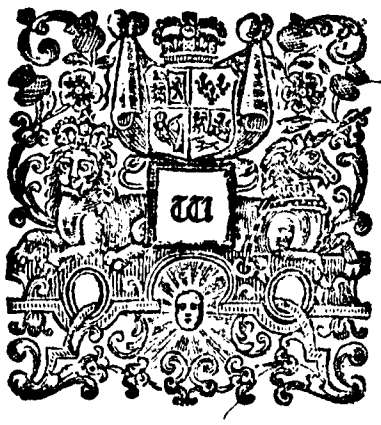
Anno primo

Georgii III. Regis.

CAP. XVII.

An Act for Relief of Insolvent Debtors.



WHEREAS many Persons, by Losses and other Misfortunes, are rendered incapable of paying their whole Debts; and though they are willing to make the utmost Satisfaction they can, and many of them are able to serve His Majesty by Sea or Land, yet are detained in Prison by their Creditors, or have been forced to go into Foreign Parts out of this Realm: And whereas such unhappy Debtors have always been deemed the proper Objects of public Compassion; and, by several Acts of Parliament, have been discharged on the Conditions in such Acts mentioned: For the Relief therefore of Insolvent Prisoners and Fugitives who shall comply with the Terms contained in this Act to be respectively observed by them, and faithfully discover, upon Oath, and deliver up and assign, all their Effects and Estates whatsoever for the Benefit of their Creditors; and to prevent, as far as possible, the many Frauds and Abuses which, in a great Measure, have obstructed the good Ends of such Acts; be it 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 passing of this Act, Preamble.

Act, all and every Gaoler, or Keeper of any Prison in any County, Riding, Division, City, Town, Place, or Liberty, within this Kingdom, shall, is, and are hereby required to make a true, exact, and perfect List, alphabetically, of the Name or Names of all and every Person or Persons who, upon the Twenty fifth Day of October, One thousand seven hundred and sixty, was or were, or at any Time since have been, and at the Time of making out every such List shall be, really an actual Prisoner or Prisoners, in the Custody of any Gaoler or Gaolers, or Keeper of any Prison respectively, upon any Process whatsoever, for or by reason of any Debt, Damage, Costs, Sum or Sums of Money, Contempt, or otherwise, and an Account of the Time when such Prisoner or Prisoners was or were respectively charged in Custody, or received in Prison, together with the Name or Names of the Person or Persons at whose Suit or Prosecution such Prisoner or Prisoners is or are detained; and shall deliver the same to the Justices of the Peace at their First or Second General or General Quarter Session of the Peace, to be held after the Thirty first Day of March, One thousand seven hundred and sixty one, or at some Adjournment thereof, for such County, Riding, Division, City, Town, Place, or Liberty respectively.

Alphabetical Lists to be made out of Prisoners in Custody for Debt on 25 *October*, 1760, or since then;

with the Time when charged, and at whose Suit:

The same to be delivered in to the Quarter Sessions.

And be it further enacted, That the Warden of his Majesty's Prison of the Fleet, and Marshal of the King's Bench Prison, shall severally, on the delivering in of any such List of Prisoners in their respective Custody, take an Oath in the open Court of such General or General Quarter Session of the Peace, or at some Adjournment thereof, to the Effect following; (that is to say)

The Warden of the *Fleet*, and Marshal of the *King's Bench* Prison, to take the following Oath on delivering in their Lists.

I *A. B.* upon my corporal Oath, in the Presence of Almighty God, do solemnly swear, profess, and declare, That all and every Person and Persons, whose Name or Names is or are inserted and contained in the First Part of the List by me now delivered in, and subscribed, was and were, to the best of my Knowledge and Belief, upon the Twenty fifth Day of *October*, One thousand seven hundred and sixty, really and truly Prisoners, in actual Custody, in the Prison or Gaol of [*insert the Name of the Prison*] at the Suit or Suits of the several Person or Persons therein respectively mentioned; and also that all and every Person and Persons, whose Name or Names is or are inserted or contained in the Second Part of the said List now by me delivered in and subscribed as aforesaid, have since the said Twenty fifth Day of

October, One thouſand ſeven hundred and ſixty, been committed or ſurrendered to the ſaid Gaol or Priſon of [*inſert the Name of the Gaol or Priſon*] at the Suit or Suits of the ſeveral Perſon or Perſons therein reſpectively mentioned; except ſuch Perſon or Perſons who is or are in ſuch Liſt particularly mentioned and deſcribed to have died, been diſcharged, or removed to ſome other Priſon, by Proceſs of Law, ſince the ſaid Twenty fifth Day of *October*, One thouſand ſeven hundred and ſixty; and alſo except ſuch Perſon or Perſons who is or are in ſuch Liſt particularly mentioned and deſcribed to have been permitted to have gone out of the ſaid Priſon, by Day Rules of the Court of [Common Pleas *or* King's Bench, *as the Caſe ſhall be*] ſince the ſaid Twenty fifth Day of *October*, One thouſand ſeven hundred and ſixty, to tranſact their Affairs; and alſo except ſuch Perſon or Perſons who is or are therein alſo particularly mentioned and deſcribed to have, upon the ſaid Twenty fifth Day of *October*, One thouſand ſeven hundred and ſixty, or ſince, been in the Rules of the ſaid Priſon [*of the* Fleet *or* King's Bench, *as the Caſe ſhall be*] by Leave of the [*Warden or Marſhal of the ſaid Priſon, as the Caſe ſhall be*] and have, to the beſt of my Knowledge and Belief, really and truly, ever ſince continued and remained in actual Cuſtody in the ſaid Priſon [*of the* Fleet *or* King's Bench, *as the Caſe ſhall be*] or the Liberties thereof, at the Suit or Suits of the ſeveral Perſons in the ſaid Liſt reſpectively mentioned [*and if any Priſoners have, ſince the ſaid Twenty fifth Day of* October, *One thouſand ſeven hundred and ſixty, eſcaped out of either of the ſaid Priſons, then inſert*, except [*inſert the Name or Names of the Priſoner or Priſoners who have eſcaped*] who without my Knowledge, Privity, or Conſent, hath or have eſcaped out of the ſaid Priſon of and that the ſaid Liſt is a true, exact, perfect, and juſt Liſt of all ſuch Perſons who were really and truly Priſoners in actual Cuſtody in the ſaid Gaol or Priſon of on the ſaid Twenty fifth Day of *October*, One thouſand ſeven hundred and ſixty, and who, ſince the ſaid Twenty fifth Day of *October*, One thouſand ſeven hundred and ſixty, have been committed to, and really have been, and now is or are Priſoner or Priſoners in actual Cuſtody in the ſaid Gaol or Priſon of or the Liberties thereof; and that none of ſuch Priſoners, to my Knowledge, or with my Privity, have, voluntarily, or with Deſign, or in Expectation to take any Benefit from or under any Act of Parliament to be made for Relief of Inſolvent Debtors, ſurrendered themſelves, or been committed to the ſaid Priſon, or got their Names entered as Priſoners in the Books of the ſaid Priſon; or ſince the ſame Twen-

ty fifth Day of *October*, One thouſand ſeven hundred and ſixty, to my Knowledge, or with my Privity, have reſided out of the ſaid Priſon of or the Rules thereof [*but if any have ſo done, add, except naming ſuch by Name*]

Other Gaolers to take the following Oath on delivering in their Liſts.

And that every other Gaoler and Keeper of any other Priſon or Priſons in any County, City, Town, Riding, Diviſion, Place, or Liberty, ſhall ſeverally, on the delivering in of any ſuch Liſt reſpectively, take an Oath in the open Court of the General or General Quarter Seſſion of the County, City, Town, Diviſion, Liberty, or Place, for which he or ſhe ſhall deliver in any ſuch Liſt, and ſwear to the Effect following; (that is to ſay)

I *A. B.* upon my corporal Oath, in the Preſence of Almighty God, do ſolemnly ſwear, profeſs, and declare, That all and every Perſon and Perſons, whoſe Name or Names are inſerted and contained in the Firſt Part of the Liſt by me now delivered in and ſubſcribed, was and were, to the beſt of my Knowledge and Belief, upon the Twenty fifth Day of *October*, One thouſand ſeven hundred and ſixty, really and truly Priſoners in actual Cuſtody, in the Priſon or Gaol of at the Suit or Suits of the ſeveral Perſons therein reſpectively mentioned; and alſo that all and every Perſon and Perſons, whoſe Name or Names is or are inſerted or contained in the ſecond Part of the ſaid Liſt now by me delivered in and ſubſcribed as aforeſaid, have, ſince the ſaid Twenty fifth Day of *October*, One thouſand ſeven hundred and ſixty, been committed or ſurrendered to the ſaid Gaol or Priſon of (*if any ſuch Priſoner or Priſoners hath or have, ſince the ſaid Twenty fifth Day of* October, *One thouſand ſeven hundred and ſixty, been committed or ſurrendered to ſuch Gaol or Priſon*) at the Suit or Suits of the ſeveral Perſon or Perſons therein reſpectively mentioned (except [*if an Exception is neceſſary*] ſuch Perſons as are therein particularly mentioned and deſcribed to have died, been diſcharged, or removed to ſome other Priſon by Proceſs of Law, or to have eſcaped out of ſuch Priſon, without my Privity, Knowledge, or Conſent, ſince the ſaid Twenty fifth Day of *October*, One thouſand ſeven hundred and ſixty) and that all and every of them, whoſe Name and Names is and are contained in the Firſt Part of the ſaid Liſt (except as before excepted) to the beſt of my Knowledge and Belief, have really and truly continued and remained in actual Cuſtody in the ſaid Gaol or Priſon of ever ſince the ſaid Twenty fifth Day of *October*,

October, One thouſand ſeven hundred and ſixty; and that the ſaid Liſt is a true, exact, perfect, and juſt Liſt, of all ſuch Perſons as were really and truly Priſoners in actual Cuſtody, in the Gaol or Priſon of on the ſaid Twenty fifth Day of *October*, One thouſand ſeven hundred and ſixty, and who, ſince the ſaid Twenty fifth Day of *October*, One thouſand ſeven hundred and ſixty, have been really and truly committed, or ſurrendered to the ſaid Gaol or Priſon of (except as before excepted) to the beſt of my Knowledge and Belief; and that none of ſuch Priſoners, to my Knowledge, or with my Privity, have voluntarily, or with Deſign, or in Expectation to take any Benefit from or under any Act of Parliament to be made for Relief of Inſolvent Debtors, ſurrendered, or been committed to the ſaid Priſon of or got his, her, or their Name or Names entered as Priſoner or Priſoners in the Books of the ſaid Priſon, or, ſince their Commitment, have, to my Knowledge, or with my Privity, reſided out of the ſaid Priſon of [*if any have ſo done, then add, inſerting their Names*] except

Which ſaid reſpective Oaths the ſaid Juſtices at the Firſt or Second General or Quarter Seſſion aforeſaid, or at ſome Adjournment thereof, within their reſpective Juriſdictions, are hereby impowered and required to adminiſter in open Court; and the Words of the ſaid Oath herein before directed to be taken by the ſaid Warden and Marſhal reſpectively, ſhall be entered or written at the End or Bottom of the Liſt which ſhall be delivered in by them reſpectively, and ſhall be ſubſcribed and ſworn to by them reſpectively in open Court; and the Words of the Oath to be taken by every other Gaoler or Keeper reſpectively, ſhall be entered or written at the End or Bottom of the Liſt which ſhall be delivered by them reſpectively, and ſhall be ſubſcribed and ſworn to by them reſpectively in open Court: And every ſuch Liſt which ſhall be ſo delivered in, ſubſcribed, and ſworn to, in purſuance of this Act, ſhall be kept by the Clerk of the Peace of every ſuch County, Riding, Diviſion, City, Town, Place, or Liberty reſpectively, in which any ſuch Liſt as aforeſaid ſhall be ſworn to, for the better Satisfaction of the ſaid Juſtices, and Information of all or any Priſoner or Priſoners therein named; and ſo as the ſame may, from time to time, be ſeen and examined by any Creditor or Creditors of ſuch Priſoner or Priſoners, without Fee or Reward.

The Oaths to be adminiſtered by the Juſtices in Court,

and entered and ſubſcribed at the Bottom of each Liſt.

Liſt to be kept by the Clerk of the Peace.

And be it further enacted by the Authority aforeſaid, That all and every Gaoler and Gaolers, and Keeper of any Gaol or Priſon, is and are hereby required, Ten Days at leaſt

Copies of the Lists to be delivered in to be fix'd up in the Prisons, and on the Gates thereof.

least before the First or Second General or Quarter Session of the Peace shall be held after the said Thirty first Day of March, One thousand seven hundred and sixty one, for the County, Riding, Division, City, Town, Place, or Liberty, in which any such Gaol or Prison shall be, or to which the same shall belong, to fix up, in some conspicuous Place or Places in every such Prison, and at the most frequented and usual Gate, Door, or Entrance into every such Prison, Three or more true Copies of the List or Lists proposed or intended to be delivered in by any such Gaoler or Keeper, at the said General or Quarter Session, or at some Adjournment thereof.

Persons inserted in the Lists being Prisoners, without a fraudulent Intention, on 25 *October*, 1760,

And be it further enacted, That all and every Person and Persons whose Name or Names shall be inserted in any such List to be delivered in as aforesaid, who, upon the Twenty fifth Day of October, One thousand seven hundred and sixty, were really and truly Prisoners in the actual Custody of any Gaoler or Gaolers, or Keeper of any Prison respectively of this Kingdom, and did not come into, or get his, her, or their Names entered in the Book of any Gaol or Prison as a Prisoner or Prisoners there, with a View or Design to take the Benefit of some Act for Relief of Insolvent Debtors, and who shall take the Oath herein after-mentioned, and shall perform on his or her Part what is required to be done by him or her by this Act, shall be for ever released and discharged from his or her Imprisonment, in such Manner as hereafter is provided.

conforming to the Regulations of this Act, shall be discharged.

Prisoners in Custody at the Time of passing this Act, who were arrested for Debt on or before 25 *October*, 1760, and held to Bail, and rendered themselves, &c. on or before 28 *Nov.* 1760, on conforming to the Regulations of this Act, shall be discharged.

Provided always, and be it enacted by the Authority aforesaid, That any Prisoner or Prisoners who shall be in actual Custody at the Time of passing this Act, and was or were, on or before the Twenty fifth Day of October, One thousand seven hundred and sixty, arrested for any Sum or Sums of Money by virtue of any Writ or Process issuing out of any Court of Record, and held to Bail thereon, and did, on or before the Twenty eighth Day of November, One thousand seven hundred and sixty, render him, her, or themselves, or was or were surrendered in Discharge of his, her, or their, Bail, and thereupon committed to Prison, and has or have continued therein until the passing of this Act, by virtue of such Commitment; every such Prisoner or Prisoners shall, upon due Proof of the Premisses upon Oath, be discharged from such Debt or Demand, in like Manner as if such Prisoner or Prisoners had been actually in Prison upon the said Twenty fifth Day of October, One thousand seven hundred and sixty, and continued therein as aforesaid; subject nevertheless to the same Restrictions and Provisions, and a Compliance with the

like Terms, Conditions, and Qualifications, herein before imposed upon Prisoners actually in Custody upon the said Twenty fifth Day of October, One thousand seven hundred and sixty; and also subject to the same Terms and Provisions relating to the Estate and Effects of every such Prisoner as aforesaid.

Justices, upon the Petition of the Prisoner, and his delivering a Schedule of his Estate,

And be it further enacted, That it shall be lawful for any Justice or Justices of any County, Riding, Division, City, Town, Place, or Liberty, within this Kingdom, upon the Petition of any such Prisoner or Prisoners to any Justice or Justices of the Peace within his or their respective Jurisdictions (upon every such Prisoner or Prisoners so petitioning, and, at the Time of his or her so petitioning, leaving with the Justice or Justices of the Peace, who shall be so petitioned, a true Copy of the Schedule, containing his or her intended Discovery of his or her Real and Personal Estate; to be sworn to at the First or Second General or Quarter Session next ensuing after every such Petition, or some Adjournment thereof) by Warrant under his Hand and Seal, or their Hands and Seals, to require the Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of any such Prison within the Jurisdiction of any such Justice or Justices, to bring before the Justices at the First or Second next General or General Quarter Session of the Peace, or any Adjournment thereof, to be held, as the Case shall happen to be, next after the Expiration of Ten Days from the Date of such Warrant, for such respective County, Riding, Division, City, Town, Place, or Liberty, the Body of any Person being in the said Prison as aforesaid, with the Warrant or Warrants of his or her Detainer, together with a Copy or Copies of the Cause or Causes which he, she, or they, is or are charged with in any such Gaol or Prison as aforesaid, at the Time aforesaid; which Warrant of every such Justice or Justices every such Sheriff and Sheriffs, Gaoler, or Keeper, is and are hereby commanded to obey.

are to issue their Warrant for bringing the Prisoner to the Quarter Sessions, &c.

with the Warrant of Detainer and Copy of the Writ, &c.

Gaoler, &c. to obey such Warrant.

Schedule of the Prisoner's Estate to be transmitted to the Clerk of the Peace,

And be it also enacted, That the Copy of every Schedule which shall be left with any such Justice or Justices, shall, within Ten Days after the same shall be so left, be transmitted by the Justice or Justices, with whom the same shall be so left, to the Clerk of the Peace for the County, Riding, Division, City, Town, Place, or Liberty, in which the same shall have been so left, there to remain and be inspected, from time to time, as Occasion shall require, by any Creditor of any such Prisoner who shall desire to inspect the same.

for the Inspection of the Creditors.

And be it further enacted, That all and every Prisoner and Prisoners, who shall intend to petition to be dis-

Prisoners intending to petition for their Discharge, are to give previous Notice thereof Thrice in the *Gazette*, and other News Papers:

charged under this Act, as aforesaid, shall first cause public Notice to be inserted in Three several London Gazettes previous to such General or Quarter Session, or the Adjournment thereof, at which the said Prisoner or Prisoners shall apply to be discharged from any Gaol in London, or within the Weekly Bills of Mortality; and if such Prisoner shall be in Custody in any Gaol out of London, or the Weekly Bills of Mortality, then also in some News Paper which shall be published in or near the County, Riding, Division, City, Town, Liberty, or Place, in the Gaol whereof he or she shall be so in Custody; containing the Name, Trade, or Occupation, and Two last Places of Abode, if so many, of every such Prisoner and Prisoners, and the Prison wherein he, she, or they, is or are confined, and of his, her, or their Intention to take the Benefit of this Act, and mentioning such Notice in each Gazette or News Paper, to be the First, Second, or Third Notice, according to the Time of publishing each of such Notices; and for the inserting of each of which said several Notices in the said Gazette, or in any other News Paper, there shall be paid, each Time, by every such Prisoner, Two Pence, and no more: The First of which said Notices shall be so inserted in the said Gazette, or in the said other News Paper, as the Case may require, Thirty Days at least, and the Last of the said Notices Ten Days at least, before any such First or Second General or Quarter Session, or Adjournment thereof, shall be held as aforesaid; so that as well all the Creditors who have not charged the said Prisoner or Prisoners in Custody, as those Creditors who have charged such Prisoner or Prisoners in Execution, or on mesne Process, or otherwise, may have sufficient Notice thereof.

Contents of the Notice.

2*d* each Time and no more, to be paid for inserting such Notices.

First Notice to be inserted 30 Days, and the last 10 Days, before the Quarter Sessions, *&c.*

Prisoner being brought into Court, due Publication of the Notices required being proved, *&c.*

And be it further enacted, That every such Prisoner as aforesaid, who, in pursuance of any such Warrant as aforesaid, shall be brought to any General or General Quarter Session, or any Adjournment thereof, shall, in case it shall be proved upon Oath, or by producing the said Three Gazettes and News Papers before mentioned to the said Justices at any such Session, or the Adjournment thereof, that such Notices were so inserted in the London Gazette, and other News Papers, where required, in Manner as herein before is directed; and that the Person or Persons so petitioning, was or were actually a Prisoner or Prisoners on the said Twenty fifth Day of October, One thousand seven hundred and sixty, or since, in the Gaol or Prison in which his, her, or their, Name or Names is or are specified in the List of Prisoners there delivered in at any such First or Second Session, or any Adjournment thereof as aforesaid, in pursuance of this Act, shall, in

is to deliver in a Schedule of his Estate, Debts, and Creditors.

open Court at the ſaid General or Quarter Seſſion, or ſome Adjournment thereof, ſubſcribe and deliver in a true Schedule or Account of all his or her Real Eſtate, either in Poſſeſſion, Reverſion, Remainder, or Expectancy; and alſo of the Whole of his or her Perſonal Eſtate which he or ſhe, or any Perſon or Perſons in Truſt for him or her, or for his or her Uſe, Benefit, or Advantage, is or are ſeiſed of, intereſted in, or intitled to, with the Names of his or her ſeveral Debtors, and where they reſpectively live, or may be met with; and the ſeveral Sums of Money from them reſpectively owing, and how the ſame reſpectively became due, and are ſecured; and if by Mortgage, Specialty, Contract, Note, or other Writing, then the Name and Names and Places of Abode of the ſeveral Witneſſes who can prove ſuch Debts or Contracts (if there be any ſuch) and ſhall alſo make Oath and ſwear to the Effect following; (that is to ſay)

Priſoner's Oath on delivering in the ſaid Schedule.

I *A. B.* upon my corporal Oath, in the Preſence of Almighty God, do ſolemnly ſwear, proteſt, and declare, That on the Twenty fifth Day of *October*, One thouſand ſeven hundred and ſixty, I was a Priſoner, or elſe, *as the Caſe may be*, that, ſince the Twenty fifth Day of *October*, One thouſand ſeven hundred and ſixty, I have ſurrendered, or have been committed to the Priſon of in Diſcharge of my Bail, or for want of Bail, *as the Caſe ſhall be*; and that I was actually arreſted before the ſaid Twenty fifth Day of *October*, One thouſand ſeven hundred and ſixty, in the Action or Suit, Actions or Suits, in which I ſurrendered, or was committed, as aforeſaid, to the ſaid Gaol or Priſon of and that I have, ever ſince my ſaid Surrender or Commitment, continued a Priſoner within the Priſon of in the actual Cuſtody of the Gaoler or Keeper of the ſaid Priſon of or within the Liberties thereof, at the Suit of and without any Fraud or Colluſion whatſoever; and that the Schedule now delivered by me and ſubſcribed, doth contain, to the beſt of my Knowledge, Remembrance, and Belief, a full, juſt, true, and perfect Account and Diſcovery of all the Goods, Effects, and Eſtates, Real and Perſonal, either in Poſſeſſion, Reverſion, Remainder, or Expectancy, which I, or any Perſon in Truſt for me, or for my Benefit or Advantage, am ſeiſed or poſſeſſed of, intereſted in, or intitled to; and of all Debts as are to me owing, or to any Perſon or Perſons in Truſt for me; and of all the Securities and Contracts whereby any Money now is, or will or may hereafter become payable, or any Benefit or Advantage may accrue to me, or to my Uſe, or to any Perſon or Perſons in Truſt for me; and the Names and Places of Abode of the ſeveral Perſons from whom

whom ſuch Debts are due and owing; and of the Witneſſes that can prove ſuch Debts or Contracts, *if any ſuch there be*; and that neither I, nor any other Perſon or Perſons in Truſt for me, or for my Uſe, have any Lands, Money, Stock, or any Eſtate, Real or Perſonal, in Poſſeſſion, Reverſion, or Remainder, or Expectancy, other than what are in the ſaid Schedule contained; except Wearing Apparel, and Bedding for myſelf and Family, Working Tools, and neceſſary Implements for my Occupation and Calling, and theſe in the Whole not exceeding the Value of Ten Pounds; and that I have not, nor any Body for me hath, directly or indirectly, ſold, leſſened, or otherwiſe conveyed, diſpoſed of in Truſt, or concealed, all or any Part of my Lands, Money, Goods, Chattles, Stock, Debts, Securities, Contracts, or Eſtate, Real or Perſonal, whereby to ſecure the ſame, or to receive or expect any Profit or Advantage thereof, or with Intent to defraud or deceive any Creditor or Creditors, to whom I am or was indebted in any wiſe whatſoever.

So help me GOD.

Schedule and Oath to be ſubſcribed in the Court; and lodged with the Clerk of the Peace, for the Examination of the Creditors.

And the ſaid Schedule and Oath ſhall be by every ſuch Priſoner ſubſcribed in the Preſence of the Juſtices in open Seſſion of the Peace as hereby is directed, and ſhall be kept by, and remain with, the Clerk of the Peace for the County, City, Liberty, Diviſion, Town, or Place, where the ſame ſhall be ſubſcribed and taken, for the better Information of all the Creditors of ſuch Priſoner who ſhall deſire, or may have Occaſion, to reſort thereto; and every ſuch Creditor ſhall be at Liberty, at ſeaſonable Times in the Day-time, to peruſe and examine over the ſame.

Court, if required by the Creditor, may adminiſter an Oath to the Gaoler, or any other Perſon, touching any of the Matters preſcribed to be ſworn to.

And be it further enacted, That the Juſtices within their reſpective Juriſdictions, at any ſuch General or General Quarter Seſſion, or Adjournment thereof, at the Requeſt of any Creditor or Creditors of any ſuch Priſoner, are hereby authorized to cauſe the Deputy Warden and Marſhal of the Fleet and King's Bench Priſon, and any other under Officer, Tipſtaff, and Turnkey of any Gaol or Priſon, and any other Perſon, to come before them, and to examine them reſpectively there on Oath, touching any of the Matters contained in any of the Oaths preſcribed by this Act to be taken, and the Truth thereof;

The Priſoner's Oath not being diſproved, the Court is to diſcharge him;

and if the Oath which ſhall have been taken in open Court by any ſuch Priſoner or Priſoners ſhall not be diſproved by good Teſtimony of any credible Perſon or Perſons on Oath, and ſuch Juſtices, or the major Part of them, preſent at any ſuch General or Quarter Seſſion, ſhall be ſatisfied with the Truth of the Oath taken by any ſuch reſpective Priſoner, then ſuch Juſtices ſhall, in ſuch Seſ-

ſion, or ſome Adjournment thereof, command the ſaid Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of ſuch Priſon or Priſons, forthwith to ſet at Liberty ſuch Priſoner or Priſoners without having or taking any Fee or Reward, other than One Shilling for his or their Attendance with ſuch Priſoner or Priſoners at ſuch General or Quarter Seſſion, or any Adjournments thereof, in order for his, her, or their Diſcharge, and which every ſuch Sheriff or Sheriffs, Gaoler or Gaolers, Keeper or Keepers of ſuch Priſon or Priſons, is and are hereby authorized to receive and take for every ſuch Order: And every ſuch Order ſhall be a ſufficient Diſcharge to the Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of ſuch Priſon or Priſons, and ſhall indemnify him or them againſt any Eſcape or Eſcapes, or Action or Actions whatſoever for Eſcape, which ſhall or may be brought, commenced, or proſecuted againſt him or them.

upon paying a Fee of 1s. to the Gaoler.

Gaoler indemnified for the Eſcape.

And be it further enacted by the Authority aforeſaid, That all the Eſtate, Right, Title, Intereſt, and Truſt, of ſuch Priſoner, of, in, and unto, all the Real Eſtate, as well Freehold and Copy as Cuſtomaryhold, and to all the Perſonal Eſtate, Debts, and Effects, of every ſuch Priſoner, ſhall, immediately after the Diſcharge of any ſuch Priſoner, be, and the ſame is hereby, veſted in the Clerk of the Peace of and for the County, Riding, City, Town Corporate, Diviſion, Liberty, or Place, where any ſuch Priſoner ſhall be reſpectively diſcharged; and every ſuch Clerk of the Peace is hereby directed and required to make an Aſſignment and Conveyance of every ſuch Priſoner's Eſtates and Effects, veſted in ſuch Clerk of the Peace as aforeſaid, to ſuch Creditor or Creditors of the ſaid Priſoner as the Juſtices at any General or General Quarter Seſſion of the Peace, or at any Adjournment thereof, which ſhall be held by them within their reſpective Juriſdictions, ſhall order or direct (which Aſſignment and Conveyance ſhall be good and effectual in Law to all Intents and Purpoſes whatſoever, without being wrote on Parchment or Paper ſtamped) and to veſt the Eſtates thereby aſſigned and conveyed, in the Party or Parties to whom the ſame ſhall be ſo aſſigned and conveyed, his, her, and their Heirs, Executors, Adminiſtrators, and Aſſigns, according to the Eſtate and Intereſt the Priſoner had therein; and for the preparing, ingroſſing, and executing, of which Aſſignment and Conveyance, no Clerk of the Peace ſhall take any greater Fee than Two Shillings; and every ſuch Aſſignment and Conveyance ſhall be in Truſt for the Benefit of the Creditor or Creditors of every ſuch Priſoner to whom the ſame ſhall be made, and the reſt of the

Eſtate and Effects of the Priſoner, upon his Diſcharge, to veſt in the Clerk of the Peace,

who is to make over the ſame to the Aſſignees named by the Court,

for which he is to be paid 2s. and no more.

Creditors of such Prisoner, in respect of in Proportion to their respective Debts: And every Person and Persons to whom any such Assignment and Conveyance as aforesaid shall be made, is and are hereby fully impowered to sue, from time to time, as there may be Occasion, in his, her, or their own Name or Names, for the Recovery and Attaining any Estate or Effects of any such Prisoner, and also to execute any Trust or Power vested in, or created for, the Use or Benefit of any such Prisoner; but in Trust, for the Benefit of him or themselves, and the rest of the Creditors of every such Prisoner; and to give Discharge and Discharges to any Debtor or Debtors to any such Prisoner, as shall be requisite: And every such Assignee and Assignees shall, with all convenient Speed after his or their accepting any such Assignment or Conveyance, use his and their best Endeavours to receive and get in the Estate and Effects of every such Prisoner; and shall, with all convenient Speed, make Sale, or Disposition of Sale, of all the Estates of such Prisoner vested in such Assignee or Assignees; and if any such Prisoner shall be interested in, or intitled to, any Real Estate, either in Possession, Reversion, or Expectancy, the same, within the Space of Two Months after every such Assignment and Conveyance, shall be sold by public Auction in such Manner, and at such Place, as the major Part of the Creditors of any such Prisoner who shall assemble together on any Notice in Writing published in the London Gazette, or in some Daily Paper, if the Prisoner before his going to Gaol resided in London, or in the Weekly Bills of Mortality, and if elsewhere, then in some News Paper which shall be published in or near the County, Riding, Division, City, Town, Liberty, or Place, in which such Prisoner dwelt before he or she was committed to Gaol, Thirty Days before any such Sale shall be made, shall, under his Hand, or their Hands, agree on: And every such Assignee and Assignees, at the End of Three Months at farthest from the Time of his accepting any such Assignment or Conveyance as aforesaid, shall make a just and fair Dividend of all such Prisoner's Estates and Effects which shall have been then got amongst his or her Creditors, in Proportion and in Regard to each Creditor's respective Debts; but before any such Dividend shall be made, such Assignee or Assignees shall make up an Account of such Prisoner's Estate, and make Oath in Writing before One or more Justice or Justices of the Peace of the County, Riding, Division, Town, Liberty, or Place, in which any such Prisoner shall have been discharged, that every such Account contains a just and fair Account of the Estate and Effects

Assignees impowered to sue,

and execute any Trust or Power in the Prisoner's Behalf;

and give Discharges.

They are to get in, with all Speed, the Estate and Effects of the Prisoner,

and make Sale, within 2 Months, of Prisoner's Real Estate, in Manner agreed upon at a Meeting of the Creditors summoned for that Purpose;

and make a Dividend within 3 Months;

first making up their Accounts, and verifying the same upon Oath.

Effects of every 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 bona fide made and paid; and Notice of the making of every such Dividend shall be published in like Manner as a Meeting of Creditors is herein before directed to be published, Thirty Days at least before the same shall be made: And no Creditor shall be allowed to receive any Share of such Dividend, until he shall have made out the Justness and Identity of his respective Debt by Oath, or due Proof in Writing, before some such Justice or Justices; and if any Creditor of such Prisoner shall be dissatisfied with the Reality or Fairness of any Debt claimed by any other Creditor, then the same, at the Request of any such Creditor or Creditors so dissatisfied, shall be examined into by the Justices of the County, Riding, Division, City, Liberty, or Place, in which such Prisoner shall have been discharged, at their next General or General Quarter Session, and what they shall there determine in the Premisses, shall be conclusive to all Parties: And if, after Payment of all such Prisoner's Creditors, there shall any of his Estate and Effects remain after Payment of all reasonable Charges, the same shall be paid to such Prisoner, his Executors or Administrators.

30 Days Notice to be given of making any Dividends,

and none to receive any Share thereof but such as shall prove their Debts.

Debts entered, to be examined into and determined by the Court.

Surplus of the Prisoner's Estate, after satisfying all Claims thereon, to go to the Prisoner.

Provided further, and be it also enacted, That no Suit in Equity shall be commenced by any Assignee or Assignees of any such Prisoner's Estate and Effects, without the Consent of the major Part, in Value, of the Creditors of such Prisoner, who shall meet together pursuant to a Notice to be given in the London Gazette for that Purpose.

No Suit in Equity to be commenced, but by Consent of the Majority in Value of the Creditors.

And be it further enacted by the Authority aforesaid, That the Clerk of the Peace of every respective County, City, and County Town, and County, Riding, Division, Cinque Port, Liberty, and Place, with whom any Schedule of the Estates of any Insolvent Debtor or Debtors, Fugitive or Fugitives, shall be left, and his Successors, Clerks of the Peace as aforesaid, shall, on the reasonable Request of any Creditor or Creditors of such Insolvent Debtor or Debtors, Fugitive or Fugitives, or his or their Attorney, produce and shew to such Creditor or Creditors, or his or their Attorney, in the Day-time, the Schedule of the Estates of any such Insolvent Debtor or Debtors, Fugitive or Fugitives, which shall be left with any such Clerk of the Peace, or his Predecessor in that Office; the Person so requiring to see and peruse any such Schedule, paying or tendering to the Clerk of the Peace, in whose Custody any such Schedule shall be, or his Deputy, the Sum of One Shilling, for his Trouble in search-

Clerk of the Peace to exhibit to the Creditor, or his Attorney, upon Payment of 1 s. the Schedule of the Prisoner's Estate and Effects;

ing

ing for, and looking out, such Schedule, and attending whilst the same shall be perused by the Party or Parties requiring to have the same looked out, and to peruse the same; and that a true Copy of every such Schedule, signed by the Clerk of the Peace in whose Custody the same shall be, or his Deputy, purporting the same to be a true Copy of such Schedule, without being wrote on Stamp Paper, and for which Copy no more shall be paid than Six Pence by the Sheet, each Sheet to contain Ninety Words, and so in Proportion for a lesser Number of Words in any Sheet, shall, at all Times, be admitted in all Courts whatsoever as legal Evidence of the same: And if any Clerk of the Peace, or his Deputy, shall, on reasonable Request as aforesaid, neglect or refuse to produce to any such Creditor or Creditors as aforesaid, or his or their Attorney, any such Schedule as aforesaid, and to permit the same to be inspected as aforesaid, in the Day-time, on such Payment or Tender as aforesaid being made to him; or shall ask or take more than after the Rate of Six Pence by the Sheet, each Sheet to contain Ninety Words, and so in Proportion for less than Ninety Words in a Sheet; or shall refuse to make and deliver a Copy of any such Schedule, on being requested as aforesaid so to make the same, and having the Money tendered to him for Payment of such Copy, after the Rate aforesaid; shall, for every such Offence, forfeit and pay the Sum of Ten Pounds, which shall and may be sued for and recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, together with Treble Costs of Suit, in the Name of any Person who will prosecute for the same: And One Moiety of which Money forfeited, shall, when recovered, go to the Party who prosecutes for the same, and the other Moiety thereof to the Poor of the Parish in which the Offence shall be committed.

Attested Copy thereof to be granted;

which shall be Evidence in all Courts.

Clerk of the Peace refusing to produce such Schedule, or to deliver a Copy thereof, or taking exorbitant Fees for the same,

forfeits 10*l.* and Treble Costs;

One Moiety to the Prosecutor, and the other to the Poor of the Parish.

Provided always, and be it enacted, That before such Time as any Assignee or Assignees, as aforesaid, shall enter on, or take any Profit from, any Copyhold or Customary Estate, as aforesaid, he or they shall agree and compound with the Lord or Lords of the Manor or Manors of whom the same shall be holden, for the Payment of such Fine or Income as, upon any Surrender and Admission thereto, hath theretofore been most usually accustomed to be paid; and that upon every such Agreement or Composition, the said Lord or Lords for the time being, at the next Court, or some subsequent Court, which shall be holden for the said Manor or Manors, after such Agreement made, shall admit such Assignee or Assignees Tenant

Assignees of Copyhold and Customary Estates to compound with the Lord of the Manor,

and to be admitted Tenants thereupon.

to such Copyhold or Customary Premisses, according to the Custom of the said Manor or Manors of which the same shall be holden, for and during such Estate and Interest as the Prisoner had therein at the Time of his or her being discharged as aforesaid, reserving the Rents, Duties, Heriots, Customs, and Services, payable and to be rendered in respect of the said Copyhold or Customary Premisses.

The Prisoner's, &c. Right and Interest only to be affected by this Act.

Provided also, That nothing herein contained shall extend to prejudice or affect any Estate, or Interest, or Right whatsoever, of any other Person or Persons, other than the said Prisoner or Fugitive, which may be expectant upon, or subject unto, the Estate or Interest of the said Prisoner or Fugitive hereby vested in the said Clerk of the Peace; but that the Estate, Interest, and Right whatsoever, of every other Person and Persons, shall remain, continue, and be saved to them, in the same Manner as if this Act had not been made.

Effects on the Premisses, where Rent is due, are to be transferred to the Landlord, and not made over to the Assignees;

Provided further, and be it enacted by the Authority aforesaid, That where any Rent, not exceeding Two Years Rent, shall be due to any Person or Persons from such Prisoner or Prisoners, at the Time of his or their respective Discharges, in respect to any Messuages, Lands, or Tenements, then in Lease to such Prisoner or Prisoners respectively, for Life or Lives, for Years, at Will, or otherwise, no Goods or Chattles then lying or being in or upon the respective Tenements, liable to be distrained, shall be assigned by the Clerk of the Peace in Manner aforesaid, but shall, by such Clerk of the Peace, be transferred to such Landlord or Landlords, or some Person or Persons intrusted for him or them respectively, towards Satisfaction of the Rent then due, not exceeding Two Years Rent, as aforesaid, unless the Person or Persons to whom such Assignment and Conveyance shall be made by such Clerk of the Peace, shall, by Writing under his Hand, or their respective Hands, before such Assignment shall be made, agree to pay or satisfy to such Landlord or Landlords the Rent to him or them respectively due, not exceeding Two Years Rent as aforesaid; to the Intent that such Landlord or Landlords may be satisfied the Rent or Rents to him or them respectively due, before any Division of the Estate or Effects of such Prisoner or Prisoners shall be made among his other Creditors, in like Manner as he or they might be satisfied the Rent to him or them respectively due, before the Removal of such Goods and Chattles, by virtue of an Execution, by Force of the Statute made in the Eighth Year of Her late Majesty's Reign, intituled, An Act for the better Security of

unless they shall agree to satisfy the Landlord.

Act 8 *Anne*

Rents, and to prevent Frauds committed by Tenants; any thing herein before contained to the contrary thereof in any wise notwithstanding.

All Mortgages, Statutes, Recognizances, and Judgements, are to take Place, preferrable to Claims of an inferior Nature.

Provided also, and be it enacted by the Authority aforesaid, That nothing in this Act shall extend, or be construed to hinder or prevent, any Mortgage or Mortgages upon the Estate of such Prisoner or Prisoners, or any Part thereof, to take Place upon the Lands, Tenements, or Hereditaments, comprised in such Mortgage or Mortgages respectively; nor to prevent any Statute Staple, Statute Merchant, Recognizance, or Judgement, acknowledged by, or obtained against, any such Prisoner or Prisoners, to take Place upon the Lands, Tenements, or Real Estate of such Prisoner or Prisoners; and also where any Inquisition shall have been taken upon any such Statute or Recognizance, or any Writ of Execution shall have been taken out and delivered to the Sheriff or proper Officer, upon any such Judgement, before such Discharge shall be given in open Session to any such Person as aforesaid, the Personal Estate of every such Prisoner respectively shall be subject thereto, in the First Place, for so much as shall remain really due upon such Mortgage, Statute, Recognizance, or Judgement respectively, in like Manner as such Mortgagees and Creditors, by Statute, Recognizance, or Judgement, would have been preferred to other Creditors of an inferior Nature, against the Real or Personal Estate of such Prisoner and Prisoners respectively, if this Act had not been made; any thing herein before contained to the contrary thereof in any wise notwithstanding.

And whereas many Persons who may be intitled to, and claim the Benefit of, this Act, are seised and possessed of Lands, Tenements, and Hereditaments, to hold to such Prisoners for the Term of their natural Lives, with Power of granting Leases and taking Fines, reserving small Rents on such Estates, for One, Two, or Three Lives, in Possession or Reversion, or for some Number of Years determinable upon Lives; which said Powers ought to be executed for the Benefit of the Creditors of such Prisoners; be it therefore enacted by the Authority aforesaid,

Power in the Prisoner of leasing Lands, &c. to vest in the Assignees.

That in every such Case, all and every the Powers of leasing such Lands, Tenements, and Hereditaments, which are or shall be vested in any such Prisoner or Prisoners as aforesaid, 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, to be by such Assignee or Assignees executed for the Benefit of all and every the Creditors of such Prisoners as aforesaid.

And

And whereas in ſome Gaols or Priſons in this Kingdom, the Office of Gaoler or Keeper is held in Fee for Life, or otherwiſe, by Perſons who never act as Gaolers or Keepers themſelves, or know any Thing of the Priſoners therein, but depute or employ ſome Perſon or Perſons under them as Gaolers, or Keepers of ſuch Gaols or Priſons; be it therefore enacted, That in every ſuch Caſe, the Perſon who ſhall have been actually employed and acted as deputed Gaoler or Keeper of any ſuch Gaol or Priſon, at the Time of the delivering in the Liſts, hereby directed to be delivered in, of Priſoners in any ſuch Gaol or Priſon, at any General or Quarter Seſſion of the Peace, or ſome Adjournment thereof, and not the principal Gaoler or Keeper (unleſs where ſuch principal Gaoler or Keeper ſhall act as Gaoler or Keeper himſelf) ſhall take the Oath herein before appointed to be taken by the Gaoler or Keeper of every ſuch Gaol or Priſon.

The acting Gaoler at the Time of delivering the Liſts, only liable to be ſworn.

And be it further enacted by the Authority aforeſaid, That the Juſtices at any General or Quarter Seſſion of the Peace, or Adjournment thereof, to which any Priſoner ſhall be brought in purſuance of this Act, ſhall, if required by any Creditor or Creditors of any ſuch Priſoner or Priſoners, who ſhall oppoſe his or her Diſcharge, adminiſter and give to the Gaoler, or the Perſon who acts as Gaoler or Keeper of any ſuch Priſon, at the Time of bringing up any ſuch Priſoner in order to be diſcharged under this Act, an Oath to the following Effect (that is to ſay)

Court, if required by a Creditor, oppoing the Priſoner's Diſcharge, is to adminiſter the following Oath to the Gaoler.

I *A. B.* do ſwear, That was really and truly a Priſoner in my Cuſtody, in the Priſon of to the beſt of my Knowledge and Belief, at or upon and that the Copy or Copies of the Cauſe or Cauſes of his or her Commitment or Detainer, now by me brought with the Body of the ſaid and produced to this Court, is or are a true Copy or Copies of the Cauſe or Cauſes of ſuch Detainer or Commitment, without any Fraud or Deceit by me, or any other Perſon whatſoever, to the beſt of my Knowledge and Belief.

So help me GOD.

The Oath.

And if any Perſon who was Gaoler or Keeper, or deputed Gaoler or Keeper, of any ſuch Gaol or Priſon, on the ſaid Twenty fifth Day of October, One thouſand ſeven hundred and ſixty, or ſince, ſhall not happen to be the Gaoler or Keeper, or deputed Gaoler or Keeper, of any ſuch Gaol or Priſon, at the Time any ſuch Liſt as aforeſaid is hereby required to be delivered in, then the Juſtices at any ſuch Seſſion, or at any Adjournment thereof, may, and are

If ſuch Perſon ſhall not have been the Gaoler on 25 *Oct.* 1760, *&c.* then the following Oath is to be adminiſtered to him.

are hereby required to administer and give the respective Person or Persons who shall be Gaoler or Keeper, or deputed Gaoler or Keeper, of any such Gaol or Prison, and deliver in any such List as aforesaid at any such General or Quarter Session, or any Adjournment thereof, an Oath, touching the Commitments or Books of Commitment of any such Prison, to the Effect following (that is to say)

The Oath.

I *A. B.* do swear, That I have examined the Commitments, or Books kept of or concerning the Commitment, of Prisoners to the Prison of in the [County, Riding, Division, City, Town, Place, or Liberty of *as the Case shall be*] and that I do verily believe that the said Commitments, or Books of Commitment, are really true, and not fictitious, nor calculated for this Purpose; and by them it doth appear, that was on the Day of really and truly a Prisoner in the actual Custody of the then Gaoler or Keeper, or deputed Gaoler or Keeper, of the said Prison, without Fraud or Deceit, by me, or any other Person or Persons to my Knowledge.

So help me GOD.

Court, if required by a Creditor, may summon the Person who acted as Gaoler on 25 *Oct.* 1760, or since,

And, in order to discover any fraudulent Entries or Commitments of Prisoners in any Gaol Books, be it further enacted by the Authority aforesaid, That the Justices at any General or Quarter Session of the Peace, or any Adjournment thereof, are hereby authorized, at the Request of any Creditor or Creditors of any Prisoner, to convene before them, at some certain Time to be appointed by them, any Person or Persons who was or were Gaoler or Keeper, or deputed Gaoler or Keeper, of any Gaol or Prison within their respective Jurisdictions, on the said Twenty fifth Day of October, One thousand seven hundred and sixty, or at any Time since, and to examine every such Gaoler or Keeper, or deputed Gaoler or Keeper, on Oath, touching the Commitment and Continuance in Custody of any such Prisoner, as the Justices, at any such General or Quarter Session, or Adjournment thereof, shall think fit: And if any Sheriff, Gaoler, or Keeper, or deputed Gaoler or Keeper, shall neglect or refuse to bring before such Justices at any Session of the Peace, or Adjournment thereof, any Prisoner as shall be directed and required by Warrant of any Justice or Justices as aforesaid, or to attend, on being summoned for that Purpose; or if any Gaoler or Keeper attending, shall refuse to make Answer and Discovery in the Premisses, as shall be reasonably required at such General or Quarter Session, or any

and examine him touching the Commitment and Continuance in Custody of the Prisoner.

Gaoler disobeying the Warrant, or Order of the Court, &c. forfeits 100*l.* with Treble Costs.

Adjournment thereof; he, she, or they, so offending in the Premisses, shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds, to be recovered by and in the Name, and for the Use, of the Party injured, by Action of Debt to be brought in his or her Name, in any of His Majesty's Courts of Record at Westminster, together with Treble Costs of Suit.

And whereas great Number of Workmen, skilful in the several Trades and Manufactures of this Kingdom, and also many able Seamen and Mariners, finding themselves unable to satisfy the Whole of their respective Debts, and dreading the Miseries of a Gaol, have chose to leave their Employments and Native Country, and have entered themselves in Foreign Service: And whereas their Continuance Abroad must be of great Prejudice to the Trade of this Kingdom; in order therefore to induce and enable such Persons to return, be it enacted by the Authority aforesaid, That all and every Debtor and Debtors, who was or were actually beyond the Seas in Foreign Parts on the said Twenty fifth Day of October, One thousand seven hundred and sixty, and did not go into such Foreign Parts with the View or Intent to gain or have the Benefit of an Insolvent Debtors Act, who shall return and surrender himself or themselves unto the Gaoler or Gaolers, Keeper or Keepers, of the Prisons of the King's Bench, Marshalsea, or Fleet, or to the Gaoler or Keeper, or deputed Gaoler or Keeper, of the Prison or Prisons of such County, City, Town, Riding, Division, Liberty, or Place, where such Debtor or Debtors last dwelt for the Space of Six Months (which said Gaoler or Gaolers, Keeper or Keepers, is and are hereby required and impowered to receive and detain such Debtor or Debtors surrendering as aforesaid, in order to their Discharge as hereinafter-mentioned) shall, from and immediately after such Surrender as aforesaid, be deemed a Prisoner or Prisoners within, and be to all Intents and Purposes intitled to, the Benefit of this Act; and shall, upon due Proof of the said Premisses, by the Oath of such Debtor or Debtors (not disproved by any credible Witness) be discharged in the same Manner as if he, she, or they, had been actually in Prison on the said Twenty fifth Day of October, One thousand seven hundred and sixty, and continued therein as aforesaid; subject nevertheless to the same Restrictions and Provisions, and a Compliance with the like Terms, Conditions, and Qualifications, herein before imposed upon the said Prisoners actually in Custody upon the said Twenty fifth Day of October, One thousand seven hundred and sixty, and also subject to the Terms and Provisions

Debtors who were beyond the Seas on 25 Oct. 1760, surrendering themselves, may take the Benefit of this Act,

upon the same Terms as other Prisoners;

relating to the Eſtate and Effects of ſuch Priſoner as aforeſaid; excepting only ſuch Particulars thereof, as require the Name of a Priſoner to be inſerted in the Gaoler's or Keeper's Liſt as aforeſaid, or relate to the Oaths of ſuch Gaoler or Keeper herein before appointed to be taken; which Particulars cannot poſſibly be applied to the Caſe of Perſons ſurrendering themſelves as aforeſaid; and alſo except the ſaid Oath herein before appointed to be taken by Priſoners in Cuſtody upon the ſaid Twenty fifth Day of October, One thouſand ſeven hundred and ſixty, inſtead whereof, the ſaid Perſon or Perſons ſo ſurrendering, ſhall take an Oath in open Court at ſome General or Quarter Seſſion of the Peace, or ſome Adjournment thereof, of the County, City, Town, Riding, Diviſion, Place, or Liberty, in the Priſon of which any ſuch Fugitive or Debtor ſhall be held, after the Surrender of any ſuch Fugitive or Debtor, to the Effect following; which the ſaid Juſtices authorized to put this Act in Execution, are hereby required and impowered to adminiſter, in ſuch Manner as the Oaths herein before-mentioned are to be adminiſtered.

excepting ſuch Particulars wherein the Caſes of both differ.

Fugitive's Oath.

I *A. B.* upon my corporal Oath, in the Preſence of Almighty God, ſolemnly ſwear, proteſt, and declare, That I was actually on the Twenty fifth Day of *October*, One thouſand ſeven hundred and ſixty, beyond the Seas in Foreign Parts, *videlicet*, at and that the Schedule now delivered and by me ſubſcribed, doth contain, to the beſt of my Knowledge, Remembrance, and Belief, a full, juſt, true, and perfect Account and Diſcovery of all the Real Eſtate, Goods, Effects, and other Perſonal Eſtate, in any wiſe belonging to me; and alſo of all ſuch Debts as are to me owing, or to any Perſon or Perſons in Truſt for me; and of all the Securities and Contracts whereby any Money now is, or will or may hereafter become payable, or whereby or wherefrom any Benefit or Advantage may accrue to me, or to my Uſe, or to any other Perſon or Perſons in Truſt for me; and the Names and Places of Abode of the ſeveral Perſons from whom ſuch Debts are due and owing; and of the Witneſſes that can prove ſuch Debts or Contracts, *if any ſuch there be*; and that neither I, nor any Perſon or Perſons in Truſt for me, is or are ſeiſed of any Real Eſtate in Poſſeſſion, Reverſion, or Remainder, or Expectancy, or of any Perſonal Eſtate of any Kind whatſoever, other than what are in the ſaid Schedule contained, except my Wearing Apparel, and Bedding for myſelf and Family, my Working Tools, and neceſſary Implements for my Occupation and Calling, nor exceeding, in the Whole, the Value of Ten Pounds; and that I have not,

not, directly or indirectly, ſold, leſſened, or otherwiſe conveyed, diſpoſed of in Truſt, or concealed, all or any Part of my Real Eſtate, Money, Goods, Chattles, Stocks, Debts, Securities, Contracts, or other Perſonal Eſtate whatſoever, whereby to ſecure the ſame, ſo as to receive or expect any Profit or Advantage therefrom to myſelf or Family, or with any View, Intent, or Deſign to defraud or deceive any Creditor or Creditors, to whom I am indebted in any wiſe howſoever, or prevent their recovering or attaining their reſpective Debts.

So help me GOD.

Gaoler and Printer of the *Gazette*, or other News Paper, not complying with the Regulations in this Act, forfeit 100*l.* to the Priſoners with Treble Coſts of Suit.

And be it further enacted by the Authority aforeſaid, That if any Gaoler or Keeper of any Priſon, or his Deputy or Deputies, ſhall, without juſt Cauſe to be approved of by the Juſtices at ſome General or Quarter Seſſion of the Peace, or Adjournment thereof, within their reſpective Juriſdictions, refuſe or delay to bring any ſuch Priſoner or Priſoners as aforeſaid to any ſuch General or Quarter Seſſion, or ſome Adjournment thereof, in order to his or her Diſcharge, or ſhall neglect, refuſe, or deſignedly omit to inſert, in any ſuch Liſt, the Name or Names of any ſuch Priſoner or Priſoners who was or were actually in Cuſtody in his or their reſpective Gaol or Priſon on the ſaid Twenty fifth Day of October, One thouſand ſeven hundred and ſixty, or ſince; or ſhall neglect or refuſe to make out, fix up, or deliver, ſuch Liſts as aforeſaid; or if any ſuch Gaoler or Keeper, or deputed Gaoler or Keeper, ſhall neglect or refuſe to take any of the ſaid Oaths before mentioned, and hereby required to be taken by him; or ſhall, upon any Account or Pretence whatſoever, take or receive more than the ſaid Sum of One Shilling herein before allowed for his or her Attendance in order to be diſcharged of ſuch Priſoner or Priſoners as aforeſaid; or ſhall detain any ſuch Priſoner after he or ſhe ſhall be diſcharged as aforeſaid; or if the Printer of the London Gazette, or other News Paper as aforeſaid, ſhall wilfully refuſe or neglect to inſert therein the Name, Trade, Occupation, and laſt Place of Abode of ſuch Priſoner, on reaſonable Requeſt to him made for that Purpoſe, and Tender of the Money hereby directed to be paid; or ſhall take or receive any Fee or Gratuity more than Two Pence as aforeſaid for doing thereof; every ſuch Gaoler and Keeper of ſuch Priſon or Priſons, his Deputy or Deputies, and every ſuch Printer as aforeſaid, ſhall reſpectively forfeit and pay to each Priſoner, in any ſuch Caſe injured, the Sum of One hundred Pounds; which ſhall and may be recovered, with Treble

Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of the Courts of Record at Westminster, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Gaoler, convicted of Perjury, forfeits 500 *l.* with Full Costs of Suit, *&c.*

And be it further enacted by the Authority aforesaid, That if any such Gaoler or Gaolers, or Keeper, or any deputed Gaoler or Keeper of any Prison, shall, in taking any of the aforementioned Oaths, forswear or perjure himself, and shall thereof be lawfully convicted, such Gaoler or Keeper, or deputed Gaoler or Keeper, of such Prison or Prisons (over and above such Penalties as may be inflicted on Persons convicted of Perjury) shall, upon every such Conviction, forfeit and pay the Sum of Five hundred Pounds; to be recovered, with Full Costs, by Bill, Plaint, or Information, or Action of Debt, in any of his Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, or Wager of Law, shall be allowed, by and in the Name of such Person or Persons, his or their Executors and Administrators, to whom any Assignment or Conveyance, in pursuance of this Act, shall be made, of the Estate and Effects of such Prisoner or Prisoners; and if no such Assignee or Assignees shall be living, then in the Name or Names of any other Creditor or Creditors who shall sue for the said Penalties; to be applied, One Moiety to the Informer or Informers, and the other Moiety towards Satisfaction of the Debts of such his Creditor or Creditors.

One Moiety to go to the Informer, and the other towards satisfying the Debts of the Creditors.

Clerk of the Peace refusing the Prisoner a Copy of his Discharge,

or taking exorbitant Fees for the same,

or for assigning over the Prisoner's Estate and Effects,

forfeits 20 *l.* to the Prisoner

And be it further enacted, That if any Clerk of the Peace, or his Deputy, shall delay or refuse to give every or any such Prisoner so discharged as aforesaid, within Ten Days after his or her Discharge, a Copy of the Order of his or her Discharge, on the Payment of Two Shillings and Six Pence, or shall take more than the said Sum of Two Shillings and Six Pence for such Copy, or shall take more than Two Shillings for an Assignment or Conveyance of such Prisoner's Estate or Effects, every Clerk of the Peace, or his Deputy, who shall so offend, and who shall be convicted at any such General or Quarter Session of the Peace, or any Adjournment thereof, of any such Offence, shall, for every such Offence, forfeit and pay to every such Prisoner, the Sum of Twenty Pounds, as the Justices of the Peace, at any such General or Quarter Session of the Peace, or Adjournment thereof, shall order; and who are hereby impowered to cause the same to be levied by Distress and Sale of the Goods of any such Clerk of the Peace, or his Deputy, so offending.

And

And be it further enacted by the Authority aforesaid, That if any Prisoner as aforesaid, or any other Person or Persons, who shall take the Benefit of this Act, shall forswear or perjure himself, herself, or themselves, in any Oath to be taken under this Act, and shall be lawfully convicted thereof, he, she, or they, so offending, shall be adjudged a Felon, and suffer as such, without Benefit of Clergy.

Prisoner convicted of Perjury to suffer as a Felon.

And be it further enacted by the Authority aforesaid, That no Person to be discharged by this Act shall, at any Time hereafter, be imprisoned by reason of any Judgement or Decree obtained for Payment of Money only, or for any Debt, Damages, Contempts, Costs, Sum or Sums of Money, contracted, incurred, occasioned, owing, or growing due, before the said Twenty fifth Day of October, One thousand seven hundred and sixty; but that upon every Arrest upon every Judgement or such Decree, or for such Debts, Damages, Contempts, Costs, Sum and Sums of Money, it shall and may be lawful for any Judge of the Court where the Process issued, upon shewing the Copy of the Order of such Prisoner's Discharge or Discharges, to release and discharge out of Custody such Prisoner or Prisoners as aforesaid; and every such Judge is hereby impowered so to do on such Prisoner's causing a Common Appearance to be entered for him in every such Action and Suit.

Persons discharged by this Act, not liable to Arrest for Debts, &c. contracted before 25 Oct. 1760.

And be it further enacted by the Authority aforesaid, That if any Action of Escape, or any Suit or Action, be brought against any Justice or Justices of the Peace, Sheriff, Gaoler, or Keeper of any Prison, for performing their Office, in pursuance of this Act, they may plead the General Issue, and give this Act in Evidence; and if the Plaintiff be Nonsuited, or discontinue his Action, or Verdict pass against him, or Judgement upon Demurrer, the Defendant shall have Treble Costs.

Justices, Sheriffs, and Gaolers, may plead this Act to any Action of Escape, or Suit brought against them, and recover Treble Costs.

And be it further enacted by the Authority aforesaid, That if any Scire facias, or Action of Debt, or upon Judgement, shall be brought against any Prisoner, his Heirs, Executors, or Administrators, upon any Judgement obtained against any such Prisoner, or on any Statute or Recognizance acknowledged by him or her, before the said Twenty fifth Day of October, One thousand seven hundred and sixty, with respect to Prisoners in actual Custody, or with respect to Debtors beyond the Seas, as aforesaid, upon the said Twenty fifth Day of October, One thousand seven hundred and sixty, it shall be lawful for any such Prisoner, his Heirs, Executors, or Administrators, to plead generally, that such Prisoner was actually a Prisoner in such Prison at such a Person's Suit, or

Persons discharged may plead generally, &c. to all Actions or Judgements brought against them before 25 Oct. 1760, &c.

was or were beyond the Seas in Foreign Parts on the said Twenty fifth Day of October, One thousand seven hundred and sixty, and was or were duly discharged according to this Act, at the General or Quarter Session, or Adjournment thereof, held at such Time and Place for such County, Riding, Division, Liberty, City, Town, or Place, (as his, her, or their Case is) without pleading any Matter specially; and in case any other Suit or Action shall be commenced against him, her, or them, for any other Debt, Sum or Sums of Money, due before the said Twenty fifth Day of October, One thousand seven hundred and sixty, to plead in Discharge of his or her Person from Execution (over and above such Matters as aforesaid) that such Debt or Sum of Money (as the Case shall happen) was contracted or due before the said Twenty fifth Day of October, One thousand seven hundred and sixty, without pleading any other Matter specially; whereto the Plaintiffs shall or may reply generally, and deny the Matters pleaded as aforesaid, or reply any other Matter or Thing which may shew the said Defendant not to be intitled to the Benefit of this Act, or not duly discharged according to it, in the same Manner as the Plaintiff might have replied, in case the Defendant had pleaded this Act, and his Discharge by virtue of this Act, specially; and if the Plaintiff be Nonsuited, discontinue his Action, or Verdict pass against him, or Judgement on Demurrer, the Defendant to have Treble Costs.

and in other Suits, may plead in Discharge of their Persons from Execution.

Plaintiff may reply generally, &c.

but if Nonsuited, is to pay Treble Costs.

Provided always, and be it enacted by the Authority aforesaid, That no Person against whom a Commission of Bankrupt hath been awarded and issued out, and who hath not already obtained his Certificate and Discharge of his Debts, in pursuance of and in such Manner as is directed by some or One of the Acts of Parliament now in Force relating to or concerning Bankrupts, or shall not obtain such Certificate and Discharge before such Time as he shall be brought before the Justices of the Peace at their General or Quarter Session, or some Adjournment thereof, held as aforesaid, in order to be discharged in pursuance of this Act, shall have or receive any Benefit or Advantage of or under this Act, nor be deemed to be within the Meaning thereof.

Bankrupts not obtaining their Certificates in due Time, excluded from the Benefit of this Act.

Provided also, That nothing in this Act contained shall extend, or be construed to extend, to release or discharge any Attorney at Law, or Solicitor, or any other Person or Persons acting, or pretending to act, as such, with regard to any Debt with which he or they shall stand charged, for any Money, or other Effects, recovered and received by him or them, for the Use of any Person or Persons, Bodies

Attornies embezzling, &c. Clients Money or Effects, excluded the Benefit of this Act.

dies Corporate or Politick, and by any Attorney, Solicitor, or other Person or Persons acting as such, embezzled, concealed, or converted to his or their own Use; any thing herein contained to the contrary thereof in any wise notwithstanding.

Gaoler to permit the speaking in private to Prisoners, whose Names are inserted in the List, or *Gazette*, &c.

And be it further enacted by the Authority aforesaid, That every Gaoler or Keeper of any Prison shall and is hereby required to suffer, in the Day-time, any Person or Persons desiring the same, to see and speak, in the Lodge, or some convenient Room of the said Prison, with any Prisoner or Prisoners, whose Names are inserted in the aforementioned List or Lists, or London Gazette, or other News Paper, or any of them, or any Persons surrendering themselves pursuant to this Act; and also see, in the true and genuine Books of the said Prison, the Entries made of the Name or Names of such Prisoner or Prisoners, together with the Name or Names of the Person or Persons at whose Suit or Suits he, she, or they, are detained: And if any such Gaoler or Keeper shall neglect or refuse to comply with what is here above required, every such Gaoler or Keeper, who shall so offend in the Premisses, shall forfeit and pay to the Person so refused and aggrieved, the Sum of Forty Pounds; to be recovered, with Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of the Courts of Westminster, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed, by and in the Name or Names of the Person or Persons so refused and aggrieved.

and the examining the original Books of Entries, &c.

on Penalty of 40*l.* with Costs of Suit.

Prisoner's future Estate and Effects, notwithstanding his personal Discharge, liable to Creditors.

Wearing Apparel, Bedding, and Working Tools, &c. not exceeding 10*l.* Value, excepted.

Provided always, and be it enacted, That notwithstanding the Person of any Prisoner or Prisoners, Fugitive or Fugitives, shall be discharged under this Act, the future Estates and Effects of every such Prisoner and Fugitive shall remain and be liable to his, her, and their respective Creditors as before the making of this Act (his, her, or their necessary Wearing Apparel, and Bedding for his, her, or their Families, and Working Tools and Implements necessary for his, her, or their Trade or Occupation, not exceeding the Value of Ten Pounds in the Whole, only excepted) and any Creditor or Creditors of any such Prisoner or Prisoners, Fugitive or Fugitives, may, at any Time hereafter, sue out Execution, Extents, or other Process, on any Judgement at the Time of such Discharge recovered, or Statute Staple, or Recognizance acknowledged by, or Sentence or Decree obtained against, any such Prisoner or Fugitive, but not against his, her, or their Person, or his, her, or their respective Wearing Apparel,

Apparel, Bedding, Working Tools, and Implements, as aforesaid.

Creditor may sue for the Recovery of Debt due at the Time of the Prisoner's Discharge,

And be it also enacted, That any Creditor or Creditors of any Prisoner or Prisoners, Fugitive or Fugitives, who shall be discharged under this Act, may, at any Time after any such Discharge, commence and prosecute any Action or Suit against any such Prisoner or Fugitive, his, her, or their respective Heirs, Executors, or Administrators, for the Recovery of any Sum or Sums of Money which shall be due from any such Prisoner or Prisoners, Fugitive or Fugitives, at the Time of his or her said Discharge,

but not hold the Prisoner to Special Bail,

but shall not hold the Person of any such Prisoner or Fugitive to Special Bail;

nor take his Person, Wearing Apparel, Bedding, or Tools, in Judgement;

nor shall take the Person, necessary Wearing Apparel, Bedding, Tools, or Implements, as aforesaid, of any such Prisoner or Fugitive in Execution, or any Judgement, Sentence, or Decree, which shall hereafter be recovered or obtained against any such Prisoner or Fugitive:

and no Advantage is to be taken of the Cause of Action not accruing within 3 Years,

And in any Action or Suit, which shall be hereafter commenced against any such Prisoner or Fugitive, his or her Heirs, Executors, or Administrators, no Benefit or Advantage shall be had or taken, for that the Cause of Action did not accrue within Three Years next before the commencing of any such Action or Suit;

nor of the Statute of Limitation.

nor shall any Statute of Limitation be pleadable, or be allowed to be pleaded in Bar of or in any such Action or Suit, which shall be hereafter commenced by any such Creditor or Creditors, against any such Prisoner or Prisoners,

Exception.

unless such Cause of Action or Suit did not accrue within Three Years next before any such Prisoner or Fugitive shall be discharged under this Act; and in any such Case, the same may be pleaded by any such Prisoner, his or her Heirs, Executors, or Administrators.

Discharge of Prisoner no Acquittal to the Copartner or Sureties.

Provided always, and be it likewise enacted, That by the Discharge of any Prisoner or Fugitive by Force of this Act, no other Person or Persons who was or were Partner or Partners in Trade with any such Prisoner or Fugitive, at the Time of his or her Discharge under this Act, or then stood bound, engaged with, or liable to, the Payment of any Debt with any such Prisoner or Fugitive, or engaged in any Contract together with any such Prisoner or Fugitive, shall be discharged from any such Debt or Demand; but every such other Person and Persons shall severally stand and be chargeable with, and liable to pay, such Debt and Debts, and to perform such Contracts, in like Manner as if any such Prisoner or Fugitive had never been discharged from the same.

And be it further enacted, That if any Gaoler or Keeper, or reputed Gaoler or Keeper, of any Prison or

Priſons, ſhall make, or cauſe to be made, any falſe Entries in any Book or Books belonging to any Priſon or Gaol under his Care, or of which he is or was Gaoler, or ſhall prepare or keep, or cauſe to be prepared or kept, any falſe Book or Books, in order for any falſe or untrue Entry or Entries to be made therein; or ſhall inſert in any Liſt to be delivered in as aforeſaid, the Name or Names of any Perſon or Perſons who was not a Priſoner or Priſoners in actual Cuſtody in any ſuch Gaol or Priſon upon the ſaid Twenty fifth Day of October, One thouſand ſeven hundred and ſixty, or ſhall not have ever ſince remained in ſuch actual Cuſtody; except as in the Oath of any ſuch Gaoler or Keeper, or deputed Gaoler or Keeper, ſhall be excepted; every ſuch Gaoler or Keeper, or deputed Gaoler or Keeper, ſhall, over and above the Penalties which he ſhall be liable to for every ſuch Fraud, forfeit and pay the Sum of Five hundred Pounds, to be recovered with Treble Coſts of Suit, by and in the Name, and for the Uſe, of any Perſon or Perſons who ſhall be prejudiced by any Entry, or ſuch falſe Entries; which Penalties ſhall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Gaoler making falſe Entries in the Priſon Book or Liſts, forfeits 500 *l.* with Treble Coſts,

over and above all other Penalties for ſuch Fraud.

And be it further enacted, That if any Priſoner, being thereunto required by any Creditor, ſhall refuſe to diſcover and declare the Trade or Occupation and Habitation or laſt Place of Abode, of the Perſon or Perſons at whoſe Suit he or ſhe is detained or charged in Cuſtody; or being called for and deſired, by any Creditor or Creditors, to come to the Lodge of the Priſon in which any ſuch Priſoner ſhall be confined, without ſome reaſonable Cauſe being made appear to the contrary; every ſuch Priſoner, upon Proof being made thereof before the Juſtices at any General or Quarter Seſſion of the Peace, or any Adjournment thereof, to be held as aforeſaid, ſhall not have or receive any Benefit or Diſcharge by or under this Act; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

Priſoner refuſing to declare the Abode, &c. of the Perſon at whoſe Suit he is detained, or to come to the Creditor in the Lodge,

is excluded the Benefit of this Act.

And whereas there is but One Common or County Gaol for each of the reſpective Counties of York and Lincoln, which ſaid Counties are each of them divided into ſeveral Ridings or Diviſions, all which have ſeveral Commiſſions of the Peace; and if the Gaoler of thoſe Gaols be obliged to carry the Debtors, Priſoners therein, to the Quarter Seſſion of each Riding or Diviſion, the ſame will be a very great Charge, not only to ſuch Gaolers, but

also to the Prisoners in those large Counties; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for Two or more Justices of the Peace for each of the Ridings and Divisions in their respective Counties, at the Common or County Gaol thereof respectively, or at some convenient Place near thereto, and they are hereby required to assemble and meet, and to hold Session there, by Adjournment from their respective Quarter Session, from time to time, for the Discharge of the respective Prisoners therein, according to the Powers, Limitations, and Directions of this Act.

Justices for Com' *York* and *Lincoln*, to meet at the County Gaols, &c. for Discharge of Prisoners.

And be it further enacted by the Authority aforesaid, That all Debtors, and others, who were in Prison on or before the said Twenty fifth Day of October, One thousand seven hundred and sixty, or since, in any of the Gaols of this Kingdom, and now remain there for not paying their Fees, Rents, or any other Demands, due, or claimed as due, to the Keeper or Gaoler of any Prison respectively, or to any other Officer of any such Prison (and upon no other Account) shall be discharged therefrom, he, she, or they, taking the Oath by this Act required to be taken by Prisoners.

Those who are Prisoners for their Fees, or other Demands of the Gaoler or Officer, to be discharged.

Provided always, That this Act shall not extend to discharge any Person out of Prison, seeking his or her Discharge under this Act, with respect to any Debt with which he or she shall stand charged at the Suit of the Crown, or shall be indebted to any Body Politick or Corporate, or to any One Person, in any Sum exceeding the Sum of One thousand Pounds, besides Interest and Costs, unless such Body Politick or Corporate, or Creditor, shall consent thereto; and if any such Body Politick or Corporate, Creditor or Creditors, to whom a Sum exceeding One thousand Pounds shall be owing, shall oppose the Discharge of such Prisoner, and shall insist that such Prisoner be continued in Gaol, that then, and in such Case, such Body Politick or Corporate, or Creditor or Creditors, opposing the said Prisoner's Discharge as aforesaid, shall, at his, her, or their proper Costs and Charges, allow and pay in the Whole such a Weekly Maintenance to the said Prisoner, not exceeding Three Shillings and Six Pence per Week, in such Manner as the said Justices in their General or Quarter Session, or some Adjournment thereof, shall order; and upon Nonpayment of the same for the Space of Six Weeks, the said Prisoner, upon Application to the said Justices in their General or Quarter Session held as aforesaid, shall be discharged pursuant to the Intent and Meaning of this Act.

Debtors to the Crown, and Prisoners who owe above 1000*l.* to One Person, unless the Creditors consent, are excluded the Benefit of this Act.

Creditor opposing Prisoner's Discharge, to allow him 3*s.* 6*d.* *per* Week.

On Nonpayment Prisoner to be discharged.

Pro-

Provided also, That every Person and Persons intitled, or to be intitled to the Benefit of this Act, shall obtain their respective Discharges, on or before the Thirty first Day of March, One thousand seven hundred and sixty three, or shall be excluded from all Benefit of this Act. Discharges to be obtained by 31 *March* 1763.

And whereas it may happen that several Persons who may claim and be intitled to the Benefit of this Act, are seised of an Estate Tail, in some Freehold or Copyhold Lands, Tenements, or Hereditaments; which Entail, with the Remainders thereupon expectant, they have by Law Power to defeat and bar, either by levying a Fine or Fines, suffering a Common Recovery or Common Recoveries, or by Surrender or Surrenders thereof, whereby such Person or Persons said Freehold or Copyhold Lands, Tenements, or Hereditaments, would be liable to the Payment of their Debts, and be delivered up, according to the Terms of this Act, for the Benefit of their Creditors; be it therefore enacted by the Authority aforesaid, That, in every such Case, such Person or Persons so seised, as aforesaid, and who shall be intitled to, and claim, the Benefit of this Act, shall, to all Intents and Purposes whatsoever, in Law, be deemed and taken, and is and are hereby declared, to be seised of such Lands, Tenements, and Hereditaments, in Fee, provided the same shall be delivered up to the Creditor or Creditors of every such Prisoner, in the same Manner as if such Person or Persons had actually levied a Fine, suffered a Common Recovery or Recoveries, or made a Surrender or Surrenders thereof, and thereby had become seised in Fee; any Law, or Construction of Law, to the contrary thereof in any wise notwithstanding. Person seized of an Estate Tail, claiming the Benefit of this Act, are to deliver up the same to the Creditors.

And whereas many Prisoners who may be intitled to, and claim the Benefit of, this Act, have been great Dealers, or otherwise engaged in large Transactions, whereby they may be intitled to sundry and great Debts and Demands of various and intricate Natures, and they may be intitled to Equities of Redemption of Estates, subject and liable to Mortgages, Judgements, or other Incumbrances, or to Reversions, Remainders, or other contingent Estates in Lands, Tenements, or Hereditaments, or to other Trusts or Interests in Estates, both Real and Personal, which may not be sufficiently described or discovered in the Schedule or Inventory before directed to be delivered in, upon Oath, by the Prisoner to be discharged as aforesaid, or which may want his Aid or Assistance to adjust, make out, recover, or manage, for the Benefit of the Creditors; be it therefore enacted by the Authority aforesaid,

Assignees may apply for further Examination of Prisoner, touching the Discovery of his Effects, &c.

aforesaid, That it shall and may be lawful to and for the respective Assignees of the Estate and Effects of such Prisoner or Prisoners who shall obtain his, her, or their Discharge, in pursuance of this Act, or any other Person or Persons duly authorized by them for that Purpose, from time to time, to apply to any Two or more of the Justices of the Peace for the County, Riding, Division, City, Town, Place, or Liberty, where such Prisoner or Prisoners shall be then residing, thereby desiring, that such Prisoner or Prisoners may be further examined as to any Matters or Things relating to his, her, or their Estate or Effects; whereupon such Justices shall send for, or call before them, such Prisoner or Prisoners by such Warrant, Summons, Ways or Means, as they shall think fit; and, upon such Prisoner's appearing, shall examine him, her, or them, as well upon Oath as otherwise, as to such Matters and Things as such Assignee shall desire, relating to the Estate or Effects of such Prisoner or Prisoners; and if any Prisoner or Prisoners (on Payment or Tender of Payment of such reasonable Charges as such Justices shall judge sufficient) shall neglect or refuse to come and appear, not having a lawful Excuse, to be made known to such Justices and by them allowed, or, being come before them, shall refuse to be sworn, or to answer to all such Questions as by such Justices shall be put to him, her, or them, relating to the Discovery of his, her, or their Estate or Effects so vested, or intended to be vested, in such Clerk of the Peace, or in such Assignees, as aforesaid, that then it shall and may be lawful to and for such Justices, by Warrant under their Hands and Seals, to apprehend such Prisoner or Prisoners so offending as aforesaid, and him, her, or them, to commit to the County Gaol, there to remain without Bail or Mainprize, until such Time as he, she, or they, shall submit him, her, or themselves, to such Justices, and answer upon Oath to all such lawful Questions as shall by such Justices be put to him, her, or them, for the Purposes aforesaid.

and Justices may send for and examine the Prisoner accordingly.

Prisoner refusing to appear, or to answer upon Oath, may be committed.

20 *l. per Cent.* allowed on discovering within 12 Months, any Part of the Prisoner's Estate not returned in the Schedule.

And be it further enacted by the Authority aforesaid, That all and every such Person and Persons who shall, within Twelve Months after the Discharge of such Prisoner or Prisoners, voluntarily come in and make a Discovery of any Part of such Debtor or Debtors Real or Personal Estate as shall not be comprized in such Schedule as aforesaid, before any such Justices aforesaid, shall be allowed after the Rate of Twenty Pounds per Centum, out of the net Produce of such Debtor or Debtors Estate, which will be recovered on such Discovery, and which shall be paid such Person or Persons so discovering the

same, by the Assignee or Assignees of such Prisoner's Estate and Effects.

Discharge obtained fraudulently, void.

Provided always, and be it enacted, That notwithstanding the Discharge of any Prisoner or Prisoners by virtue of this Act, if it shall hereafter appear the same was obtained fraudulently, or that any Part of the Oath taken by any such Prisoner was not true, then, and in every such Case, every such Discharge shall be void and of none Effect.

Creditor may compel any Prisoner, charged in Execution, to appear at the Quarter Sessions, with the Copy of his Detainer, and deliver in a Schedule of his Estate.

And whereas many Persons who are Prisoners for Debt, too often chuse rather to continue in Prison, and spend their Substance there, than discover and deliver up to their Creditors their Estates or Effects towards satisfying their just Debts; be it therefore enacted, That it shall and may be lawful to or for any Creditor or Creditors of any Prisoner committed, or who shall hereafter be committed, and charged in Execution in any Gaol or Prison, upon Twenty Days Notice in Writing for that Purpose to be given to such Prisoner who now is charged in Execution, or who, at any Time after the passing of this Act, shall be charged in Execution, and also to the Gaoler or Keeper of the Prison in whose Custody such Prisoner is, to require the Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of the Prison wherein any such Prisoner is or shall be detained, to bring any such Prisoner before the Justices at their next General or Quarter Session of the Peace, or any Adjournment thereof, for the respective County, Riding, Division, City, Town, or Liberty, in the Gaol or Prison of which any such Prisoner shall be detained, after any such Notice shall be given, together with a Copy or Copies of the Cause or Causes of his or her Detainer; and such Prisoner coming before such Justices at their said General or Quarter Session held as aforesaid, shall, at the Desire of any Creditor or Creditors at whose Suit he or she shall be detained, be obliged to take and subscribe the Oath herein after directed to be taken, and also to deliver in and subscribe a Schedule of his or her Estates and Effects, in like Manner as Persons desiring to take the Benefit of this Act are required to do; and every such Prisoner, upon taking the Oath herein after directed, and subscribing such Schedule as aforesaid, and discovering his or her Estates to the Satisfaction of the said Justices in their said General or Quarter Session held as aforesaid, or the major Part of them, shall be discharged and set at Liberty, in the same Manner, and with the same Benefit of making use of their Discharge, as is hereby provided for Prisoners who shall be discharged under this Act; and if any such Prisoners, who shall be so brought

Prisoner subscribing the Schedule, and making a Discovery of his Estate, is to be discharged.

On his refusal to do,

up as aforesaid, and be required to deliver up his or her Estates or Effects as aforesaid, shall neglect or refuse so to do, and to deliver in and subscribe such Schedule within Forty Days after he or she shall be so brought up, or shall wilfully conceal any of his or her Estate or Effects, to the Amount of Twenty Pounds or upwards, or any Books, Papers, or Writings thereto belonging, with Intent to defraud his or her Creditors (and being thereof lawfully convicted by Judgement or Information, shall be deemed and adjudged to be guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy) and in any such Case such Felon's Goods and Estate shall go and be divided amongst his or her Creditors in proportion to each one's respective Debt.

or concealing to the Amount of 20*l.* &c.

he is to suffer as a Felon.

Where Prisoner is to be compelled, Notice is to be given in the *Gazette*, &c. that other Creditors may come in.

Provided always, and be it further enacted, That the Creditor or Creditors who shall design to compel any such Prisoner to deliver in any such Schedule of their Estate and Effects, and surrender up the same, shall give public Notice of such his or her Intention in the London Gazette, if the Prisoner is in Custody in any Gaol in London, or within the Weekly Bills of Mortality, and if not, then also in some News Paper which shall be published in or near the County, Riding, Division, City, Town, Liberty, or Place, where the Gaol is in which any such Person shall be a Prisoner, Twenty Days at least before any such General or Quarter Session shall be so held as aforesaid, to the End the other Creditors of every such Prisoner may be apprized thereof, and come in for their respective distributive Shares of the Estate and Effects of every such Person; and which Estate and Effects shall be disposed of with all convenient Speed, after any Person or Persons shall be chose Assignee or Assignees of the Estate and Effects of any such Prisoner, by such Assignee or Assignees; and the neat Produce thereof shall be equally distributed between and amongst all the just Creditors of any such Prisoner, in proportion to their respective Debts, who shall ascertain the same, on Oath, in like Manner as Creditors of Persons seeking their Discharge under this Act are required and directed by this Act to do: And if any Dispute shall arise touching the Reality or Fairness of any such Debt, the same shall be determined by the Justices at the next General or Quarter Session which shall be held for the County, Riding, Division, City, Town, Liberty, or Place, wherein the Gaol or Prison in which any such Prisoner was in Custody, when required to surrender up his Estates and Effects in pursuance of this Act, is; and if, after paying all the Debts of any such Prisoner, and all necessary Charges, any Overplus shall remain from his

After Assignees shall be chosen, the Estate and Effects of the Prisoner are to be sold with all Speed, and Distribution made among the Creditors.

Disputes touching any Debt to be determined by the Court;

and Surplus Monies to be paid over to the Prisoner.

Eſtates or Effects, the ſame ſhall be paid to ſuch Priſoner, his Executors, or Adminiſtrators.

And be it further enacted, That every Priſoner who ſhall be required to deliver up his Eſtate and Effects as aforeſaid, ſhall, at the General or Quarter Seſſion at which he or ſhe ſhall be required to appear as aforeſaid, take an Oath to the Effect following; that is to ſay,

Oath to be made by Priſoner compelled to deliver up his Eſtate and Effects;

I *A. B.* upon my corporal Oath, in the Preſence of Almighty God, do ſolemnly ſwear, proteſt, and declare, That the Schedule now delivered in, and by me ſubſcribed, doth contain, to the beſt of my Knowledge, Remembrance, and Belief, a full, juſt, true, and perfect Account and Diſcovery of all my Real Eſtate, either in Poſſeſſion, Reverſion, Remainder, or Expectancy, and of all the Goods, Chattles, and Perſonal Eſtate, which I, or any in Truſt for me, or for my Benefit or Advantage, now have, or am intitled to; and of all Debts as are to me owing, or to any Perſon or Perſons in Truſt for me; and of all Securities and Contracts whereby any Money now is, or will or may hereafter become payable to, or any Benefit or Advantage may accrue to me, or to my Uſe, or to any Perſon or Perſons in Truſt for me; and the Names and Places of Abode of the ſeveral Perſons from whom ſuch Debts are due and owing; and of the Witneſſes that can prove ſuch Debts or Contracts; and alſo a true Account of all Books, Papers, Decrees, Writings, and Evidences relating thereto, in my Cuſtody or Power; and that neither I, nor any Perſon or Perſons in Truſt for me, have, to my Knowledge and Belief, any Lands, Money, Stock, or other Eſtate, Real or Perſonal, in Poſſeſſion, Reverſion, or Remainder, other than what is or are in the ſaid Schedule contained; except the Wearing Apparel, Bedding for myſelf and Family, Working Tools, and neceſſary Implements for my Occupation and Calling, and theſe in the Whole not exceeding the Value of Ten Pounds; and that I have not, nor any Body for me hath, directly or indirectly, ſold, leſſened, or otherwiſe conveyed, diſpoſed of in Truſt, or concealed, all or any Part of my Meſſuages, Lands, Money, Goods, Chattles, Stock, Debts, Securities, Contracts, or Eſtates, Real or Perſonal, or any Books, Papers, or Writings, concerning the ſame, whereby to ſecure the ſame, or to receive or expect any Profit or Advantage to myſelf or my Family, or with any View or Deſign to defraud or deceive any Creditor or Creditors, to whom I am indebted, or was indebted when committed to Gaol, in any wiſe howſoever.

So help me GOD.

And

he is liable also to undergo further Examination for Discovery of his Effects on the Application of the Assignees,

and on Refusal may be committed.

And be it further enacted by the Authority aforesaid, That every such Prisoner shall be obliged, from time to time, to undergo the like Examination on the Application of the Assignee or Assignees of his or her Estate or Effects, as Prisoners, seeking and obtaining their Discharge under this present Act, are required to undergo; and shall be subject to the like Commitment for refusing to appear and answer, upon Oath, any lawful Questions, before any Justice of the Peace, for the Discovery of his or her Estate and Effects, in like Manner as may be done, by virtue of this Act, in the Case of other Prisoners.

Persons concealing any Estate or Effects of the Prisoner forfeit 100 *l.* and double Value, with Treble Costs of Suit.

And, for the better Discovery of the Estate and Effects of any Prisoner who shall be discharged by virtue of this Act, be it enacted by the Authority aforesaid, That any Person or Persons who shall have accepted of any Trust or Trusts, and shall wilfully conceal or protect any Estate, Real or Personal, of any such Prisoner from his Creditors, and shall not, within Thirty Days after any Assignee or Assignees shall, in pursuance of this Act, be chose of any such Prisoner's Estate, discover and disclose to such Assignee or Assignees such Trust and Estate in Writing, and deliver up or make over the same to such Assignee or Assignees, he, she, or they, so offending, shall, for every such Offence, forfeit the Sum of One hundred Pounds, and also double the Value of the Estate, either Real or Personal, so concealed, to and for the Use of the Creditors of any such Prisoner; to be recovered by Action of Debt, in any of his Majesty's Courts of Record at Westminster, in the Name or Names of the Assignee or Assignees of such Prisoner's Estate, together with Treble Costs of Suit.

Assignees, with Consent of the Majority in Value of the Creditors, may compound for Debts due to the Prisoner's Estate;

And be it further enacted by the Authority aforesaid, That it shall be lawful at all Times hereafter, for any Assignee or Assignees of the Estate or Effects of any Prisoner or Prisoners, who shall be chose in pursuance of this Act, by and with the Consent of the major Part in Value of such Prisoner or Prisoners Creditors, who shall be present at a Meeting to be had on Twenty one Days public Notice being previously given for the Purpose hereafter mentioned in the London Gazette, if the Prisoner was in Custody in London, or within the Weekly Bills of Mortality, and if not, then also, in some News Paper which shall be published in the County, City, or Place, in or near which any such Person shall have been in Gaol, to make Composition with any Person or Persons, Debtors or Accountants to such Prisoner or Prisoners, where the same shall appear necessary or reasonable; and to take such reasonable Part of any such Debt as can, upon such Composition, be gotten, in full Discharge of such Debts and

Accounts; and also to submit any Difference or Dispute between such Assignee or Assignees, and any Person or Persons, for or on Account, or by Reason or Means of any Matter, Cause, or Thing, relating to such Prisoner or Prisoners Estate or Effects, or to any Debt or Debts due, or claimed to be due, to or from such Prisoner or Prisoners, to the final End and Determination of Arbitrators to be chosen by the said Assignee or Assignees, and the major Part in Value of such Creditors, and the Party or Parties with whom they shall have no Difference, and to perform the Award of such Arbitrators, or of any Umpire to be chosen by them; or otherwise to settle and agree the Matters in Difference and Dispute between them, in such Manner as the said Assignee or Assignees, with such Consent as aforesaid, shall think fit, and can agree, and the same shall be binding to all the Creditors of such Prisoner or Prisoners; and every such Assignee or Assignees is and are hereby indemnified for what they shall fairly do in the Premisses in pursuance of this Act.

and may submit any Dispute relating thereto to Arbitration,

or otherwise may settle and agree the same as they shall think fit.

And, to the Intent and Purpose that the Estate and Effects of such Prisoner or Prisoners as shall be discharged by virtue of this Act, may be truly and faithfully applied for the Benefit of his, her, or their real Creditors, be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the respective Courts at Westminster, and the Courts of Great Session in Wales, and the Principality of Chester, and the Counties Palatine of Lancaster and Durham, respectively, from whence any Process issued upon which any such Prisoner or Prisoners was or were committed, or, where the Process issued out of any other Court, to and for the Judges of the Court of King's Bench, Common Pleas, and Exchequer, or of Great Sessions aforesaid, within their respective Jurisdictions, or any One of them, from time to time, upon the Petition of any such Prisoner, or the Creditor or Creditors of such Prisoner or Prisoners, complaining of any Insufficiency, Fraud, Mismanagement, or other Misbehaviour of any Assignee or Assignees of the Estate or Effects of any such Prisoner or Prisoners, to summon all Parties concerned, and, upon hearing the Parties concerned therein, to make and give such Orders and Directions therein, either for the Removal or Displacing such Assignee or Assignees, and the appointing any new Assignee or Assignees in the Place or Stead of such Assignee or Assignees so to be removed or displaced, or for the prudent, just, or equitable Management or Distribution of the Estate and Effects of any such Prisoner for the Benefit of the respective Creditors, as the said Courts

Assignees may be petitioned against, for Insufficiency, Fraud, Mismanagement, or other Misbehaviour;

the Court thereupon is to summon the Parties, and make such Orders therein as they shall think fit.

or Judges respectively shall think fit; and in case of the Removal or Displacing of any Assignee or Assignees, and the appointing of any new Assignee or Assignees, the Estate or Effects of such Prisoner or Prisoners shall, from thencefoorth, be divested out of the Assignee or Assignees so removed or displaced, and be vested in, and delivered over to, such new Assignee or Assignees, in the same Manner, and for the same Intents and Purposes, as the same were before vested in the Assignee or Assignees first chose as aforesaid; any thing in this Act contained to the contrary notwithstanding.

Where mutual Credit has been given, the Balance to be stated and allowed.

Provided always, and be it enacted by the Authority aforesaid, That in all Cases where mutual Credit hath been given between any Prisoner or Prisoners who shall be discharged in pursuance of this Act, and any other Person or Persons, or Body Politic or Corporate, before the Delivery of such Schedule or Inventory of the Estate and Effects of such Prisoner or Prisoners, upon Oath, as aforesaid, the respective Assignee and Assignees of such Prisoner or Prisoners is and are hereby authorized and required, on his and their Parts, to state and allow an Account between them and the other Party or Parties concerned; and nothing more shall be deemed to be vested in such Clerk of the Peace, or such Assignee or Assignees, under such Clerk of the Peace, as the Estate or Effects of such Prisoner or Prisoners, than what shall appear to be justly due to him, her, or them, respectively, as and for the Balance of such Account when truly stated.

Those who are Prisoners upon Process out of Courts of Conscience to have the Benefit of this Act.

And whereas great Numbers of poor People have been, and are now, imprisoned for Debt upon Processes issuing out of Courts of Conscience; it is hereby enacted and declared, That all such Prisoners shall be intitled to have the Benefit of this Act, and be discharged under the same; provided he, she, or they, conform to the Directions herein before prescribed, touching other Prisoners who shall be discharged by virtue of this Act.

Quakers Affirmation to be taken in lieu of an Oath.

And be it further enacted by the Authority aforesaid, 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 every Person making such Affirmation, who shall be convicted of wilful and false Affirming, shall incur and suffer such and the same Penalties as are inflicted and imposed by this Act upon Persons convicted of wilful and corrupt Perjury.

Persons who took the Benefit of the Act of 28 *Geo.* II. excluded.

Provided always, and be it further enacted by the Authority aforesaid, That no Person who took the Benefit of an Act passed in the Twenty eighth Year of the Reign

of his late Majesty King George the Second, intituled, An Act for Relief of Insolvent Debtors, shall have or receive any Benefit or Advantage of or under this Act, not be deemed to be within the Intent and Meaning thereof, so as to be discharged under the same; any thing herein before contained to the contrary notwithstanding.

Mariners, and those who have been in the Sea or Land Service, are, upon their Discharge, if under 50 Years of Age, and approved of, to serve during the present War;

Provided also, and be it further enacted by the Authority aforesaid, That no Person or Persons under the Age of Fifty Years, who hath or have been at any Time in the Service of his late Majesty King George the Second, either by Sea or by Land, or any Mariner or Seafaring Man under the said Age of Fifty Years, shall, during the present War with France, be discharged from his or their Imprisonments, or have any Benefit or Advantage by means or virtue of this Act, or any thing herein contained, unless such Person or Persons, if approved of and deemed fit to serve his present Majesty, his Heirs, or Successors, by any Officer of his present Majesty, his Heirs, or Successors, who shall attend at any General or Quarter Session of the Peace, or any Adjournment thereof, at which any such Prisoner or Prisoners shall be discharged, do and shall enter or list himself or themselves into his present Majesty's Service, either by Sea or by Land, as a Mariner or Soldier, if approved of as aforesaid, immediately after such Discharge, and do and shall continue in such Service during the Continuance of the present War; and if any such Person or Persons who shall obtain his or their Discharge under this present Act, shall desert or absent himself or themselves from such Service, at any Time during the Continuance of the present War, it shall and may be lawful to and for any One of the Creditors, at whose Suit such Person or Persons was or were detained at the Time of his or their obtaining such their Discharge, to renew and sue out the like Process as such Person or Persons stood charged in Custody with at the Time of his or their Discharge, and to cause such Person or Persons to be arrested, imprisoned, and detained in Prison anew, for his, her, or their Debt or Demand, in such Sort, Manner, and Form, as if this Act had never been made, and such Person had not before been confined in Prison, in respect of such Debt, Demand, Contempt, Cost, or otherwise; any thing herein contained to the contrary notwithstanding.

and if they desert, &c. they are liable to Arrest and Imprisonment, at Suit of their Creditors.

This Act not to extend to *Scotland*.

Provided also, and it is hereby enacted, That nothing in this Act contained shall extend to that Part of Great Britain called Scotland.

FINIS.