, under his or their Hands, or under the Hand of his or their Chief Secretary, or other chief Officer for the Time being, consent to in Writing to be paid to such Assignee or Assignees, in order that the same may be applied in Payment of the Debts of such Prisoner; 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 of the Secretary of the said Court of Directors, or of any other Officer or Person appointed to pay, or paying, any such Pay, Half Pay, Salary, Emoluments, or Pension, such Portion of the said Pay, Half Pay, Salary, Emoluments, or Pension, as shall be specified in such Order and Consent, shall be paid to the said Assignee or Assignees, until the said Court shall make Order to the contrary.

Portion of Pay or Pension may be obtained on Application.

XXX. And be it enacted, That if any Person who shall petition the said Court for his or her Discharge from Imprisonment, under this Act, shall, at the Time of his or her Arrest, or other Commencement of such Imprisonment, by the Consent and Permission of the true Owner thereof, have in his or her Possession, Order, or Disposition, any Goods or Chattels whereof such Prisoner was reputed Owner, or whereof he or she had taken upon him or her the Sale, Alteration, or Disposition, as Owner, the same shall be deemed to be the Property of such Prisoner so petitioning, so as to become vested in the Provisional Assignee of the said Court by the Conveyance and Assignment executed in pursuance of this Act; provided that no Transfer or Assignment of any Ship or Vessel, or any Share thereof, made as a Security for any Debt or Debts, either by way of Mortgage or Assignment, duly registered according to the Provisions of an Act made in the Fourth Year of the Reign of His present Majesty, intituled *An Act for the registering of Vessels*, or according to the Provisions of an Act made in the Sixth Year of His said Majesty's Reign, intituled *An Act for the registering of* British *Vessels*, shall be invalidated or affected by reason of such Possession, Order, or Disposition of the same as aforesaid.

Goods in possession of Prisoner, whereof he was reputed Owner, to be deemed his Property.

No Assignment of Vessels under 4 G. 4. c. 41. or 6 G. 4. c. 110. to be affected.

XXXI. And be it enacted, That no Distress or Distresses for Rent made and levied after the Arrest or other Commencement of the Imprisonment of any Person who shall petition the said Court for his or her Discharge from such Imprisonment, according to this Act, upon the Goods or Effects of any such Person, shall be available for more than One Year's Rent accrued prior to the Execution of the Conveyance and Assignment by such Person, in pursuance of this Act, but that the Landlord or Party to whom the Rent shall be due shall and may be a Creditor for the Overplus of the Rent due, and for

Distress not to be available for more than One Year's Rent.

for which the Distress shall not be available, and entitled to all the Provisions made for Creditors by this Act.

Voluntary Preference fraudulent and void, as against Assignees.

XXXII. And be it further enacted, That if any Prisoner who shall file his or her Petition for his or her Discharge under this Act, shall, before or after his or her Imprisonment, being in insolvent Circumstances, voluntarily convey, assign, transfer, charge, deliver, or make over any Estate Real or Personal, Security for Money, Bond, Bill, Note, Money, Property, Goods, or Effects whatsoever, to any Creditor or Creditors, or to any Person or Persons in Trust for, or to or for the Use, Benefit, or Advantage of any Creditor or Creditors, every such Conveyance, Assignment, Transfer, Charge, Delivery, and making over, shall be deemed and is hereby declared to be fraudulent and void, as against the Provisional or other Assignee or Assignees of such Prisoner appointed under this Act: Provided always, that no such Conveyance, Assignment, Transfer, Charge, Delivery, or making over, shall be so deemed fraudulent and void, unless made within Three Months before the Commencement of such Imprisonment, or with the View or Intention by the Party so conveying, assigning, transferring, charging, delivering, or making over, of petitioning the said Court for his or her Discharge from Custody under this Act.

Provisions of 3 G. 4. c. 39. extended to the Assignees of Insolvents.

XXXIII. And whereas an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment:* And whereas it is expedient to extend the Provisions of such Act; be it therefore enacted, That the last-mentioned Act shall extend to the Provisional or other Assignee or Assignees of every Prisoner who shall after the Expiration of Twenty-one Days next after his or her Execution of such Warrant of Attorney, or giving of such Cognovit Actionem as therein mentioned, apply by Petition to the said Court for his or her Discharge from Confinement, according to the Provisions of this Act, as if the last-mentioned Act had been expressly herein enacted; and every such Warrant of Attorney, and Judgment and Execution thereon, and every such Cognovit Actionem, and Judgment entered up thereon, and Execution taken out on such Judgment, as are declared by the last-mentioned Act to be fraudulent and void against the Assignees mentioned therein, shall be deemed equally fraudulent and void against the Provisional or other Assignee or Assignees of such Prisoner, appointed under this Act, and such Provisional or other Assignee or Assignees shall be entitled to recover back and receive, for the Use of the Creditors of such Prisoner, all and every the Monies levied and Effects seized under or by virtue of any such Judgment or Execution.

Warrant of Attorney and Cognovit Actionem not to be acted upon against Goods of Insolvent

XXXIV. And be it further enacted, That in all Cases where any Prisoner who shall petition the said Court for Relief under this Act, shall have executed any Warrant of Attorney to confess Judgment, or shall have given any Cognovit Actionem, whether for a valuable Consideration or otherwise, no Person shall, after the Commencement of the Imprisonment of such Prisoner, avail himself or herself of any Execution issued or to be issued upon any Judgment obtained or to be obtained

obtained upon such Warrant of Attorney or Cognovit Actionem, either by Seizure and Sale of the Property of such Prisoner, or any Part thereof, or by Sale of such Property theretofore seized, or any Part thereof, but that any Person or Persons to whom any Sum or Sums of Money shall be due in respect of any such Warrant of Attorney or Cognovit Actionem, shall and may be a Creditor or Creditors for the same under this Act. after his Imprisonment.

XXXV. And be it further enacted, That the Assignee or Assignees of any such Prisoner, at the End of Three Months at the farthest from the Time of his or their accepting any such Conveyance and Assignment as aforesaid, and so from Time to Time as Occasion shall require or the said Court shall direct, shall make up an Account of such Prisoner's Estate, and make Oath in Writing before any Person before whom Affidavits are by this Act directed to be sworn, that such Account contains a fair and just Account of the Estate and Effects of 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 by the proper Officer of the said Court; and if it shall appear that such Assignee or Assignees have in his or their Hands any Balance wherewith a Dividend may be made amongst the Creditors of such Prisoner, such Assignee or Assignees shall forthwith declare the Amount of such Balance, and proceed to make a Dividend with the same, and Notice of the Time and Place of making such Dividend, in such Form as the said Court shall direct, shall be published in like Manner as Notice of a Meeting of Creditors to approve the Sale of Real Property is herein-before directed to be published, Thirty Days at least before such Dividend shall be made; and such further Notice thereof shall be given as the said Court may in any Case or at any Time direct; and in case such Dividend shall be made before Adjudication shall have been made in the Matter of such Prisoner's Petition, as herein-after provided, the same shall be made amongst the Creditors of such Prisoner who shall prove their Debts to the Satisfaction of such Assignee or Assignees by Affidavit sworn as by this Act directed; and in case such Dividend shall be made after such Adjudication, the same shall be made amongst the Creditors of such Prisoner whose Debts shall be admitted in his or her Schedule so sworn to as herein-after directed, in proportion to the Amount of the Debts so proved and so admitted respectively, as the Case may be: Provided always, that if any such Prisoner, Creditor, or Assignee shall object in whole or in part to any Debt tendered to be so proved as aforesaid, or to any Debt mentioned in the Schedule of such Prisoner, or if any Person whose Demand is stated in such Schedule, but is not admitted therein to the Extent of such Demand, shall claim to be admitted as a Creditor for the whole of such Demand, or for more thereof than is so admitted, the said Objections and Claims shall, upon Application duly made, be examined into by the said Court or a Commissioner thereof, on his Circuit; and the said Court or Commissioner may, if it shall seem fit, refer the Examination of the same to an Officer of the said Court, or to an Examiner duly appointed in pursuance of this Act; and the said Court or Commissioner, and such Officer or Examiner to whom such

Assignees to file Account at the End of Three Months.

Notice to be given of Dividend.

How Dividend is to be made.

Court may examine into disputed Claims.

such Reference shall have been made, shall have full Power for the Purpose aforesaid, to require and compel the Production of all Books, Papers, and Writings which may be necessary to be produced, as well by the Person claiming such Debt as by such Prisoner, or his or her Assignee or Assignees, Creditor or Creditors, and to examine all such Persons and their Witnesses upon Oath, as the Nature of the Case may require, and to take all other Measures necessary for the due Investigation of such Objections and Claims; and the Decision of the said Court or Commissioner thereupon shall be conclusive with respect to the Title of any such Creditor or Creditors to his, her, or their Share of such Dividend under the Provisions of this Act: Provided always, that in no Case shall any such Dividend be made before such Adjudication shall have been made as aforesaid, unless the said Court shall so direct.

If Prisoner or Creditor or Court dissatisfied with Assignees Account, Court may direct Inquiry,

XXXVI. 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 such Assignee or Assignees, so rendered upon Oath as aforesaid, or it shall appear to the said Court that the Matters of such Account require Examination, 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 the said Court to require such Assignee or Assignees to render such Account on Oath, as is directed by this Act, if not before rendered, and for the said Court, or any Commissioner thereof on his Circuit, to examine any Account so rendered, and to inquire into any Waste, Mismanagement, or Neglect of the Estate and Effects of such Prisoner, and if it shall seem fit, to order that it shall be referred to an Officer of the said Court, or to an Examiner, duly appointed in pursuance of this Act, to investigate the Accounts of such Assignee or Assignees so rendered as aforesaid, and to examine into the Truth thereof, and to report thereon to the said Court or Commissioner; and it shall and may be lawful for the said Court or Commissioner, or such Officer or Examiner, upon such Reference as aforesaid, to require and compel the Production of all Books, Papers, and Writings necessary for such Purposes, and to summon all Parties before him or them, and to examine all Parties and their Witnesses on Oath, as the Case may require; and the said Court or Commissioner shall and may take all such Measures as shall be necessary for the compelling of the rendering of such Account, and for the due Investigation thereof, and shall have Power to disallow any Charge or Charges in such Account, which it shall appear to the said Court or Commissioner ought not in fairness to be allowed, and to award Costs against any of the Parties, as Justice shall require; and that if it shall appear to the said Court or Commissioner upon such Inquiry, that any such Assignee or Assignees shall have wilfully retained in his or their Hands, or otherwise employed for his or their own Benefit, any Sum or Sums of Money, Part of or being the Produce of such Estate or Effects, the said Court or Commissioner shall have Power and Authority to order such Assignee or Assignees to be charged in his or their Accounts with

If no Account rendered, Court may compel the rendering thereof.

Court may charge Assignee with 20*l.* per Cent. on Money wilfully retained.

with the Estate of such Prisoner, 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 or Commissioner 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; and the Decisions of the said Court or Commissioner upon all such Matters, shall be final and conclusive.

Court to take Measures for compelling due Distribution by Assignees.

XXXVII. And be it further enacted, That it shall be lawful for the said Court or a Commissioner thereof on his Circuit, upon such Inquiry so made as aforesaid, to ascertain the Produce of the Estate and Effects of any such Insolvent, to be divided among his or her Creditors, and to direct the Distribution thereof, and to take all such Measures and make such Orders as shall be necessary for the compelling of the proper Disposition and Distribution thereof, according to this Act; and that if it shall at any Time appear to the said Court or Commissioner, that any Dividend or Dividends shall have remained in the Hands of any such Assignee or Assignees, for the Space of Twelve Calendar Months next following the declaring thereof by such Assignee or Assignees, or for the Space of Twelve Calendar Months next following any Order of the said Court, made for the declaring or making thereof, it shall and may be lawful to and for the said Court or Commissioner to order and direct that such unclaimed Dividend or Dividends shall be immediately paid into the said Court, to the Credit of the Estate of such Insolvent; and in default of the Payment of the same by the Time which shall be limited by the said Court or Commissioner for that Purpose, it shall and may be lawful to and for the said Court or Commissioner to make such summary Remedy for that Purpose, by a Distress and Sale of the Goods and Chattels of such Assignee or Assignees, as to the said Court or Commissioner shall seem proper; and if no sufficient Distress can be found, then and in such Case the said Court or Commissioner shall be at liberty to commit the Offender to the Prison of the King's Bench, or to the Common Gaol of any County in which such Offender shall be, or shall usually reside, without Bail or Mainprize, there to remain until the said Court or Commissioner shall make Order to the contrary.

Dividends unclaimed for 12 Months, to be paid into Court.

In default of which Payment Goods may be distrained; and if no Distress, the Party may be imprisoned.

Court may remove Assignees and appoint new Assignees.

XXXVIII. And be it further enacted, That in case any Assignee of the Estate and Effects of any Prisoner so appointed as aforesaid shall be unwilling to act, or in case of the Death, Incapacity, Disability, Misconduct, or Absence from the Realm of any such Assignee, it shall be lawful to and for any Creditor or Creditors 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 Assignee or Assignees herein-before mentioned, and that the said Court shall have Power to remove such Assignees, and to appoint such new Assignee or Assignees, and to compel any Assignee who shall be removed, and the Heirs, Executors, or Administrators of any deceased Assignee, to account for and deliver up to the said Court, or

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as the said Court shall order, all such Estate and Effects, Books, Papers, Writings, Deeds, and other Evidences relating thereto as shall remain in his or their Hands, to be applied for the Purposes of this Act, and the Decision of the said Court in the Matters aforesaid shall be final and conclusive; and from and immediately after such Appointment of a new Assignee or Assignees, and by virtue of the Order of the said Court in that Behalf, all the Estate, Effects, Rights, and Powers of such Prisoner, vested in any such former Assignee or Assignees, shall become and the same are hereby vested in such new Assignee or Assignees, without any new Assignment or Conveyance executed in that Behalf; and every such Removal and Appointment shall be entered of Record in the said Court, and such Notice thereof shall be published as the said Court shall at any Time direct, and Proof of such Removal and Appointment so entered of Record as aforesaid shall be received by such certified Copy thereof, as is herein-before directed to be received as Proof of Assignments made in pursuance of this Act.

What shall be Evidence of Removal and Appointment.

If Assignee or Executor, &c. so removed shall not deliver over Property, Court may commit him.

XXXIX. And be it further enacted, That in case any such Assignee so removed as aforesaid, or the Heirs, Executors, or Administrators of any deceased Assignee, or any of them, shall not account for and deliver up such Estate and Effects, Books, Papers, Writings, Deeds, and other Evidences as aforesaid, or shall not pay over the Balance of the Produce of any such Estate or Effects found to be in his or their Hands, in obedience to the Order of the said Court made thereupon, and notified to him or them respectively, it shall and may be lawful for the said Court to order the Person or Persons so offending to be arrested and committed to the Prison of the King's Bench, or to the Common Gaol of any County where he or they shall be, or where he or they shall usually reside, there to remain, without Bail or Mainprize, until such Person or Persons shall have fulfilled the Duty required by this Act, or until the said Court shall make Order to the contrary.

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

XL. And it is hereby further enacted, That every such Prisoner who shall apply for Relief under this Act shall, within the Space of Fourteen Days next after his or her Petition shall have been filed as aforesaid, or within such further Time as the said Court shall think reasonable, deliver into the said Court a Schedule, containing a full and fair Description of such Prisoner, as to his or her Name or Names, Trade or Trades, Profession or Professions, together with the last usual Place of Abode of such Prisoner, and the Place or Places where he or she has resided during the Time when his or her Debts were contracted; and also a full and true Description of all Debts due or growing due from such Prisoner at the Time of filing such Petition, and of all and every Person and Persons to whom such Prisoner shall be 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 of all the Estate and Effects of such Prisoner, Real and Personal, in Possession, Reversion, Remainder, or Expectancy; and also of all Places of Benefit

Benefit or Advantage held by such Prisoner, whether the Emoluments of the same arise from fixed Salaries or from Fees, or otherwise; 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 of all Rights and Powers of any 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 other 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; together with a full, true, and perfect Account of all the Debts due or growing due at the Time of filing such Petition, 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 growing due, and of the Witnesses who can prove such Debts, so far as such Prisoner can set forth the same; and the said Schedule shall also contain a Balance Sheet of so much of the Receipts and Expenditures of such Prisoner, and of the Items composing the same, as shall be at any Time required by the said Court in that Behalf; and shall also fully and truly describe the Wearing Apparel, Bedding, and other Necessaries of such Prisoner, and his or her Family, and the Working Tools and Implements of such Prisoner, not exceeding in the whole the Value 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, together with all Books, Papers, Deeds, and Writings in any way relating to such Prisoner's Estate or Effects, in his or her Possession, or under his or her Custody or Controul.

Schedule to be filed with Books and Papers.

XLI. And be it further enacted, That the said Court shall forthwith, after such Petition and Schedule shall have been filed as aforesaid, in the said Court, by any such Prisoner, appoint a Time and Place for the Hearing of the Matters of such Petition and Schedule, and the Time so appointed shall in no case be more than Four Calendar Months after the Date of such Appointment; and where such Prisoner shall be in any Gaol within the Counties of *Middlesex* or *Surrey*, or the City of *London*, or Borough of *Southwark*, the said Court shall order such Prisoner to be brought before the said Court, and the Matters of such Petition shall be heard by the said Court in pursuance of such Order; and where any such Prisoner shall be in any Gaol in *England*, except in *Middlesex*, *Surrey*, *London*, or *Southwark* aforesaid, and except in the Principality of *Wales*, and Town of *Berwick-upon-Tweed*, the said Court shall order such Prisoner to be brought before One of the Commissioners of the said Court, proceeding on his Circuit at such Assize or other Town or Place within the County or County of a City or Town wherein such Gaol shall be situate, as may be directed by the Order of the said

Court to appoint Time and Place for hearing Matters of Petition and Schedule.

Hearing by the Court.

Manner of Proceeding by Commissioner on Circuit;

said Court in that Behalf, and the Matters of the Petition of such Prisoner shall be heard by such Commissioner, in pursuance of such Order; and where any such Prisoner shall be in any Gaol within the Principality of *Wales*, or Town of *Berwick-upon-Tweed*, the said Court shall order such Prisoner to be brought before the Justices of the Peace for the County, City, Town, Liberty, or Place wherein such Gaol shall be situate, in open Court, at their General or General Quarter Sessions of the Peace, or at some Adjournment thereof, and the Matters of the Petition of such Prisoner shall be heard by such Justices in pursuance of such Order.

by Justices in Wales at Sessions.

Notice of Hearing to be given to Creditors, and advertised.

XLII. And be it further enacted, That the said Court shall cause Notice of the filing of every such Petition and Schedule, and of the Time and Place so appointed as aforesaid, for hearing the Matters of such Petition and Schedule, to be given by such Means as the said Court shall direct to the Creditor or Creditors at whose Suit any such Prisoner shall be detained in Custody, or the Attorney or Agent of such Creditor or Creditors, and to the other Creditors named in the Schedule of such Prisoner, and resident within the United Kingdom, and whose Debts shall amount to the Sum of Five Pounds, and to be inserted in the *London Gazette*, and also, if the said Court shall think fit, in the *Edinburgh* and *Dublin Gazettes*, or either of them, and also in such other Newspaper or Newspapers as the said Court shall direct.

At the Time of Hearing, the Matters of Petition and Schedule shall be examined.

Creditors may oppose Prisoner's Discharge.

XLIII. And be it further enacted, That at such Hearing as aforesaid the said Court or Commissioner or Justices shall examine into the Matters of the Petition and Schedule of every such Prisoner so brought before the said Court, Commissioner, or Justices, upon the Oath of such Prisoner, and of such Parties and other Witnesses as the said Court or Commissioner or Justices shall think fit to examine thereupon; 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 such 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 or Commissioner or Justices shall think fit, touching the Matters contained in such Petition and Schedule, and touching such other Matters as the said Court or Commissioner or Justices shall be of opinion that it may be fit and proper to inquire into, in order to the due Execution of this Act; but no Creditor shall examine or oppose the Discharge of such Prisoner until he or she shall make Oath or Affidavit of his or her Debt, or otherwise give satisfactory Proof of his or her Right to oppose such Prisoner's Discharge, if required so to do by such Prisoner; and that in case the said Court or Commissioner or Justices shall entertain any Doubt touching any Matter alleged against such Prisoner at such Hearing, to prevent his or her Discharge, or otherwise touching the Schedule or the Examination of such Prisoner, or it shall appear that Amendment is necessary to be made of such Schedule, or in case such Prisoner shall refuse to be sworn, or shall not answer upon Oath to the Satisfaction of the said Court or Commissioner or Justices, it shall be lawful for the said Court

Hearing may be adjourned.

Court or Commissioner or Justices to adjourn the Hearing and Examination of such Prisoner, and of the Matters of his or her Petition and Schedule, and of Witnesses thereupon, to some future Sitting of the said Court or Commissioner or Justices, or to some future Circuit to be made by One of the said Commissioners, or to some future General or General Quarter or Adjourned Sessions, as the Case may be; and in every such Case such Prisoner shall upon such Adjournment remain in Custody, and shall and may be again brought up, and such Hearing and Examination be further proceeded in, as often as to the said Court or Commissioner or Justices shall seem fit: Provided always, that when any such Hearing shall be adjourned by the said Court generally, or by such Commissioner or Justices, to some future Circuit, or to some future Sessions as aforesaid, the said Court shall and may, upon the Application of such Prisoner, to be made within such Time as the said Court shall direct, order the said Prisoner to be brought up for Hearing accordingly, and such Notice thereof shall be given, and to such Parties, as the said Court or Commissioner or Justices shall direct.

Affidavits may be received in opposition to Prisoner's Discharge in certain Cases.

XLIV. Provided always, and be it further enacted, That where the Matters of the Petition of any Prisoner, whose usual Place of Abode at or lately before his or her Imprisonment was otherwise than in *Middlesex*, *Surrey*, *London*, or *Southwark* aforesaid, shall be heard before the said Court, it shall and may be lawful for the said Court to receive the Affidavits of any Creditor or Creditors, or other Person or Persons, not resident within *Middlesex*, *Surrey*, *London*, or *Southwark* aforesaid, 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 any Person making or joining in such Affidavits, and to adjourn the Hearing and Examination of such Prisoner until such Interrogatories shall be fully answered to the Satisfaction of the said Court; and where the Hearing of the Matters of the Petition of any Prisoner shall be before any Commissioner of the said Court on his Circuit, or before any such Justices as aforesaid, at their Sessions aforesaid, and the usual Place of Abode of such Prisoner at or lately before his or her Imprisonment shall have been other than in the County or Riding where such Hearing shall be, it shall and may be lawful for such Commissioner or Justices to receive the Affidavits of any Creditor or Creditors, or other Person or Persons, not resident within the County or Riding where such Hearing shall be, in opposition to the Discharge of such Prisoner under this Act, and also, if such Commissioner or Justices shall think fit, to permit Interrogatories to be filed for the Examination or Cross-examination of any Person making or joining in such Affidavits, and to adjourn the Hearing and Examination of such Prisoner until such Interrogatories shall be fully answered to the Satisfaction of the said Commissioner or Justices.

Schedule and Prisoner's Accounts may be referred to an Officer of the

XLV. Provided always, and it is hereby enacted, That at such Hearing or adjourned Hearing of the Matters of any Prisoner's Petition, it shall and may be lawful for the said Court or Commissioner or Justices, if it shall appear fit, upon Application made by some Creditor

Court, or an Examiner, who may order Prisoner to attend.

Creditor or Creditors, and supported by Oath or Affidavit, to order that it shall be referred to an Officer of the said Court, or to an Examiner duly appointed according to the Provisions of this Act, to investigate the Accounts of such Prisoner, and to examine into the Truth of his or her Schedule, and to report thereon to the said Court or Commissioner or Justices; and that the said Court or Commissioner or Justices may at such Hearing proceed on the other Matters in opposition to the Discharge of such Prisoner, or may, if it shall appear just and reasonable so to do, forthwith adjourn the Hearing thereof until such Officer or Examiner shall have made his Report; and that upon such Reference being made as aforesaid, in the Matter of any such Prisoner's Petition, it shall be lawful for such Officer or Examiner to order the Attendance of such Prisoner as often as such Officer or Examiner shall think fit, and the Prisoner mentioned in such Order shall be accordingly carried before such Officer or Examiner, for which such Order shall be a sufficient Warrant; and the Keeper of the Prison, or his Deputy, so carrying any Prisoner before such Officer or Examiner, shall receive for the same the Sum of Ten Shillings and no more, to be paid by the Person or Persons at whose Requisition the said Reference shall have been had; and such Officer or Examiner shall and may, under such Reference, administer Oaths, and examine all Witnesses and Parties upon their Oaths touching all Matters relating thereto: Provided always, that no Keeper of any Prison shall be required or compelled to carry any Prisoner a greater Distance than Two Miles from his Prison, to or before such Officer or Examiner, except that the Keepers of Prisons in *Middlesex* and *London*, and of the Prisons of the *King's Bench* and *Marshalsea*, and in *Horsemonger Lane*, and of and in the Borough of *Southwark*, shall carry their Prisoners before such Officer at the Office of the said Court, or at such other Place within the Bills of Mortality as the said Court shall direct; and that in all Cases where such Reference shall have been made as aforesaid, it shall be lawful for the said Court or Commissioner or Justices, if just Cause shall appear, to order all the Fees and Expences of such Reference, paid by any Creditor or Creditors, to be repaid to him, her, or them, out of the first Money received by the Provisional or other Assignee or Assignees of such Prisoner, from or by his or her Estate or Effects.

Goaler's Fee for carrying him.

Officer and Examiner may administer Oaths.

Court may order Expences of Reference to be paid out of Insolvent's Estate.

Court, &c. may adjudge Prisoner to be discharged from Custody, and entitled to the Benefit of this Act.

XLVI. And be it further enacted, That after such Examination made into the Matters of the Petition and Schedule of any such Prisoner, as herein-before directed, it shall and may be lawful at such Hearing, or adjourned Hearing as aforesaid, for the said Court or Commissioner or Justices, upon such Prisoner's swearing to the Truth of his or her Petition and Schedule, and executing such Warrant of Attorney as is herein-after directed, to adjudge that such Prisoner shall be discharged from Custody, and entitled to the Benefit of this Act, at such Time as the said Court or Commissioner or Justices shall direct, in pursuance of the Provisions herein-after contained in that Behalf, as to the several Debts and Sums of Money due or claimed to be due at the Time of filing such Prisoner's Petition from such Prisoner to the several Persons named in his or her Schedule as Creditors, or claiming to be Creditors for the same respectively, or

for which such Persons shall have given Credit to such Prisoner before the Time of filing such Petition, and which were not then payable, and as to the Claims of all other Persons, not known to such Prisoner at the Time of such Adjudication, who may be Indorsees or Holders of any negotiable Security set forth in such Schedule so sworn to as aforesaid.

Court may adjudge Discharge, &c. to be forthwith, or not later than Six Months from the filing of Petition.

XLVII. And be it further enacted, That in all Cases where no Cause shall appear to the contrary, it shall and may be lawful for the said Court or Commissioner or Justices, according as shall seem fit, to adjudge that such Prisoner shall be so discharged, and so entitled as aforesaid, forthwith, or so soon as such Prisoner shall have been in Custody at the Suit of One or more of the Persons as to whose Debts and Claims such Discharge is so adjudicated, for such Period or Periods, not exceeding Six Months in the whole, as the said Court or Commissioner or Justices shall direct, to be computed from the filing of such Prisoner's Petition.

In certain Cases Discharge, &c. to be at any Period not later than Three Years from petitioning.

XLVIII. And be it further enacted, That in case it shall appear to the said Court or Commissioner or Justices, that such Prisoner has fraudulently, with Intent to conceal the State of his or her Affairs, or to defeat the Objects of this Act, 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 kept or caused to be kept false Books, or made false Entries in, or withheld Entries from, or wilfully altered or falsified, any such Books, Papers, or Writings, or that such Prisoner has fraudulently, with Intent of diminishing the Sum to be divided among his or her Creditors, or of giving an undue Preference to any of the said Creditors, discharged or concealed any Debt due to or from the said Prisoner, or 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 Imprisonment, then it shall and may be lawful for the said Court or Commissioner or Justices to adjudge that such Prisoner shall be so discharged, and so entitled as aforesaid, so soon as he or she shall have been in Custody at the Suit of some one or more of the Persons, as to whose Debts and Claims such Discharge is so adjudicated, for such Period or Periods, not exceeding Three Years in the whole, as the said Court or Commissioner or Justices shall direct, to be computed as aforesaid.

In other Cases Discharge, &c. to be at any Period not later than Two Years from petitioning.

XLIX. And be it further enacted, That in case it shall appear to the said Court or Commissioner or Justices that such Prisoner shall have contracted any of his or her Debts fraudulently, or by means of a Breach of Trust, 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 have fraudulently, or by means of false Pretences, obtained the Forbearance of any of his or her Debts by any of his or her Creditors, or shall have put any of his or her Creditors to any unnecessary Expence, by any vexatious or frivolous Defence or Delay to any Suit for recovering any Debt or Sum of Money due from such Prisoner, or shall be

indebted for Damages recovered in any Action for Criminal Conversation with the Wife, or for seducing the Daughter or Servant of the Plaintiff in such Action, or for Breach of Promise of Marriage made to the Plaintiff in such Action, or for Damages recovered in any Action for a malicious Prosecution, or for a Libel, or for Slander, or in any other Action for a malicious Injury done to the Plaintiff therein, or in any Action of Tort or Trespass to the Person or Property of the Plaintiff therein, where it shall appear to the Satisfaction of the said Court that the Injury complained of was malicious, then it shall and may be lawful for such Court or Commissioner or Justices to adjudge that such Prisoner shall be so discharged, and so entitled as aforesaid, forthwith, excepting as to such Debt or Debts, Sum or Sums of Money, or Damages as above mentioned; and as to such Debt or Debts, Sum or Sums of Money, or Damages, to adjudge that such Prisoner shall be so discharged, and so entitled as aforesaid, so soon as he or she shall have been in Custody at the Suit of the Person or Persons who shall be Creditor or Creditors for the same respectively, for a Period or Periods not exceeding Two Years in the whole, as the said Court or Commissioner or Justices shall direct, to be computed as aforesaid.

Discharge may extend to Process for Contempt in Nonpayment of Money;

and to Costs incurred by Creditor, but subject to Taxation,

L. And be it enacted, That the Discharge of any Prisoner so adjudicated as aforesaid shall and may extend to all Process issuing from any Court, for any Contempt of any Court, Ecclesiastical or Civil, for Nonpayment of Money or of Costs or Expences in any Court, Ecclesiastical or Civil; and that in such Case the said Discharge shall be deemed to extend also to all Costs which such Prisoner would be liable to pay in consequence or by reason of such Contempt, or on purging the same; and that every Discharge so adjudicated as aforesaid, as to any Debt or Damages of any Creditor of such Prisoner, shall be deemed to extend also to all Costs incurred by such Creditor before the filing of such Prisoner's Schedule, in any Action or Suit brought by such Creditor against such Prisoner for the Recovery of the same; and that all Persons as to whose Demands for any such Costs, Money, or Expences as aforesaid, any such Person shall be so adjudged to be discharged, shall be deemed and taken to be Creditors of such Prisoner in respect thereof, and entitled to the Benefit of all the Provisions made for Creditors by this Act, subject nevertheless to such ascertaining of the Amount of the said Demands as may be had by Taxation or otherwise, and to such Examination thereof as is herein provided in respect of all Claims to a Dividend of such Insolvent's Estate and Effects.

Discharge may extend to Sums payable by way of Annuity, &c.

LI. And be it further enacted, That the Discharge of any such Prisoner so adjudicated as aforesaid shall and may extend to any Sum and Sums of Money which shall be 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; and that every Person and Persons who would be a Creditor or Creditors of such Prisoner, for such Sum or Sums of Money, if the same were presently due, shall be admissable as a Creditor or Creditors of such Prisoner, for the Value of such Sum or Sums of Money so payable as aforesaid, which

which Value the said Court shall, upon Application at any Time made in that Behalf, ascertain, regard being had to the original Price given for such Sum or Sums of Money, deducting therefrom such Diminution in the Value thereof as shall have been caused by the Lapse of Time since the Grant thereof to the Time of filing such Prisoner's Petition; and such Creditor or Creditors shall be entitled in respect of such Value to the Benefit of all the Provisions made for Creditors by this Act, without Prejudice nevertheless to the respective Securities of such Creditor or Creditors, excepting as respects such Prisoner's Discharge under this Act.

Court, &c. may order Prisoner to be confined within Walls of Prison.

LII. And be it further enacted, That in all such Cases, where it shall be adjudged that any such Prisoner shall be so discharged and so entitled as aforesaid at some future Period, it shall be lawful for the said Court or Commissioner or Justices, if it shall seem fit, to direct that such Prisoner shall be confined during any such Period within the Walls of the Prison, and not within any Rules or Liberties thereof.

Court, &c. may order Costs, in certain Cases, to be paid to opposing Creditors out of Insolvent's Estate.

LIII. And be it further enacted, That whenever any Creditor or Creditors opposing any such Prisoner's Discharge shall prove to the Satisfaction of the said Court or Commissioner or Justices, that such Prisoner has done or committed any Act for which, upon such Adjudication as aforesaid, he or she may be liable to remain in such Custody as aforesaid for a Period not exceeding Three Years, to be computed as aforesaid, the said Court or Commissioner or Justices shall adjudge the taxed Costs of such Opposition to be paid to such opposing Creditor or Creditors out of the Estate and Effects of such Prisoner, by his or her Assignee or Assignees, before any Dividend made thereof; and in all other Cases of Opposition to a Prisoner's Discharge being substantiated or effectual, it shall be lawful for the said Court or Commissioner or Justices to adjudge in like Manner, if it shall seem fit; and that in case it shall appear to the said Court or Commissioner or Justices, that the Opposition of any Creditor to any such Prisoner's Discharge was frivolous and vexatious, it shall and may be lawful for the said Court or Commissioner or Justices, to award such Costs to such Prisoner as shall appear to be just and reasonable, to be paid by the Creditor or Creditors making such Opposition, which shall be paid accordingly.

Where Opposition frivolous and vexatious, Costs may be awarded to Prisoner.

Court or Commissioner to make Order, pursuant to Adjudication; and issue Warrant to Gaoler.

LIV. And be it enacted, That where in the Matter of any such Petition heard before the said Court, or a Commissioner thereof on his Circuit, any such Adjudication shall have been made as aforesaid by the said Court or Commissioner, Order shall be made accordingly by the said Court or Commissioner, in pursuance of such Adjudication, and the said Court or Commissioner shall also issue a Warrant or Warrants to the Gaoler accordingly, ordering the Discharge of such Prisoner from Custody as to the Detainers under which he or she shall then be confined, or which shall be lodged against him or her before he or she shall be out of Custody, the same being for Debts in respect of which such Adjudication shall have been made; and where in the Matter of the Petition of any Prisoner heard before such Justices as aforesaid, any such Adjudication as aforesaid shall have

Justices to certify their Adjudication to the Court, who shall thereupon make Order, and issue Warrant to Gaoler.

have been made by such Justices, the said Justices shall forthwith certify such Adjudication to the said Court, whereupon the said Court shall order that such Prisoner shall be discharged from Custody, and entitled to the Benefit of this Act, according to such Adjudication, at the Period or Periods expressed therein, and shall order such Costs to be paid as shall have been adjudged by the said Justices in pursuance of the Provisions of this Act, and shall issue a Warrant or Warrants to the Gaoler accordingly, ordering the Discharge of such Prisoner from Custody as to the Detainers under which he or she shall then be confined, or which shall be lodged against him or her before he or she shall be out of Custody, the same being for Debts in respect of which such Adjudication shall have been made; and that every such Order of Adjudication shall take effect as from the Day on which the

Specification of Debts, &c. not necessary in Order of Adjudication.

Adjudication shall have been made in that Behalf; and that every such Adjudication, and Certificate thereof and Order thereupon, may be made without specifying therein any such Debt or Debts, or Sum or Sums of Money, or Claims as aforesaid, or naming therein any such Creditor or Creditors as aforesaid, excepting so far as shall be necessary in any Case in order to distinguish between the Creditors as to whom any such Prisoner may be adjudged to be so discharged and entitled as aforesaid forthwith, and the Creditors as to whom he or she may be adjudged to be so discharged and entitled at some future Period; provided nevertheless, that in all Cases the Detainer or Detainers with respect to which any such Prisoner shall have been adjudged to be discharged out of Custody, he or she being then in Custody thereupon, shall be specified in the Warrant of the said Court or Commissioner, to be delivered to the Gaoler in that Behalf.

Where Adjudication of Discharge at a future Period, Prisoner may be arrested, &c. till Period arrives.

LV. Provided always, and be it enacted, That in all Cases where it shall have been adjudged that any such Prisoner shall be so discharged and so entitled as aforesaid at some future Period, such Prisoner shall be subject and liable to be detained in Prison, and to be arrested and charged in Custody at the Suit of any One or more of his or her Creditors with respect to whom it shall have been so adjudged, at any Time before such Period shall have arrived, in the same Manner as he or she would have been subject and liable thereto if this Act had not passed: Provided nevertheless, that when such Period shall have arrived such Prisoner shall be entitled to the Benefit and Protection of this Act, notwithstanding that he or she may have been out of actual Custody during all or any Part of the Time subsequent to such Adjudication, by reason of such Prisoner not having been arrested or detained during such Time, or any Part thereof.

Court may order detaining Creditor to pay Prisoner a Sum not exceeding 4s. a Week.

LVI. And be it further enacted, That in all Cases where such Prisoner shall, upon such Adjudication as aforesaid, be liable to further Imprisonment at the Suit of his or her Creditor or Creditors, or any or either of them, it shall be lawful at any Time for the said Court, on the Application of such Prisoner, to order the Creditor or Creditors at whose Suit he or she shall be so 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, and in such Proportions, as the said Court shall direct,

and

and that on Failure of Payment thereof, as directed by the said Court, the said Court shall order such Prisoner to be forthwith discharged from Custody at the Suit of the Creditor or Creditors so failing to pay the same.

Before Adjudication, Prisoner shall execute Warrant of Attorney to confess Judgment for Amount of Debts in Schedule.

LVII. And be it further enacted, That before any Adjudication shall be made in the Matter of the Petition of any such Prisoner, the said Court or Commissioner or Justices shall require such Prisoner to execute a Warrant of Attorney to authorize the entering up of a Judgment against such Prisoner in some one of the superior Courts at *Westminster*, in the Name of the Assignee or Assignees of such Prisoner, or of such Provisional Assignee, if no other Assignee shall have been appointed and shall have accepted such Office, for the Amount of the Debts stated in the Schedule of such Prisoner so sworn to as aforesaid, to be due or claimed to be due from such Prisoner, or so much thereof as shall appear at the Time of executing such Warrant of Attorney to be due and unsatisfied, and the Order of the said Court for entering up such Judgment shall be a sufficient Authority to the proper Officer for entering up the same, and such Judgment shall have the Force of a Recognizance; and if at any Time 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 or she is dead, leaving Assets for that Purpose, the said Court may permit Execution to be taken out upon such Judgment, for such Sum of Money as under all the Circumstances of the Case the said Court shall order, such Sum to be distributed rateably amongst the Creditors of such Prisoner according to the Mode herein-before directed in the Case of a Dividend made after Adjudication; and such further Proceedings shall and may be had upon such Judgment as may seem fit 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 the said 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 any such Prisoner shall appear to the said Court to be ill-founded and vexatious, it shall be lawful for the said Court, not only to refuse to make any Order on such Application, but also to dismiss the same, with such Costs against the Party or Parties making the same as to the said Court shall appear reasonable, and the said Costs shall be paid accordingly.

Court may permit Execution to be taken out thereupon, when Insolvent is of ability to pay, or is dead, leaving Assets.

No Scire facias necessary.

If Application ill-founded and vexatious, Court may dismiss the same with Costs.

Where Insolvent shall after Discharge become entitled to Property which cannot be taken in Execution, Assignee may

LVIII. And be it further enacted, That in case any such Person shall, after he or she has become entitled to the Benefit of this Act, by any such Adjudication as aforesaid, become entitled to or possessed of, in his or her own Right, any Stock in the Public Funds of this Country, or any Bills of Exchange, Promissory Notes, Bank Notes, or other Choses in Action, or other Property, whether the same be in *England* or elsewhere, which by Law cannot be taken in Execution under the said Judgment so to be entered up in the Names of such Assignee or Assignees as aforesaid,

apply to Court for Relief.

said, and such Prisoner shall have refused to convey or assign or transfer such Stock, Bills of Exchange, Promissory Notes, Bank Notes, or other Choses in Action, or other Property, or so much thereof as may be sufficient to satisfy the said Judgment, then and in such Case 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 said Court, and to pray that the said Prisoner may be taken and committed to Custody notwithstanding any such Adjudication and Discharge as aforesaid; 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 or she shall appear, or the said Assignee or Assignees only, in case such Prisoner, due Notice having been given to him or her, shall not appear, it shall appear to the said Court that the Contents of such Petition are true,

Court may order Prisoner to be remanded to Custody until he transfers such Property,

then and in such Case the said Court shall so declare and adjudge, and shall thereupon order the said Prisoner to be apprehended, and committed to Custody, within the Walls of any Prison which the said Court shall direct, and not within any Rules or Liberties thereof, until he or she shall convey, assign, and transfer such Bills of Exchange, Promissory Notes, Bank Notes, or other Choses in Action, or other Property, or so much thereof as the said Court shall direct, towards the Satisfaction of the said Judgment, to such Assignee or Assignees, for the general Benefit of the Creditors of such Prisoner.

Manner of Proceeding where, after the Discharge of a Prisoner, any Person shall be possessed of Stock in Public Funds, &c. belonging to him.

LIX. And be it further enacted, That in case any Person or Persons, Body Politic or Corporate, shall, after any such Insolvent shall have become entitled to the Benefit of this Act by any such Adjudication as aforesaid, become or be possessed of, or have under his or their Power or Controul, 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 Insolvent, or held in trust for him or her, or for his or her Use and Benefit, or to which such Insolvent shall be in any way entitled, or in case any such Person or Persons, Body Politic or Corporate, shall be at such Period in any Manner indebted to such Insolvent, it shall and may be lawful for the said Court, upon the Application of any Assignee or Creditor of such Insolvent, to cause Notice to be given to such Person or Persons, Body Politic or Corporate, directing him, her, or them to hold and retain the said Property till the said Court shall make 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 Provisional or other Assignee or Assignees of the Estate and Effects of such Insolvent, for the general Benefit of the Creditors of such Insolvent, entitled to claim under such Judgment entered up by Order of the said Court as aforesaid; and such Delivery and Payment shall be made accordingly, in obedience to such Order; and such Person and Persons, Body Politic and Corporate, shall by such Payment and Delivery, so made in pursuance of such Order of the said Court, be discharged in respect of such Property and Debts against all Persons whatsoever, to all Intents and Purposes.

Person discharged under this Act not liable to Imprisonment for Debts, &c. to which Adjudication extends.

LX. And be it further enacted, That no Person who shall have become entitled to the Benefit of this Act by any such Adjudication as aforesaid shall at any Time thereafter be imprisoned by reason of the Judgment so as aforesaid entered up against him or her, according to this Act, or for or by reason of any Debt or Sum of Money, or Costs, with respect to which such Person shall have become so entitled, or for or by reason of any Judgment, Decree, or Order for Payment of the same; but that upon every Arrest or Detainer in Prison upon any such Judgment so entered up as aforesaid, or for or by reason of any such Debt or Sum of Money or Costs, or Judgment, Decree, or Order for Payment of the same, it shall and may be lawful for any Judge of the Court from which any Process shall have issued in respect thereof, and such Judge is hereby required, upon Proof made to his Satisfaction that the Cause of such Arrest or Detainer is such as herein-before mentioned, to release such Prisoner from Custody, unless it shall appear to such Judge, upon Inquiry, that such Adjudication as aforesaid was made without due Notice, where Notice is by this Act required, being given to or acknowledged by the Plaintiff or such Process, or being by him or her dispensed with by the Acceptance of a Dividend under this Act, or otherwise; and at the same Time, if such Judge shall in his Discretion think fit, it shall and may be lawful for him to order such Plaintiff, 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 such Action or Suit.

If arrested, to be released by Judge of the Court from which Process issued,

who may order Costs to be paid to him.

After Discharge, no Execution to issue against Insolvent for Debts, &c. to which Adjudication extends.

LXI. And be it further enacted, That after any Person shall have become entitled to the Benefit of this Act by any such Adjudication as aforesaid, no Writ of Fieri facias or Elegit shall issue on any Judgment obtained against such Prisoner, for any Debt or Sum of Money with respect to which such Person shall have so become entitled, nor in any Action upon any new Contract or Security for Payment thereof, except upon the Judgment entered up against such Prisoner according to this Act; and that if any Suit or Action shall be brought, or any Scire facias be issued against any such Person, his or her Heirs, Executors, or Administrators, for any such Debt or Sum of Money, or upon any new Contract or Security for Payment thereof, or upon any Judgment obtained against, or any Statute or Recognizance acknowledged by such Person for the same, except as aforesaid, it shall and may be lawful for such Person, his or her Heirs, Executors, or Administrators, to plead generally that such Person was duly discharged according to this Act by the Order of Adjudication made in that Behalf, and that such Order 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 show the Defendant or Defendants not to be entitled to the Benefit of this Act, or that such Person was not duly discharged according to the Provisions thereof, in the same Manner as the Plaintiff or Plaintiffs might have replied, in case the Defendant or Defendants had pleaded this Act, and a Discharge by virtue thereof, specially.

Discharge under this Act may be pleaded generally.

LXII. Pro-

When Debts satisfied, Court may order Warrant of Attorney to be cancelled, and Satisfaction to be entered on the Judgment;

and a Re-assignment to be executed.

LXII. Provided always, and be it enacted, That if at any Time after Adjudication made in the Matter of any such Prisoner's Petition, in pursuance of this Act, it shall appear to the Satisfaction of the said Court that all the Debts in respect of which such Adjudication was made have been discharged and satisfied, it shall be lawful for such Court, upon Application duly made, to direct the Warrant of Attorney executed by such Prisoner under this Act to be cancelled, or if Judgment shall have been entered up thereon, to order Satisfaction to be entered on such Judgment, and the Order of the said Court for entering up such Satisfaction shall be a sufficient Authority to the proper Officer for entering up the same; and that if in any Case it shall appear to the Satisfaction of the said Court that after the Debts of any such Prisoner shall have been so discharged and satisfied as aforesaid, there shall remain in the Possession or subject to the Controul of his or her Assignee or Assignees, any Property of any Kind or Description whatsoever which has come to such Assignee or Assignees, or to which he or they may claim Title, by virtue of the Assignment executed in that Behalf or otherwise, by virtue of his or their Office of Assignee or Assignees, it shall and may be lawful for the said Court, on Application duly made, to order and compel such Assignee or Assignees forthwith to execute a Conveyance and Assignment of all such Property so remaining as aforesaid, to the Person whose Debts shall have been so discharged and satisfied, or his or her Heirs, Executors, Administrators, or Assigns; and that any Deed of Release to be recorded in the said Court, by which any such Debt or Debts shall be released or discharged, shall not be liable to any Stamp Duty.

Where Error in Schedule, without Fraud, this Act to operate upon actual Amount of Debt.

LXIII. And whereas it may sometimes happen that a Debt of, or Claim upon, or Balance due from such Prisoner as aforesaid, may be specified in his or her Schedule so sworn to as aforesaid, at an Amount which is not exactly the actual Amount thereof, without any culpable Negligence or Fraud, or evil Intention on the Part of such Prisoner; be it enacted, That in such Case the said Prisoner shall be entitled to all and every Benefit and Protection of this Act; and the Creditor in that Behalf shall be entitled to the Benefit of all the Provisions made for Creditors by this Act, in respect of the actual Amount of such Debt, Claim, or Balance, and neither more nor less than the same, to all Intents and Purposes, such Error in the said Schedule notwithstanding.

Persons who have already taken Benefit of Insolvent Act, and uncertificated Bankrupts, not entitled to Relief under this Act, within Five Years, except in certain Cases.

LXIV. And be it further enacted, That no Person petitioning the said Court for Relief under this Act, who shall have been at any Time discharged by virtue of the same, or of any other Act for the Relief of Insolvent Debtors, or who shall have been duly declared bankrupt before the Commencement of his or her Imprisonment, under any Commission still remaining in force, and shall not have obtained his or her Certificate under such Commission, shall be entitled to the Benefit of this Act within the Space of Five Years after such Discharge or Declaration of Bankruptcy, 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 their Assent to such Discharge, or it shall be made to appear to the Satisfaction

Satisfaction of the said Court, or of a Commissioner thereof on his Circuit, or such Justices as aforesaid, before whom the said Person shall be brought for the Hearing of the Matters of his or her Petition, that such Person has since such former Discharge, or Declaration of Bankruptcy, 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 Discharge or Declaration of Bankruptcy, 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.

Court, at Request of Creditors, may remove Prisoners from the Gaols in London, Middlesex, or Surrey, if their usual Residence was elsewhere, to be heard in the County to which they are removed.

LXV. And be it further enacted, That if on the Hearing of any Prisoner's Petition before the said Court it shall appear to the Satisfaction of the said Court that the usual Place of Abode of such Prisoner, lately before his or her Arrest, was in some County or Place within the United Kingdom other than the Counties of *Middlesex* or *Surrey*, or City of *London* or Borough of *Southwark*, it shall be lawful for the said Court, if it shall think fit, upon the Request of any Creditor or Creditors of such Prisoner, to order such Prisoner to be taken, at the Expence of such Creditor or Creditors, from the Gaol in which such Prisoner shall then be, to the Gaol of the County or Place where such Prisoner had lately, before such Arrest, his or her usual Place of Abode; and if such late usual Place of Abode was in *Scotland* or *Ireland*, then to the Gaol of such County or Place as to the said Court shall, under the Circumstances of the Case, appear just and reasonable; and the Order of the said Court in that Behalf, directed to the Keepers of the said Gaols respectively, shall be their sufficient Warrant, and they are hereby required, in pursuance thereof, to deliver and receive respectively the Body of such Prisoner, together with a Certificate of the Day or Days, and Cause or Causes of Detainer against such Prisoner, who shall from and after such Removal be deemed to be in custody of the Sheriff or other responsible Officer of the County or Place wherein the Gaol shall be situate, to which such Prisoner shall have been so removed; and the said Court shall order such Removal of the said Prisoner from such Gaol as aforesaid to be made on or before a Day to be named in such Order, and if such Prisoner shall not be removed accordingly on or before the said Day, or on or before a Day which the said Court shall name in any Enlargement of the said Order, (which Enlargement it is hereby empowered to make whenever it shall seem just and reasonable so to do), then the said Court shall, upon Application duly made, appoint a Time for the Hearing of the Matters of such Prisoner's Petition by the said Court, and such Advertisement thereof shall be published, and such Notice given, and to such Persons as the said Court shall in any Case direct; and when any such Prisoner shall have been removed, and shall be in custody in any Gaol, in pursuance of such Order, or of any Enlargement thereof, the said Court shall appoint a Time and Place for the Hearing of the Matters of such Petition, in the County or Place where such Gaol shall be situate, and such Advertisement thereof shall be published, and such Notice thereof given, and to such Persons as the said

said Court shall in any Case direct: Provided always, that when the Hearing of any such Prisoner's Petition shall take place, after such Removal or Failure of Removal of such Prisoner as aforesaid, it shall be lawful for all the Creditors of such Prisoner to oppose the Discharge of such Prisoner as in other Cases, although no such Creditor shall have opposed or given Notice to oppose the said Discharge at the Time first appointed for the Hearing of such Petition; and that in all Cases where any such Prisoner shall be so removed as aforesaid, the Expence incurred in such Removal by the Creditor or Creditors requesting the same shall be repaid to him, her, or them, by the Assignee or Assignees of the Estate and Effects of such Prisoner, out of such Estate and Effects, before any Dividend shall be made thereof.

After such Removal, Creditors may oppose the Discharge, as in other Cases.

Expence of Removal of Prisoners.

LXVI. Provided always, and be it further enacted, That the Benefit of this Act shall not be allowed to any Prisoner petitioning the said Court, who having been arrested in any County or Place where he or she had, at or lately before such Arrest, his or her usual Place of Abode, other than in the Counties of *Middlesex* or *Surrey*, or the City of *London* or Borough of *Southwark*, such usual Place of Abode being distant more than Twenty Miles from the Court House of the said Court, shall be removed by any Writ of Habeas Corpus sued out on his or her Behalf, or by his or her Procurement or Request, from Custody in such County or Place to any other Custody: Provided nevertheless, that it shall and may be lawful for the said Court, if in any Case the said Court shall think fit, at any Time within Ten Days after the filing of the Petition of any such Prisoner, or within such further Time as the said Court shall allow, upon the Request of any such Prisoner, to order such Prisoner to be taken, at the Expence of any Person or Persons who will pay the same, from the Gaol in which such Prisoner shall then be to the Gaol of the County or Place where such Prisoner was arrested as aforesaid, and the Order of the said Court in that Behalf, directed to the Keepers of the said Gaols respectively, shall be their sufficient Warrant, and they are hereby required in pursuance thereof to deliver and receive respectively the Body of such Prisoner, together with a Certificate of the Day or Days, and Cause or Causes of Detainer against such Prisoner, who shall from and after such Removal be deemed to be in custody of the Sheriff or other responsible Officer of the County or Place wherein the Gaol shall be situate, to which such Prisoner shall have been so removed by such Order; and the said Court shall order such Removal of the said Prisoner from such Gaol as aforesaid to be made on or before a Day to be named in such Order, or in any Enlargement of the same, which Enlargement the said Court is hereby empowered to make whenever it shall seem just and reasonable so to do; and when any such Prisoner shall have been removed, and shall be in custody in any Gaol in pursuance of such Order, the said Court shall and may appoint a Time and Place for hearing the Matters of such Prisoner's Petition and Schedule, according to the Provisions of this Act, whereupon such Proceedings shall be had as if such Prisoner had been in the said last-mentioned Gaol at the Time of filing his or her Petition.

Benefit of Act not to be allowed to Prisoners removed by Habeas Corpus.

Court may permit such Prisoner to be removed back at Expence of any Person willing to pay the same;

whereupon same Proceedings may be had as in other Cases.

LXVII. And

LXVII. And be it further enacted, That every such Adjudication as aforesaid by the said Court, Commissioner or Justice, as aforesaid, in the Matter of any Prisoner's Petition, and the Order thereupon, so made as aforesaid, shall be final and conclusive, and shall not be reviewed by the said Court, unless the said Court shall thereafter see good and sufficient Cause to believe that such Adjudication has been made on false Evidence, or otherwise improperly made or fraudulently obtained, in which Case it shall and may be lawful for the said Court, upon the Application of such Prisoner, or of any Creditor of such Prisoner, to order such Prisoner, upon due Notice to be given to such Persons, and in such Manner as the said Court shall direct, to attend, or to be brought up, and the said Matter to be re-heard before the said Court, or One of the Commissioners thereof on his Circuit, or such Justices as aforesaid, as the Case may require, who shall thereupon re-hear the same, and shall and may, if just Cause shall appear, annul the original Adjudication and Order thereupon made in such Case, and shall have the same Powers and Authorities upon such Re-hearing as upon any original Hearing in pursuance of this Act, and may adjudicate in such Matter accordingly; and thereupon, in case the former Adjudication in the said Matter shall not be confirmed, such Order, Certificate, and Warrant shall be made as required by this Act to be made upon such original Adjudication; and the said Court or Commissioner or Justices shall and may, if necessary, remand the said Prisoner to the same Custody in which he or she was at the Time of the former Hearing of the Matters of his or her Petition, there to be subject to Imprisonment as if the former Adjudication therein had not been made; and thereupon all Detainers which were in force against such Prisoner at the Time of his or her former Discharge from Custody shall be deemed to be still in force against him or her as if such former Adjudication had not been made; and the Gaoler or Keeper of the Prison to which such Prisoner shall be so remanded shall and is hereby required to receive such Prisoner into his Custody, in pursuance of such Remand, for doing which the Order of Remand in such Case shall be his sufficient Warrant; and where in any Case such Prisoner shall refuse or neglect to appear before the said Court or Commissioner or Justices, according to such Order for Re-hearing as aforesaid, a Copy whereof shall have been duly served on such Prisoner, it shall and and may be lawful for the said Court to order such Prisoner to be apprehended, and committed to Custody in such Prison as the said Court shall direct, and to issue its Warrant accordingly, and to cause such Prisoner to be brought up for Examination as often as to the said Court or Commissioner or Justices shall seem fit: Provided always, that where upon such Re-hearing it shall appear to the said Court, Commissioner or Justices, that such Prisoner is not entitled to the Benefit of this Act until some future Period, according to the Provisions herein-before contained, the said Court, Commissioner or Justices, shall and may, if it shall appear reasonable, adjudge the Discharge of such Prisoner at such future Period to be calculated without including the Time during which such Prisoner shall have been out of Custody since the Time appointed for his or her Discharge by such former Adjudication as aforesaid.

Adjudication and Order to be final, unless obtained on false Evidence, &c. in which Case Court may order a Re-hearing.

Insolvent refusing to appear may be apprehended, &c.

In Adjudication of Discharge on Re-hearing, the Time since former Hearing not to be calculated.

LXVIII. Pro-

Where Order of Discharge has been issued by Mistake, Court may revoke and amend the same.

LXVIII. Provided always, and be it further enacted, That if in any Case an Order or Warrant for the Discharge of any such Prisoner shall have issued erroneously, and which is not pursuant to the Adjudication made in that Behalf, it shall be lawful for the said Court, on such Error being shewn to the said Court, to revoke such Order and Warrant, and to annul, suspend, or amend the same, according to such Adjudication, and if necessary to re-commit such Prisoner to his or her former Custody, when by such Order or Warrant he or she shall have been discharged therefrom; and the Gaoler or Keeper of the Prison to whose Custody such Prisoner shall be so re-committed is hereby required to receive such Prisoner into his Custody according to such Re-commitment; and all Detainers which were in force against such Prisoner at the Time of such Discharge as aforesaid shall be deemed to be still in force against him or her, as if such erroneous Order or Warrant had not issued.

Prisoner may, after Discharge, be examined as to Estate and Effects, on Application of Assignee.

LXIX. And whereas the Estate, both Real and Personal, of any Person whose Discharge has been adjudicated under this Act, may not be sufficiently described or discovered in his or her Schedule so sworn to as aforesaid, or the Assistance of such Person may be necessary to adjust, make out, recover, or manage his or her Estate or Effects, for the Benefit of his or her Creditors; be it therefore enacted, That it shall and may be lawful to and for the Assignee or Assignees of the Estate and Effects of any such Person whose Discharge shall have been adjudicated under this Act, from Time to Time to apply to the said Court, that such Person may be further examined as to any Matters or Things relating to his or her Estate and Effects, either by the said Court, or a Commissioner thereof on his Circuit, or by any Justice of the Peace within the Principality of *Wales*, for the County or Place within the said Principality where such Person shall then reside, or by any Justice of the Peace within the Town of *Berwick-upon-Tweed*; and if the said Court shall order any such Examination before any such Justice, such Justice shall send for or call before him such Person by such Warrant, Summons, Ways or Means as he shall think fit; and if such Person 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 Person; and if any such Person, 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, or having 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; and thereupon, and also in case such Person shall neglect or refuse to appear before such Court or Commissioner, at such Time and Place as shall be directed by such Order, or appearing 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 and Effects, then and in any of such Cases it shall be lawful for such Court or Commissioner, by Warrant to commit such Person

Prisoner refusing to appear, or to answer Questions, he may be committed.

Person 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 the Order of the said Court in that Behalf, and shall answer upon Oath or otherwise, as shall be required, to all such lawful Questions as shall be put to him or her in pursuance of the same for the Purposes aforesaid.

Persons wilfully omitting any thing in Schedule, guilty of a Misdemeanor, and liable to Three Years Imprisonment.

LXX. And be it further enacted, That in case any Prisoner shall, with Intent to defraud his or her Creditors or Creditor, wilfully and fraudulently omit in his or her Schedule, so sworn to as aforesaid, any Effects or Property whatsoever, or retain or except out of such Schedule, as Wearing Apparel, Bedding, Working Tools, and Implements, or other Necessaries, Property of greater 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; and that in every Indictment or Information against any Person for such Offence, 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 Conveyance or Assignment whatever, or Balance Sheet, Order for Hearing, Adjudication, Order of Discharge or Remand, or any Warrant, Rule, Order, or Proceeding of or in the said Court, except so much of the Schedule of such Prisoner as may be necessary for the Purpose.

Indictment need only set out Substance of Offence charged.

Person swearing falsely under this Act liable to Punishment inflicted for Perjury.

LXXI. 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 Person 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 may by Law be inflicted on Persons convicted of wilful and corrupt Perjury; and that in all Cases wherein by this Act an Oath is required, the solemn Affirmation of any Person, being a Quaker, shall and may be accepted and taken in lieu thereof; and that 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.

Married Women may petition, on executing special Conveyance and Assignment.

LXXII. And whereas a Married Woman, being a Prisoner for Debt, cannot execute such Conveyance and Assignment, nor such Warrant of Attorney as is herein-before directed, and therefore cannot petition for and obtain a Discharge under this Act, without special Provision being made for such Purpose; be it therefore enacted, That if any Married Woman, being a Prisoner within the Intent and Meaning of this Act, shall petition to be discharged from any Debt or Debts under the Provisions thereof, 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, 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 Person or Persons, 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, Remainder, or Reversion, 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 him by the Conveyance and 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 this Act contained, touching the Real and Personal Estate of any Prisoner seeking to be discharged under the Authority thereof, shall apply to such Real and Personal Estate and Effects respectively, in the same Manner as the same would apply to such Real or 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 so discharged 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 in respect of which such Woman shall have been discharged by the said 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 when she executed such Warrant of Attorney, 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 this Act shall not operate to discharge her Husband from any Debt in respect of 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.

Mode of Proceeding with Prisoners of unsound Mind.

LXXIII. 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 Prisoner shall be, to attend at the said Prison, and inquire 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 or their own View, and by Examination on Oath of such Person or Persons as he or they shall think fit to examine, shall inquire into the State of Mind of such Prisoner; and if it shall appear to such Justice or Justices upon such Inquiry, that such Prisoner is of unsound Mind, and therefore incapable of taking the Benefit of this Act, in such 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 said Court, and thereupon it shall be lawful for the said 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, that Application will be made to the said Court for the Discharge of such Prisoner on a Day to be specified in such Order and Notice, being Twenty-one Days at least from the Day of Publication of such One of the said Gazette and Newspapers containing such Notice as shall be last published, which Notice, together with the 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 this Act; and the said Court shall proceed accordingly, and shall discharge such Prisoner from Custody, 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 he or she had been of sound Mind; and thereupon all and every Estate, Right, Title, Interest in Law and Equity, Real and Personal, Power, Benefit, and Emolument whatsoever, which, if such Prisoner

Application may be made by Person on behalf of such Prisoners.

Court may discharge such Prisoners;

Prisoner was of sound Mind, could or ought to be conveyed and assigned by such Prisoner, pursuant to the Provisions of this Act, shall, by force and virtue of the Order of the said Court for the Discharge of such Prisoner, be vested in the Provisional Assignee of the said Court, or in the other Assignee or Assignees appointed by the said Court, and named in the said Order, or in any other Order of the said Court in that Behalf, 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 and assigned the same to such Provisional Assignee at the Time and in the Manner in this Act provided; 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 herein-before directed, and such Order shall be a sufficient Authority to the proper Officer for entering up the same; and any Dividend to be made by such Assignee or Assignees shall be made in such Manner, and such Proceedings shall be thereupon had, as are herein-before provided in the Case of a Dividend of the Estate and Effects of any Prisoner made before Adjudication; and the Discharge of every such Prisoner of unsound Mind, so made as aforesaid, shall extend to all Debts and Sums of Money to which the same might have extended if such Prisoner had been of sound Mind, and had duly filed his or her Schedule, according to the Provisions of this Act: Provided always, that every such Order of Discharge, and of the Appointment of an Assignee or Assignees in such Case, shall be entered of Record in the said Court, and Proof thereof shall be received by such Copy thereof as is herein-before directed to be received as Proof of Conveyances and Assignments made in pursuance of this Act.

may appoint Assignees;

may order Judgment to be entered up.

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

LXXIV. And be it further enacted, That this Act shall not extend or be construed to extend to discharge any Prisoner seeking the Benefit thereof, 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 any Branch of the Public Revenue, or at the Suit of any Sheriff or other Public Officer, upon any Bail Bond entered into for the Appearance of any Person prosecuted for any such Offence, unless Three of the 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 or Extent may apply to the Barons of the Exchequer to be discharged.

LXXV. And be it further enacted, That it shall and may be lawful for any Person who may now or shall hereafter be imprisoned under or by virtue of any Writ of Capias or Extent, 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 Commissioners of His Majesty's Treasury may not be authorized to give their Consent

as

as last aforesaid, to apply to the Barons of His Majesty's Court of Exchequer in *England* or *Scotland* for his or her 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 Capias or Extent shall remain in force, of the Intention of such Person so imprisoned to make such Application, and an Enumeration and Description of all and every the Property, Debts, and Effects whatsoever of such Person, in his or her own Possession or Power, or in the Possession or Power of any other Person or Persons, for his or her Use, and for the said Court to whom such Application shall be made, to order such Person to be brought before them, or before any Baron of the said Court, to be examined upon Oath touching and concerning his or her Property and Effects; and if such Person shall upon such Examination make a full Disclosure of all his or her Property and Effects, and it shall otherwise appear to the Satisfaction of such Court reasonable and proper that such Person 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 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 shall be so imprisoned.

Officer of Court to produce Proceedings, and give Copies.

LXXVI. And be it further enacted, That the proper Officer of the said Court for the Relief of Insolvent Debtors shall, on the reasonable Request of any such Prisoner as aforesaid, or of any Creditor or Creditors of such Prisoner, or his, her, or their Attorney, produce and shew to such Prisoner, Creditor or Creditors, and his, her, or their Attorney, at such Times as the said Court shall direct, such Petition, Schedule, Order of Adjudication, and all other Orders and Proceedings made and had in the Matter of such Prisoner's Petition, and all Books, Papers, and Writings filed in such Matter, and permit him, her, or them to inspect and examine the same, and shall provide for any such Prisoner, Creditor or Creditors, or his, her, or their Attorney, requiring the same, a Copy or Copies of such Petition and Schedule, or of such Part thereof as shall be so required, receiving such Fee as the said Court shall appoint for so providing the same; and that a Copy of such Petition, Schedule, Order, and other Orders and Proceedings, purporting to be 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 or other Proceeding, and sealed with the Seal of the said Court, shall at all Times be admitted in all Courts whatever, and before Commissioners of Bankrupt and Justices of the Peace, as sufficient Evidence of the same, without any Proof whatever given of the same, further than that the same is sealed with the Seal of the said Court as aforesaid.

A Copy of such Proceedings under Seal to be admitted as Evidence.

Manner of Proceeding when the Hearing takes

LXXVII. And be it further enacted, That when an Order has issued for hearing the Matter of the Petition and Schedule of any such Prisoner, at any Place other than in *Middlesex*, *Surrey*, *London*, and *South-*

place before Commissioners on Circuit, or Justices in Wales.

Southwark aforesaid, such Prisoner shall, within Ten Days after such Order issued, or on such earlier Day as shall be named in such Order, cause the Duplicate of such Petition and Schedule, and all Books, Papers, and Writings relating thereto, in his or her Possession or Power, to be lodged with the Clerk of the Peace of the County, or County of a City or Town, or of the Town of *Berwick-upon-Tweed*, where he or she shall be in Custody, or with the Deputy of the said Clerk of the Peace, to be approved of by the said Court, and such Prisoner shall be subject to such Order as the said Court shall make to enforce Compliance with the Directions of this Act in this Behalf; and that the said Clerk of the Peace, or his said Deputy, shall, on the reasonable Request of such Prisoner, or of any Creditor or Creditors of such Prisoner, or of his, her, or their Attorney, produce and shew to him, her, or them such Petition and Schedule, and such Books, Papers, and Writings, and permit him, her, or them to inspect and examine the same, and may and shall receive the Fee of One Shilling from each and every Creditor, or his or her Attorney, at each Time of his, her, or their so requesting and having the Production of the same, or any Part thereof; and that such Clerk of the Peace, or his said Deputy, shall provide for any such Creditor or Creditors, or his, her, or their Attorney requesting the same, a Copy or Copies of such Petition and Schedule, or of such Part thereof as shall be so required; and that such Clerk of the Peace, or his said Deputy, shall be entitled to receive Four-pence for every Sheet so copied, containing Seventy-two Words, and no more, unless the same shall be the last or only Sheet, in which Case he shall be entitled to Four-pence for such last or only Sheet, although it does not contain Seventy-two Words; and that every such Duplicate as aforesaid, and all the said Books, Papers, and Writings shall be brought to the Place of such Hearing, and produced at such Hearing by the said Clerk of the Peace, or his said Deputy, who shall and is hereby required to attend at the Hearing of the Matters of every such Petition, with proper Officers to preserve Order in the Court-house, or other Place of such Hearing, and where any such County shall be within the Circuit of One of the said Commissioners, then such Clerk of the Peace, or his said Deputy, shall and may act as Clerk to such Commissioner, to assist him in the Performance of his several Duties under this Act; and in all such Cases, both before such Commissioner and before such Justices as aforesaid, the said Clerk of the Peace, or his said Deputy, shall, in consideration and recompence of and for his Trouble in this Behalf, be entitled to receive from every such Prisoner so brought up for Hearing as aforesaid the Sum of Five Shillings, which shall be paid previously to the bringing up such Prisoner for Hearing as aforesaid: Provided always, that if it shall at any Time appear to the said Court that it is expedient that the Duplicates of the Petitions and Schedules of Prisoners confined in the Gaol of any City, Borough, Town, or Place, at which the Commissioners of the said Court shall give Attendance on their Circuits so made as aforesaid, should be lodged with the Town Clerk or other Officer of such City, Borough, Town, or Place, and that the Duties herein-before required of such Clerk of the Peace should be performed at such City, Borough, Town, or Place, by such Town Clerk, or other Officer of the same, it shall be lawful for the said Court in any such Case to order that the Duplicates

cates of the Petitions and Schedules last aforesaid, and all such Books, Papers, and Writings as aforesaid, shall be lodged with such Town Clerk or other Officer, instead of such Clerk of the Peace as aforesaid, and that all Duties herein-before required of such Clerk of the Peace in respect of the same shall be performed by such Town Clerk or other Officer, instead of such Clerk of the Peace, and that the said Town Clerk or other Officer, shall thereupon do and perform all the Duties aforesaid at such City, Borough, Town, or Place, in the Matters of all Prisoners confined in the Gaol thereof; and shall be entitled to receive the same Fees and Payments in respect thereof as are herein directed to be paid and made to such Clerk of the Peace or his Deputy as aforesaid.

Power of Justices to compel the Attendance of Witnesses,

LXXVIII. And it is hereby enacted, That such Justices as aforesaid shall have such and the same Powers of compelling the Attendance of Witnesses, and of requiring and compelling the Production of Books, Papers, and Writings for the Purposes of this Act, as are herein-before given to the said Court and the Commissioners thereof, subject to such Provisoes and Limitations as the same are made subject to; and that in all Cases where the Duplicate of any Petition and Schedule shall have been so lodged as aforesaid with any such Clerk of the Peace or his Deputy as aforesaid, or with such Town Clerk or other Officer as aforesaid, such Clerk of the Peace or his said Deputy, or such Town Clerk or other Officer, is hereby authorized to issue all Subpœnas under this Act as may be requisite, in each of which the Names of not more than Four Persons shall be inserted, and to receive for such Subpœna from the Person requiring the same the Sum of Two Shillings and Sixpence, and no more.

Clerk of the Peace may issue Subpœnas.

Examiners to be appointed for Counties,

LXXIX. And be it further enacted, That the said Court in all Cases, or any Commissioner thereof on his Circuit, or such Justices as aforesaid in open Court at such Sessions as aforesaid respectively, may from Time to Time, as Occasion shall require, appoint as many fit Persons as shall be requisite, to be Examiners for the Purposes of this Act, within any County, or County of a City or Town, or any Riding or Division of any County within the Circuit of such Commissioner, and within the County or other Place for which such Sessions as aforesaid shall be holden; and that such Examiner shall and may receive for his Trouble the Sum of One Pound, and no more, for every Meeting held by him in pursuance of this Act, to be paid by the Person or Persons requiring the same.

Their Fees.

Fee to Keeper for carrying each Prisoner before the Court;

LXXX. And be it further enacted, That the Keepers of the several Prisons in *London* and *Middlesex*, and of the Prisons of the King's Bench, Marshalsea, *Horsemonger Lane*, and of the Borough of *Southwark*, shall be entitled to receive the Sum of Three Shillings, and no more, from every Prisoner in the Custody of such Keepers respectively, for carrying him or her before the said Court on the Hearing of the Matters of his or her Petition and Schedule as aforesaid; and that all Keepers of Prisons shall be entitled to receive the Sum of One Shilling and Sixpence, and no more, from every Prisoner in the Custody of such Keepers respectively, for carrying him or her before a Commissioner of the said Court on his Circuit, or before such Justices

Justices as aforesaid at their Sessions aforesaid, on the Hearing of the Matters of the Petition and Schedule of such Prisoner; and that the Expence of conveying any Prisoner to any Assize or other Town appointed as the Place of hearing the Matters of his or her Petition as aforesaid, in every Case where the Gaol in which such Prisoner shall be confined shall not be situate within such Assize or other Town, not exceeding One Shilling a Mile, shall be paid to the Keeper or Gaoler, or other Officer, who shall bring such Prisoner to such Assize or other Town, in obedience to the Order of the said Court, out of the Estate and Effects of such Prisoner, if the same shall be sufficient to pay such Expence, and if not, then such Expence shall be paid by the Treasurer of the County, or County of a City or Town, in which such Prisoner shall be imprisoned, as the same shall be directed or ordered by the Commissioner or Justices before whom such Prisoner shall be so brought in pursuance of such Order; and in all such Cases the reasonable Expence of such Clerk of the Peace or his Deputy as aforesaid, and of such proper Officers, to preserve Order, as herein-before mentioned, and all other Expences necessary for making ready such Court House or other Place as aforesaid for the Dispatch of Business in pursuance of this Act, shall be paid by such Treasurer as aforesaid, and the Justices of the Peace of every such County, or County of a City or Town, are hereby empowered and required to order such Treasurer to pay the same at their General or General Quarter Sessions next ensuing the Day when such Hearing shall have taken place: Provided nevertheless, that where the Duties at any City, Borough, Town, or Place, shall be performed by any Town Clerk or other Officer, in pursuance of such Order of the said Court as above mentioned in that Behalf, the reasonable Expences of such Town Clerk or other Officer, and of such proper Officers as aforesaid, and of such Court House or other Place as aforesaid, shall be defrayed by the said City, Borough, Town, or Place, in the same Manner as such like Expences are defrayed therein upon other Occasions.

for paving the Expence of conveying Prisoners to Assize Towns;

as also the other Expences in pursuance of this Act.

Sheriffs and other Persons indemnified for obeying the Orders of the Court.

LXXXI. And be it further enacted, That every Sheriff, Gaoler, Keeper, or other Officer of any Prison, who shall do any thing in obedience to any Order of the said Court, or of any Commissioner thereof, or of any Justice or Justices of the Peace, Officer of the said Court, or such Examiner as aforesaid, authorized by the said Court, by virtue of this Act, shall be and is and are hereby indemnified for whatsoever shall be done by them respectively in obedience thereto; and that if any Action of Escape, or any Suit or Action, be brought against any Judge, Commissioner, 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, Commissioner, Justice of the Peace, Sheriff, Gaoler, Keeper of Prison, and other Person, may plead the General Issue, and give this Act and the Special Matter in Evidence; and if the Plaintiff be nonsuited, or discontinue his or her Action, or a Verdict shall pass against him or her, or Judgment shall be had for the Defendant upon Demurrer, the Defendant shall have Treble Costs.

If Action for Escape, &c. brought, General Issue may be pleaded, and this Act given in Evidence.

LXXXII. And

What shall be sufficient to be set forth in the Rules and Proceedings of the Court.

LXXXII. And be it further enacted, That in all Rules, Orders, Warrants, and other Proceedings of the said Court, or of any Commissioner thereof under this Act, 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 the Appearance of such Person before the said Court, or any Commissioner thereof, or any Justice or Justices of the Peace, according to this Act, 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 this Act, or some other Act for the Relief of Insolvent Debtors, if he or she has been so discharged, or if he or she has not been so discharged, that he or she has applied by Petition to the said Court for his or her Discharge from Custody, according to the Provisions of this Act, 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 Conveyance or 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.

Before whom Affidavits are to be sworn.

LXXXIII. 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, or any Officer of the said Court, or any Examiner appointed as aforesaid under this Act, shall and may be sworn before the said Court, or any Commissioner thereof, 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*, or in *Scotland* or *Ireland* before a Magistrate of the County, City, Town, or Place where any such Affidavit shall be sworn.

Recovery of Costs.

LXXXIV. And be it further enacted, That in all Cases in which the said Court, or any Commissioner thereof, or any Justices, is or are 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.

Court to admit Attornies to practise therein.

LXXXV. And be it further enacted, That the said Court shall and may admit, at their Discretion, any Number of fit Persons, being Attornies of any of the superior Courts at *Westminster*, to practise in the said Court as Attornies 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 so admitted on the Files of the said Court, or having after such Admission been removed from the said Files, or ceased to be an Attorney of any of the superior Courts at *Westminster*, shall

Persons not duly appointed, practising as Attornies, guilty of Contempt.

shall practise in the said Court as an Attorney, on 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, and that every Person so guilty of any such Contempt as aforesaid shall be liable to Fine as well as Imprisonment for the same.

What shall be paid for Insertion of Advertisements.

LXXXVI. 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 by this Act 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 or any Commissioner thereof shall from Time to Time direct.

Proceedings not liable to Stamp Duty; nor Sales to Auction Duty.

LXXXVII. And be it further enacted, That no Conveyance, Assignment, Letter of Attorney, Affidavit, Certificate, or other Proceeding, Instrument, or Writing whatsoever, before or under any Order of the said Court, or before or under any Order of any Commissioner thereof, or before any Justice or Justices of the Peace acting in the Execution of this Act, nor any Copy thereof, nor any Advertisement inserted in any Newspaper by the Direction of the said Court, relating to Matters within the Jurisdiction of the said Court, shall be liable to or chargeable or charged with the Payment of any Stamp or other Duty whatsoever; and that no Sale of any Real or Personal Estate of any such Prisoner as aforesaid, for the Benefit of his or her Creditors under this Act, shall be liable to any Auction Duty.

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

LXXXVIII. And whereas it may happen that Money may remain in the said Court, produced by the Estates and Effects of Insolvent Debtors, who have taken the Benefit of this 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 Insolvents; 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 Hands of the said Court for Twelve Months at the least.

Records of Court.

LXXXIX. And be it further enacted, That all the Records, Papers, Documents, and Money, of and belonging to or received under the Authority of the said Court, now established for the Relief of Insolvent Debtors, and hereby continued as aforesaid, shall, from and after the passing of this Act, remain and continue in the Custody of the Officers of the said Court now duly having the Custody of the same respectively, or of such Officer or Officers as the said Court shall at any Time direct to receive the same, and that the said Records shall be deemed and taken to be the Records of the said Court so hereby continued as aforesaid.

Court may permit, for a limited Time,

XC. And whereas it is expedient that Persons imprisoned for Debt, who may desire to petition the said Court at or soon after the Time

of the passing of this Act, should not be delayed in such petitioning by the passing thereof; be it enacted, That it shall and may be lawful for the said Court, for a certain Time after the passing of this Act, to be limited by Rule of the said Court, to permit the Petitions and Schedules of such Persons to be filed, and the Conveyances and Assignments of such Persons to be executed, in such Forms respectively as are now used in the said Court, and not in the Forms prescribed by this Act; provided nevertheless, that all other Things shall be done and shall take Effect in the Matters of such Petitions according to the Provisions in this Act contained, except as aforesaid. Petitions and Schedules to be filed, &c. in such Forms as are now used.

XCI. And be it further enacted, That this Act shall continue in Force until the First Day of *June* One thousand eight hundred and twenty-nine, and from thence until the End of the then next Session of Parliament. Continuance of Act.

FORM of Conveyance and Assignment.

THIS Indenture, made the Day of in the Year of our Lord between an Insolvent Debtor, now a Prisoner in the of the one Part; and Provisional Assignee of the Estates and Effects of Insolvent Debtors in *England*, pursuant to an Act of Parliament passed in the Seventh Year of the Reign of King *George* the Fourth, in that Behalf, of the other Part: Whereas the said hath this Day subscribed his [*or* her] Petition to the Court for the Relief of Insolvent Debtors, praying for his [*or* her] Discharge by virtue of the said Act; now this Indenture witnesseth, that in obedience to the said Act he [*or* she] the said hath conveyed, assigned, transferred, and set over, and by these Presents doth convey, assign, transfer, and set over, unto the said as such Provisional Assignee as aforesaid, his Successors and Assigns, all the Estate, Right, Title, Interest, and Trust of the said in and to all the Real and Personal Estate and Effects of the said both within this Realm and Abroad, in Possession, Reversion, Remainder, or Expectancy, except the Wearing Apparel, Bedding, and other such Necessaries of the said and his [*or* her] Family, and the Working Tools and Implements of the said not exceeding in the whole the Value of Twenty Pounds, together with all Deeds, Evidences, and Writings touching and concerning the said Estate and Effects, and every Part thereof, and all future Estate, Right, Title, Interest, and Trust of the said in and to all Real and Personal Estate and Effects within this Realm and Abroad, which the said shall purchase, or which shall revert, descend, be devised, bequeathed, or come to him [*or* her] in Possession, Reversion, Remainder, or Expectancy, before he [*or* she] shall become entitled to his [*or* her] final Discharge in pursuance

suance of the said Act; or in case the said shall obtain his [*or* her] Discharge from Custody, without any Adjudication being made in the Matter of his [*or* her] Petition, then before he [*or* she] shall be at large and out of Custody, together with all Deeds, Evidences, and Writings touching and concerning the same and every Part thereof, and all Debts due or growing due to the said or to be due to him [*or* her] before he [*or* she] shall become so entitled or be so out of Custody as aforesaid; to have and to hold, receive, and take all and every the said Estate and Effects of the said Real and Personal, in Possession, Reversion, Remainder, or Expectancy, of every Nature and Kind whatsoever, except as aforesaid; and all and every the said Estate and Effects which shall be so purchased by the said or which shall so revert, descend, be devised, bequeathed, or come to him [*or* her] as aforesaid, in Possession, Reversion, Remainder, or Expectancy, of every Nature and Kind whatsoever, conveyed, assigned, transferred, and set over, or mentioned, or intended, or directed by the said Act to be hereby conveyed, assigned, transferred, or set over, with their and every of their Rights, Members, and Appurtenances, unto the said his Successors and Assigns, according to the respective Natures, Properties, and Tenures thereof, in trust nevertheless to and for the Use, Benefit, and Advantage of the Creditors of the said who shall be entitled to share in a Dividend of the said Estate and Effects, under the Provisions of the said Act, and to and for such other Uses, Intents, and Purposes, and in such Manner and Form as are in and by the said Act expressed of and concerning the same, as by the said Act, Reference being thereunto had, will more fully appear: Provided always, and these Presents are upon this express Condition, nevertheless, that in case the Petition of the said shall be dismissed by the said Court, then these Presents, and the Conveyance and Assignment herein-before made as aforesaid, shall, from and after the Dismission of such Petition, be null and void to all Intents and Purposes, any thing herein contained to the contrary thereof in anywise notwithstanding. In witness whereof the said Parties have hereunto set their Hands and Seals, the Day and Year above written.

Signed, sealed, and delivered by the above-named in the Presence of }

Signed, sealed, and delivered by the above-named in the Presence of }

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