

ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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CAP. LXXXVI.

An Act to empower Commissioners of the Court of Bankruptcy to order the Release of Bankrupts from Prison in certain Cases.

[31st *August* 1848.]

WHEREAS it occasionally happens that Persons in Prison for Debt who have been adjudged bankrupt, and who have surrendered to their Fiats, are nevertheless detained in Prison during the Proceedings under the Bankruptcy, which occasions great Inconvenience, and it also occasionally happens that Bankrupts whose Certificates have been refused are taken in Execution by Creditors who have not proved their Debts under the Fiat, and are detained in Prison, and are unable to obtain their Release by any Application to any Court of Justice; and it is expedient to empower the Courts of Bankruptcy to release such Persons, if they shall think fit: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where any Person has been adjudged bankrupt, and has surrendered to his Fiat, and obtained his Protection from Arrest, pursuant to the Practice in Bankruptcy, if such Person shall be in Prison for Debt at the Time of his obtaining such Protection any Commissioner acting under such Fiat may order his immediate

Commissioner may order Release of Bankrupt who may be in Prison

for Debt at Time of obtaining Protection.

immediate Release from Prison, either absolutely or upon such Condition as such Commissioner shall think fit: Provided always, that such Release shall in nowise affect any Rights of the Creditor at whose Suit he may be in Prison against the Debtor, except the Right of detaining him in Prison whilst protected from Imprisonment by Order of the Court of Bankruptcy.

Commissioner may order Release of Bankrupt in Execution under a Capias after a certain Term of Imprisonment.

II. And be it enacted, That if any Bankrupt whose last Examination shall have been adjourned *sine Die*, or whose Certificate shall have been suspended or refused, shall be in Execution or be taken in Execution under a Capias ad satisfaciendum at the Suit of any Creditor who might have proved under the Fiat, and detained in Prison, any Commissioner acting under his Fiat may order his Release, after he shall have undergone such Term of Imprisonment, not exceeding Two Years, as to such Commissioner may seem a sufficient Punishment for such Offences as he may appear to such Commissioner to have been guilty of.

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