ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

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C A P. XXXIX.

An Act to amend an Act passed in the last Session of Parliament, for abolishing Arrest on Mesne Process in Civil Actions except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for amending the Laws for the Relief of Insolvent Debtors in *England*. [17th *August* 1839.]

WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for amending the Laws for the Relief of Insolvent Debtors in* England, it was amongst other things enacted, that the Sum of Three Shillings and no more shall be paid to any Printer or Proprietor of a Newspaper for the Insertion of any Advertisement by that Act directed to be inserted in any Newspaper, and all Printers and Proprietors of Newspapers were thereby required to insert the same, on Payment of the said Sum of Three Shillings for the Insertion thereof, in such Form as the Court for the Relief of Insolvent Debtors, or any Commissioner thereof, should from Time to Time direct: And whereas it is just and expedient that the said Act should be altered 1 & 2 Vict. c. 110.

and amended as herein-after mentioned: Be it therefore 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by the Authority of the same, That so much of the said Act as is herein-before recited shall be and the same is hereby repealed; and that from and after the passing of this Act all Printers and Proprietors of Newspapers shall and are hereby required to insert any Advertisement or Advertisements by the said recited Act directed to be inserted in any Newspaper, on Payment of a reasonable Compensation for the Insertion thereof, in such Form as the said Court, or any Commissioner thereof, shall from Time to Time direct.

Repeal of Provision in recited Act respecting Insertion of Advertisements.

The Court may appoint Persons to receive Recognizances.

II. And whereas it is expedient that Persons residing at a Distance greater than Ten Miles from the Court House in *Portugal Street* who may be willing to enter into Recognizances of Sureties for the due Appearance of Insolvent Debtors before the Court, or before Commissioners on their Circuits, or before Justices of the Peace in *Berwick-upon-Tweed*, should be enabled to enter into such Recognizances without the Necessity of appearing for such Purpose before the Court itself at its usual and ordinary Place of sitting; be it therefore enacted, That the Chief Commissioner and other the Commissioners of the Court for Relief of Insolvent Debtors for the Time being shall and may, by One or more Commission or Commissions under the Seal of the said Court, from Time to Time as Occasion shall require, empower such and so many fit and proper Persons as they shall think necessary, in all and every the several Towns and Counties within *England* and *Wales* and the Town of *Berwick-upon-Tweed*, to take and receive all and every the Recognizance or Recognizances of Sureties into which any Persons shall be willing to enter for the due Appearance of Insolvent Debtors according to such several and respective Recognizances, and in such Form as the Court, in pursuance of the Statute in that Behalf, may and shall direct and require.

Persons empowered to enter into Recognizances, &c.

III. And be it enacted, That in any Case of a Prisoner whose Estate and Effects shall have been or shall hereafter be, by Order of the Court for Relief of Insolvent Debtors, vested in the Provisional or other Assignee, and who shall be confined in the Gaol of any County, Town, or Place other than in *London*, *Southwark*, *Middlesex*, or *Surrey*, and who shall have filed his Schedule in the said Court according to the Statute in that Behalf, it shall and may be lawful for any Person or Persons who may be willing to enter into such Recognizances as before mentioned, whose usual and ordinary Place of Residence shall be distant more than Ten Miles from the Court House in *Portugal Street*, *London*, to appear before a Person duly appointed and empowered in manner aforesaid, and there to enter into and acknowledge such Recognizance of Sureties for the due Appearance of the Insolvent, according to such Forms and in such Terms and Manner as shall or may be prescribed by the said Court; which said Recognizances of Sureties so taken as aforesaid shall be transmitted and filed in the said Court, with an Affidavit of the due taking of the said Recognizances of such Sureties by some credible Person

present

present at the taking thereof, upon Payment of such Fees as have been usually received for the taking of Recognizances in the said Court; which Recognizances so taken, transmitted, and filed shall be of the like Force and Effect as if the same were taken before the said Court; for the taking of every such Recognizance of Sureties the Person or Persons so empowered shall receive only the Sum or Fee of Two Shillings and Sixpence and no more.

Commissioners to make Rules for regulating the Amount and the taking of Recognizances.

IV. And be it enacted, That the Commissioners of the said Court shall make such Rules and Orders regulating the Amount and for the taking of such Recognizances as to them shall seem meet, so as such Sureties be not compelled to appear in Person in the said Court to justify themselves, but the same may and is hereby directed to be determined before the said Court, or a Commissioner thereof, by Affidavit or Affidavits duly taken before the Person or Persons so empowered as aforesaid, who are hereby empowered and required to take the same.

Commissioners empowered to take such Recognizances.

V. And be it enacted, That any Commissioner of the said Court on his Circuits shall and may take and receive all and every such Recognizances of Sureties as any Person or Persons shall be willing to make and acknowledge before him, which, being transmitted, shall without Oath be filed in manner aforesaid, upon Payment of the usual Fees.

Court to order Discharge of Insolvent when Sureties justified by Affidavit, &c.

VI. And be it enacted, That as soon as such Sureties shall have justified by Affidavit in manner aforesaid, and such Recognizances as herein-before mentioned shall have been filed, the said Court shall thereupon issue a Warrant to the Gaoler for the Discharge of such Insolvent from Custody accordingly, and who shall have such and the like Privileges and be subject to such and the like Liabilities as the Statute in that Behalf directs.

Commencement of Act.

VII. And be it enacted, That this Act shall commence and come into operation on the First Day of *October* One thousand eight hundred and thirty-nine, except where any other Commencement is specified in this Act.

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