ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

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C A P. LXX.

An Act for abolishing, in *Scotland,* Imprisonment for Civil Debts of small Amount.

[9th *September* 1835.]

WHEREAS His Majesty was pleased, by Letters Patent bearing Date on the Sixth Day of *June* One thousand eight undred and thirty-three, under the Great Seal appointed by the Treaty of Union to be kept and made use of in place of the Great Seal of *Scotland,* to appoint certain Commissioners with Instructions to inquire, *inter alia,* "as to the present Form of enforcing Judicial Decrees by the Diligence of Horning and Caption and Imprisonment, and the Expediency of any Alteration in the Law or Forms touching such Proceedings": And whereas the said Commissioners have made a Report, from which it appears that great Hardship is frequently suffered by poor Persons in consequence of Imprisonment for Civil Debts to a small Amount, without producing thereby any adequate Benefit to their Creditors: And whereas it is expedient that a Remedy should be provided: Be it therefore enacted by the King'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 from and after the First Day of *January* One thousand eight hundred and thirty-six it shall not be lawful to imprison any Person or Persons on account of any Civil Debt which shall not exceed the Sum of Eight Pounds Six Shillings and Eight-pence Sterling, exclusive of Interest and Expences thereon: Provided that it shall be lawful to imprison Debtors on Debts incurred or which may become due under Contracts made before the passing of this Act in like Manner as if this Act had not

No Person to be imprisoned for a Debt not exceeding 8*l.* 6*s.* 8*d.*

been

been passed; provided always, that Imprisonment for such Debts shall commence before the First Day of *January* One thousand eight hundred and forty.

After 1st Jan. 1836 Gaolers not to receive into their Custody any Person for a Debt not above 8*l.* 6*s.* 8*d.*

II. And be it enacted, That from and after the First Day of *January* One thousand eight hundred and thirty-six it shall not be lawful for any Magistrate, or Keeper of a Prison, or other Officer having the Charge of any Prison, in *Scotland*, to receive into such Prison, or for any Messenger at Arms or other Officer of the Law to apprehend or detain in Custody the Person of any Debtor or alleged Debtor for a Civil Debt of an Amount not exceeding Eight Pounds Six Shillings and Eight-pence Sterling, exclusive of Interest and Expences thereon, in virtue of Letters of Caption, Act of Warding, Decree of a Small Debt Court, or other Warrant, unless in the Case of Debts contracted before the passing of this Act as aforesaid.

Sheriff or Magistrates may direct the Discharge of any Person imprisoned for a less Amount.

III. And be it enacted, That on Application made to the Sheriff of the County in which the Prison shall be situated, or to the Magistrates having charge of any Prison, by any Prisoner incarcerated therein, showing that he is imprisoned or detained in Gaol for a Civil Debt or Debts contrary to the Provisions of this Act, such Sheriff or Magistrates shall cause Intimation to be made to the incarcerating Creditor or Creditors, upon Induciæ of Six Days after Intimation; and on being satisfied that the Statement of the Prisoner is consistent with Truth, such Sheriff or Magistrates shall without Delay grant Warrant for his Liberation in so far as regards the Debt due to such Creditor.

Persons not to acquire Debts under Sum before specified, except by Marriage or Inheritance.

IV. And be it enacted, That it shall not be lawful for any Person to acquire from Third Parties, by Assignation or otherwise, except by Marriage or Inheritance, One or more Civil Debts of or below the Amount of Eight Pounds Six Shillings and Eight-pence Sterling, against any One Individual, to the Effect of accumulating such Debts into One Decree or Warrant or Writ, or of adding the same to Debts previously due to him of or below the said Amount, for the Purpose of defeating this Act, by imprisoning the Debtor for such accumulated Debts.

Not to affect Recovery of Fines or Forfeitures.

V. And be it enacted, That nothing in this Act contained shall affect Obligations ad facta præstanda, or the Right of His Majesty or His Officers, or the Fiscals of Courts of Law, or others, to imprison as formerly, or on account of Taxes or Penalties due to the Revenue, or on account of any Fines or Forfeitures imposed or hereafter to be imposed by Law, or apply to Imprisonment for Poor Rates or local Taxation, or to Imprisonment for Sums decerned for Aliment.

Act may be altered this Session.

VI. And be it enacted, That this Act may be repealed, altered, or amended during the present Session of Parliament.

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